

**s9(2)(h)**

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**From:** s 9(2)(a) <ss 9(2)(a) & 9(2)(k)>  
**Date:** Tuesday, 28 Jul 2020, 5:58 PM  
**To:** Berry Greer, Mrs s 9(2)(k)  
**Subject:** Re: Unclassified RE: AFP Fact Check: Can the NZDF enter homes without a warrant as part of COVID-19 legislation?

Hey Greer,

Apologies for getting your names mixed up before.

And sorry to be a pest, but what I'm asking is a different question. What I'm asking is:

Regardless of the COVID-19 Public Health Act, when Jacinda Ardern handed over quarantine management to the military on June 17 (see [here](#)) was the NZDF granted any additional powers to enter private residences (homes) in NZ?

Just to be clear the claim Te Kahika is making in the video we are checking is that the NZ military can enter homes after Jacinda Ardern "signed a decree" on June 17 (a day after PM Ardern handed control of quarantine and forced isolation over to NZDF).

The caption of the Facebook post references the act, so we need to distinguish between the two instances for the sake of our fact check.

This video alone has 22,000 views and nearly 1000 shares, once we publish this check the post will be throttled and flagged as false information, but we just need to clarify that point.

I know this is frustrating, thanks again for your help I really appreciate it.

Regards

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**From:** Berry Greer, Mrs <s 9(2)(k)>  
**Sent:** 28 July 2020 13:15  
**To:** s 9(2)(a) <ss 9(2)(a) & 9(2)(k)>  
**Subject:** RE: Unclassified RE: AFP Fact Check: Can the NZDF enter homes without a warrant as part of COVID-19 legislation?

Hi again s 9(2)(a)

As per the below statement, no, NZDF personnel cannot go in to anyone's home and remove them under the COVID-19 Public Health response act.

Many thanks,  
Greer

**From:** s 9(2)(a) <ss 9(2)(a) & 9(2)(k)>  
**Date:** Tuesday, 28 Jul 2020, 5:09 PM  
**To:** Berry Greer, Mrs <s 9(2)(k)>

**Subject:** Re: Unclassified RE: AFP Fact Check: Can the NZDF enter homes without a warrant as part of COVID-19 legislation?

Hey Berry,

Just need to confirm one thing.

The New Zealand Defence Force hasn't been granted powers to enter private residences after being appointed to manage quarantine and forced isolation facilities on June 17?

Sorry I know this is a pain, but just need to tick the boxes with this one.

Thanks!

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**From:** Berry Greer, Mrs s 9(2)(k) >  
**Sent:** 28 July 2020 10:00  
**To:** s 9(2)(a) <ss 9(2)(a) & 9(2)(k)>  
**Subject:** RE: Unclassified RE: AFP Fact Check: Can the NZDF enter homes without a warrant as part of COVID-19 legislation?

Hi s 9(2)(a)

In response to your questions, from an NZDF spokesperson:

*No, the NZDF cannot "walk into any home without a permit and remove who they choose under [the] new health act [COVID-19 Public Health Response ACT]". Additionally, members of the NZDF are not "enforcement officers" under the COVID-19 Public Health Response Act.*

Kind regards,

Greer

**Greer Berry**

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**From:** s 9(2)(a) <ss 9(2)(a) & 9(2)(k)>  
**Date:** Monday, 27 Jul 2020, 6:31 PM  
**To:** Williams David, Mr <s 9(2)(k)>  
**Subject:** AFP Fact Check: Can the NZDF enter homes without a warrant as part of COVID-19 legislation?

Hey David,

Looks like I'm going to be bothering you a bit in the lead up to the election.

As you know I fact check fake news and mis/disinformation on Facebook for Agence France Presse.

Recently I've seen posts claiming the New Zealand military can "walk into any home without a permit and remove who they choose under [the] new health act".  
(See [here](#) for an example)

As I'm sure you are aware the [COVID-19 Public Health Response Bill](#) made it theoretically possible for Police to "enter premises, including private dwellinghouses and marae, without a warrant".

But the legislation isn't clear as to whether the military can enter homes.

I asked an expert from The University of Auckland, he said the COVID-19 Public Health Response Act only allows for a police officer to conduct warrantless searches ; unless the Attorney General has authorised NZDF personnel as "enforcement officers" under the act.

Can you give us a statement answering the following questions:

1. Can the New Zealand Defence Force can "walk into any home without a permit and remove who they choose under [the] new health act [COVID-19 Public Health Response ACT]"?
2. Has the Attorney General's office authorised NZDF to act as "enforcement officers" under the COVID-19 Public Health Response Act?

Thanks!

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