

21 April 2020

James Adams

By email: fyi-request-12566-1e193fa7@requests.fyi.org.nz
Ref: H202001845

Dear Mr Adams

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 (the Ministry) on 2 April 2020 for:

"...I wish to be sent any advice sent to Medical Officers of Health within the last month (ie. March 2020) on the exercise of their powers under Part 3 of the Health Act and especially sections 70 and 71.

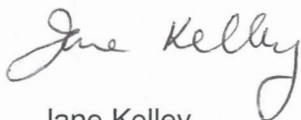
Further, I wish to receive a copy of any administrative guidelines promulgated by the Ministry of Health that may influence the exercise of Medical Officer of Health powers under Parts 3 and 3A of the Act, such as what non-statutory factors ought to be considered, or whether Medical Officers of Health are asked to consult the Ministry or Civil Defence before issuing a directive, order or exercising their powers under sections 70 and 71.

For clarity, I am particularly interested in any guidance or checklists provided to Medical Officers of Health on the exercise of these powers with respect to the Bill of Rights Act 1990 or the possibility of judicial review. I would be happy to receive guidance considered 'legal advice' insofar as this be released consistently with s 9(2)(h) of the Official Information Act. I am not interested in the guidance given to any particular Medical Officer of Health or in respect of any particular instance where the use of these powers may have been considered."

Eight documents have been identified within scope of your request. These documents are outlined in the table in Appendix A. Please note, all eight documents are withheld under section 9(2)(h) of the Act to maintain legal professional privilege.

You have the right, under section 28 of the Act, to ask the Ombudsman to review my decision to refuse your request.

Yours sincerely



Jane Kelley
Director
COVID-19 Response

Appendix A: List of documents for release

#	Date	Title	Decision on release
1	23 March 2020	Checklist for Medical Officers of Health for quarantine	Withheld under section 9(2)(h) to maintain legal professional privilege
2	23 March 2020	Checklist for Medical Officers of Health for mass gatherings	Withheld under section 9(2)(h) to maintain legal professional privilege
3	23 March 2020	Medical Officers of Health - Draft notice for immediate premises closure	Withheld under section 9(2)(h) to maintain legal professional privilege
4	23 March 2020	Medical Officers of Health - Draft notice for quarantine	Withheld under section 9(2)(h) to maintain legal professional privilege
5	23 March 2020	Medical Officers of Health - Draft notice banning mass gatherings	Withheld under section 9(2)(h) to maintain legal professional privilege
6	27 March 2020	Medical Officers of Health - Checklist for isolation quarantine	Withheld under section 9(2)(h) to maintain legal professional privilege
7	27 March 2020	Medical Officers of Health - Notice for isolation quarantine	Withheld under section 9(2)(h) to maintain legal professional privilege
8	27 March 2020	Medical Officers of Health - Guidance for the use of special powers under section 70 of the Health Act 1956	Withheld under section 9(2)(h) to maintain legal professional privilege