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30 August 2024

Wendy McGuinness

By email: wmcg@mcguinnessinstitute.org
Ref: H2024046388

Tēnā koe Wendy

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 15 July 2024. I understand you have also made this request to Parliamentary Counsel Office (PCO) who advised they would be in contact with you in due course. Each part of your request is responded to below:

We are in the process of updating the second edition of our [COVID-19 Nation Dates book](#). We are reviewing the types of legislation that was used for the range of COVID-19 regulations implemented throughout the pandemic. Could you please answer the following four questions:

Question 1: How many COVID-related s 70 orders under Health Act 1956 were issued?

Information relating your request has been answered in response to previous OIA requests. They can be found here on the Ministry's website here:

- www.health.govt.nz/system/files/documents/information-release/h2022010835_response.pdf
- www.health.govt.nz/system/files/documents/information-release/h2023034601_response.pdf

There were also 7 class-based section 70 notices (excluding amendment notices) by the Director-General of Health or Ministry-based Medical Officers of Health between February and April 2024 (prior to the commencement of the Covid-19 Public Health Response Act 2020 and Orders made under that Act).

Please note that this excludes section 70 notices issued to individuals by local Medical Officers of Health which are not centrally held.

Question 2: How many COVID-19 Orders under s 11 of the COVID-19 Public Health Response Act 2020 were issued?

Question 3: How many COVID-19 Public Health Response Amendment orders were issued?

Question 4: Were vaccination mandates issued through s 11 orders under the COVID-19 Public Health Response Act 2020? If not, please explain."

I understand PCO has responded to parts 2-4 of your request on 9 August 2024. As such, please refer to PCO's response.

After you received a response from PCO, you asked two additional questions which were referred to the Ministry:

Question 1:

We found nine instances where we could not find expiry or revocation dates (these are marked in green text), and we were wondering if you could please help shed some light on these. Some of the later COVID-19 Orders, dated 2021-2022, did not contain expiry dates and we could not find subsequent notices that revoked them. Does this mean that they:

a. Remain in effect; or

b. Have been revoked by an Order not included in the current table? If this is the case, could you please provide links to these subsequent COVID-19 Orders that have revoked these; or even better, provide the nine dates and whether they were explored or revoked for our attached table.

No Orders remain in effect. In those cases where there was no revocation notice, specific revocation was not required as the circumstances for the Order had ended.

Question 2:

A few COVID-19 Orders are not included in the MOH table (see link www.health.govt.nz/node/54/covid-19-response-planning/covid-19-legislation-and-orders/covid-19-section-70-orders). These are the more recent COVID-19 Orders (again, 2021-2022). For example, the entry dated 8 October 2021 revokes “The Section 70...notice dated 27 August 2021”, which does not appear in the present table. We were wondering whether these missing orders:

a. Are published online elsewhere (if this is the case, please provide links to where they can be found); and/or

b. Were not included on that table for a particular reason? If this is the case, could you please explain why?

c. And if you have a complete list, including all those missing from the MOH table, can you please provide?

The list of section 70 notices that were published online was not exhaustive, While the Ministry was conscious of the need to ensure a record is maintained of published notices, it was also necessary to balance this with ensuring that the information published on the Ministry’s website was current and to minimise confusion for members of the public about current information.

The previous OIA responses mentioned above provide for a more comprehensive list of class-based section 70 notices.

During the emergency stage of the COVID-19 response, a range of public health orders and other regulations were made which have now expired and were not renewed as they were no longer needed. Please see the following below links for revoked regulations, directions, notices, and section 70 orders:

- Link to revoked Covid regulations and directions: www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-legislation-and-orders/covid-19-revoked-regulations-and-orders
- Link to revoked notices: www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-legislation-and-orders/covid-19-revoked-notices
- Link to S70 orders: www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-legislation-and-orders/covid-19-section-70-orders

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on:

[REDACTED]

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

[REDACTED]

[REDACTED]

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