



4 February 2022

Mathew Ultee
fyi-request-17910-50f4d080@requests.fyi.org.nz

Ref: OIA-2021/22-0929

Dear Mathew Ultee

Official Information Act request relating to COVID-19 Public Health Response (Protection Framework) Order 2021

Thank you for your Official Information Act 1982 (the Act) request received on 12 January 2022. You requested:

“Can I see any and all correspondence, emails, meeting minutes, memos and or govt legal advice that show it is legal for a non-regulated business (as defined under the COVID-19 Public Health Response (Protection Framework) Order 2021) to use the CVC scheme/system/rules (as defined under the COVID-19 Public Health Response (Protection Framework) Order 2021) for their customers.”

On 20 January 2022, you corresponded further with the Minister's office, as below:

*“I would just like to add
COVID-19 Public Health Response (Protection Framework) Order 2021
31 Person must not be denied access to certain premises on vaccination grounds
32 Person must not be denied access to goods or services from certain premises on vaccination grounds*

Certain Premises is not defined in the act so it can only be assumed it is any thing other than a regulated business or service or anything that isn't in part 4.”

The information you are seeking is publicly available at the locations listed below, therefore I am refusing your request under section 18(d) of the Official Information Act.

You are also seeking a legal interpretation of the relevant provisions, which the Department is not in a position to provide by way of an Official Information Act response.

Links to relevant legislation and guidance are set out below:

[Health and Safety at Work Act 2015 No 70 \(as at 28 October 2021\), Public Act Contents – New Zealand Legislation](#)

[Novel coronavirus \(COVID-19\) | WorkSafe](#)

[Operating safely – what you need to think about | WorkSafe](#)

[How to decide what work requires a vaccinated employee | WorkSafe](#)

[COVID-19 Public Health Response \(Vaccination Assessment Tool\) Regulations 2021 \(SL 2021/418\) Contents – New Zealand Legislation](#)

[Vaccination assessment tool — business.govt.nz](#)

COVID-19 Public Health Response (Protection Framework) Order 2021
[Unite against COVID-19 \(covid19.govt.nz\)](#)

COVID-19 Public Health Response (Vaccinations) Order 2021
[COVID-19 Public Health Response \(Vaccinations\) Order 2021 \(LI 2021/94\) \(as at 23 January 2022\) Contents – New Zealand Legislation](#)

It may be helpful for you to access the information and resources on these matters available here: <https://www.hrc.co.nz/resources/human-rights-relation-covid-19/>.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Yours sincerely



Cheryl Barnes
Deputy Chief Executive, COVID-19 Response