



5 May 2026

Ref: OIA-2025/26-0635

Tēnā koe

Two follow-up requests to Official Information Act request relating to legislative powers for the response to the COVID-19 pandemic

On 2 April 2026, the Department of the Prime Minister and Cabinet (DPMC) responded to your request of 19 March 2026 for information on legislative powers during the response to the COVID-19 pandemic. Your request was made to DPMC, Manatū Hauora, Ministry of Health (MOH) and The Treasury. DPMC's response referred to the responses from the two other agencies and provided you some context for the response to the pandemic and noted that MOH administered the COVID-19 Public Health Response Act 2020. We referred you to DPMC published documents and your request was refused under section 18(d) of the Act – as the information was already publicly available.

On 2 April 2026 you made a follow-up request to DPMC asking:

“To assist resolution, could you please clarify what specific documents DPMC considers fall within scope of my request rather than referring generally to proactive releases.

To assist practical access I would appreciate:

- *Identification of key responsive documents*
- *Any document schedule held*
- *Direct links to relevant Cabinet papers or briefings*
- *Confirmation whether any responsive material is not publicly released.”*

On 13 April 2026, you made an additional follow-up request to the Cabinet Office which is a business unit within DPMC for:

“To clarify and progress this matter, I request that you:

1. *Provide a schedule of documents held by DPMC that fall within scope of the request, including titles, dates, and general descriptions;*
2. *Identify which documents correspond to each section of my original request;*
3. *Provide direct links to those documents where they are publicly available.”*

DPMC response to you of 2 April 2026

Our response to you of 2 April 2026 noted DPMC had published key documentation for the pandemic response, including documents for legislation and associated Orders and Cabinet documents that set out background to decisions made. We provided you with context about DPMC's role in the coordination of the pandemic response and how DPMC had proactively

released the key documentation. We provided you with the link to our webpage for COVID-19 proactive releases at: www.dPMC.govt.nz/our-programmes/other-work/historical-programmes/covid-19-proactive-releases together with advice how to locate information. This webpage also provides a link to DPMC's publication page dPMC.govt.nz/publications for later publications relating to the COVID-19 response.

To be helpful we also provided you with links to other sources of information about COVID-19 legislation and other legislative instruments, the report of the Regulations Review Committee and the part of the Royal Commission of Inquiry into COVID-19 Lessons Learned (Phase Two) about the legal context. I note that the Royal Commission of Inquiry into COVID-19 Lessons Learned (phase 1) report also has information about the legislative powers during the response to the pandemic. This report can be found on the Commission's website at: www.covid19lessons.royalcommission.nz/reports-lessons-learned. In particular, parts 2.2, 6.2 and Appendix A may be of interest to you, and you can search the report for any other information about the legislative powers.

For your information, links to COVID-19 legislation itself, including legislation no longer in force, is available on the Parliamentary Counsel Office at: www.pco.govt.nz/about-us/pco-news/COVID-19-legislation. Revoked COVID-19 regulations and Orders are available on the MOH website at: www.health.govt.nz/strategies-initiatives/programmes-and-initiatives/covid-19/legislation-and-orders/revoked-covid-19-regulations-and-orders

Your original request was broad, but we believe was answered by the documents on the DPMC website, which included Cabinet documents about the decision making and DPMC briefing documents as well as documents for the approving legislative instruments. As noted above, the legislative documents themselves are also publicly available.

Hence our refusal under section 18(d) of the Act, on the basis that the requested information was already publicly available.

Background into DPMC's role with the COVID-19 response and legislation

The COVID-19 Response Group (the Group) was established as a business unit of DPMC in 2020. The Group acted as a central COVID-19 response function responsible for oversight, integration and coordination across the response system as a whole. The Group was responsible for assurance to Ministers and the identification of opportunities for continuous improvement in New Zealand's response. Over the course of 2022/23 the Group's functions transferred to MOH and Te Whatu Ora, Health New Zealand (HNZ). The Group's policy and strategy coordination function transitioned to MOH on 29 March 2023, thereby concluding DPMC's formal role in the COVID-19 response.

The Group led the development of several amendments to the COVID-19 Public Health Response Act 2020 and the development and amendments to some Orders in Council which included Orders relating to Alert Levels and the COVID-19 Public Health Response (Protection Framework) Order under the Act on behalf of MOH. It would seek agreement to the operational policy matters with the Minister for COVID-19 Response (consulting with the MOH) and work with the Parliamentary Counsel Office on drafting and manage any parliamentary processes.

An example of this is:

- a 17 August 2021 briefing sought agreement from the Minister for COVID-19 Response to an order which had the effect of placing New Zealand into Alert Level 4 from 11.59pm 17 August 2021.

Refer www.dPMC.govt.nz/sites/default/files/2023-01/AU07-17082021-Alert-Level-Four-COVID-19-Public-Health-Response-Orders.pdf.

The Alert Level Orders can be located on the Parliamentary Counsel Office at: www.pco.govt.nz/about-us/pco-news/COVID-19-legislation and the briefings on DPMC's website via: www.dPMC.govt.nz/our-programmes/other-work/historical-programmes/covid-19-proactive-releases

In response to your follow-up questions asking for the identification of key responsive documents, which documents are in scope of your original request, links to relevant Cabinet papers or briefings and for document schedules – these parts of your request are refused under section 18(d) of the Act. DPMC key responsive documents, briefings and Cabinet documents are published on our website. We have provided you the relevant link to the COVID-19 response published documents on our website. From there you are able to locate through other links any documents which may be of interest to you.

Your requests for schedules of documents we believe is met by the schedules provided with the published documents on DPMC's website. On the main webpage it has links by year and by broad topics. Each webpage linked then has a schedule of specific documents in the form of a table giving dates, titles and types of documents as well as links to each of the documents.

You also asked about whether any 'responsive material' has not been released. As we noted in our response to you of 2 April 2026, DPMC led the coordination of the all-of-government response to COVID-19, and we hold a huge volume of documents, many of which were authored by other agencies and include various draft versions of documents. We have understood your request to DPMC for 'responsive material' to be for final material authored by DPMC, which relates to legislative powers.

DPMC very likely holds documents that in some way relate to legislative powers for the COVID-19 response that are not published on our website. As noted in our previous response to you, *the COVID-19 Public Health Response Act 2020* which has now been repealed, was administered by MOH. Some documents we hold may be in scope of your request to MOH – if we hold draft or other MOH documents as part of our coordination role.

When searching our document management system for documents created between 1/12/2019 and 31/12/2022 with the search terms ("COVID-19" OR coronavirus) AND legislation more than 5000 documents are returned. 5000 is the upper limit for the number of documents that can be returned in a search of our document management system.

As noted, above we relied on section 18(d) of the Act as DPMC key documents showing the decisions made and information available to the Ministers and officials making those decisions have been published on our website. To identify all documents held by DPMC with some relevance to your request I believe would involve substantial collation and research, and if your request was for all documents held by DPMC, it would be refused under section 18(f) of the Act.

I would also note that, as set out in the published documents, some information in the published documents has been withheld, including some information withheld because it was and still remains subject to legal privilege.

I remind you of your right to ask the Ombudsman to investigate and review any decision made in response to a request for official information under section 28(3) of the Act.

This response will be published on the DPMC website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read "Alan Cassidy".

Alan Cassidy
Deputy Chief Executive, Corporate

Proactively Released