



5 August 2021

OC210644

Hon Chris Hipkins

Action required by:

Minister for COVID-19 Response

Monday, 9 August 2021

## EVIDENCE REQUIRED OF PCBUS IN APPLYING FOR A SUPPLY CHAIN EXEMPTION

### Purpose

1. This briefing outlines the legal risk of a new question that PCBUs would be asked to answer when applying for a 'supply chain' exemption under the Covid-19 Public Health Response (Vaccinations) Order 2021 (the Order). This briefing suggests alternative wording for your agreement, which we consider will not alter the main intent of the question, s9(2)(h) OIA

### Key points

- On 3 August 2021, we received a signed briefing from you (MoT Ref: OC210606/BEB Ref: 21/038), in which you agreed to the list of evidence we would seek from PCBUs when applying for the supply chain exemption.

- You had added one more question: s9(2)(g)(i) OIA

s9(2)(h) OIA

s9(2)(h) OIA

- We have also received advice from the Ministry of Health that the term "suitably qualified health practitioner" should also be used, in line with the Required Testing Order and Vaccinations Order. ✓

- As such, the wording we seek your agreement to is "Has the worker been briefed on the vaccine by a suitably qualified health practitioner". If you agree, this will be reflected in the documents we publish online for PCBUs and workers on Monday 9 August 2021. ✓

- We consider this wording still achieves the intent of the original new question s9(2)(h) OIA

s9(2)(g)(i) OIA  
s9(2)(g)(i) OIA

s9(2)(h) OIA

s9(2)(g)(i) OIA



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Name	Telephone	First contact
	s9(2)(a) OIA	

Released under the Official Information Act 1982

## EVIDENCE REQUIRED OF PCBUS IN APPLYING FOR A SUPPLY CHAIN EXEMPTION

You have agreed to the process PCBUs will follow when applying for a supply chain exemption

1 On 3 August 2021, you, as the Minister for Covid-19 Response signed a paper from the Border Executive Board, agreeing to the questions that should be asked of PCBUs when they apply for an exemption under clause 12A of the Order (MoT Ref: OC210606/BEB Ref: 21/038). These questions are set against the matters the Minister must take into account under clause 12A, namely

- 1.1 The potential for significant supply chain disruption if the work carried out by a particular person does not occur, clause 12A(5)(a)
- 1.2 the extent to which the work is necessary, clause 12A(5)(b)
- 1.3 the public health risk associated with the work, clause 12A(5)(c).

You asked for an additional question to be added as evidence for PCBUs to provide

2 In signing the paper, you asked that another question be added **s9(2)(g)(i) OIA**  
**s9(2)(g)(i) OIA**  
**s9(2)(g)(i) OIA**

3 **s9(2)(g)(i) OIA**  
**s9(2)(g)(i) OIA**  
**s9(2)(h) OIA**

4 **s9(2)(h) OIA**

5 **s9(2)(g)(ii) OIA**

6 **s9(2)(h) OIA**

7 **s9(2)(h) OIA**

s9(2)(h) OIA [Redacted]

8 s9(2)(h) OIA [Redacted]

9 s9(2)(h) OIA [Redacted]

10 s9(2)(h) OIA [Redacted]

**We are suggesting alternative wording**

11 Given the above advice, we propose that only the first half of the question is included in the documents that support the supply chain exemption process.

12 We have also received advice from the Ministry of Health that the term "suitably qualified health practitioner" should be used in the question, s9(2)(g)(i) OIA [Redacted] This is consistent with the Required Testing Order and Vaccinations Order.

13 We consider the recommended new wording still achieves the intent of the original question s9(2)(h) OIA [Redacted]

14 As such, the revised wording we seek your agreement to is:

s9(2)(g)(i) OIA [Redacted]	Recommended revised question
s9(2)(g)(i) OIA [Redacted]	"Has the worker been briefed on the vaccine by a suitably qualified health practitioner?"

15 If you agree, this will be reflected in the documents we publish online for PCBUs and workers on Monday, 9 August 2021.