



12 APR 2021

M Bell

By Email: fyi-request-15145-3cf7658d@requests.fyi.org.nz

Ref: PMO 2021-083

Dear M Bell

Official Information Act request relating to Notices under the Epidemic Preparedness Act 2006

Thank you for your Official Information Act 1982 (the Act) request, received on 13 April 2021. I am responding on the Prime Minister's behalf as my official duties involve responding to requests made under the Act to the Prime Minister. You requested:

1. *"All conversations, communications, emails or letters that detail the agreement between you [the Prime Minister] and the Minister of health regarding invoking section 5(1) of the Epidemic Preparedness Act 2006 (with regard to COVID-19)*
2. *A copy of all data, information, statistics and scientific proof (related to the severity of the COVID-19 disease, particularly its mortality rate) which made you decide that the effects of COVID-19 "are likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand (or stated parts of New Zealand) significantly."*
3. *What significant disruptions you predicted based on the data you had*
4. *The written recommendation of the Director-General of Health required in subsection 5(4)*
5. *What considerations were made, particularly regarding a risk benefit analysis, on the severity of the disease versus the cost to the mental, emotional and economic life of New Zealand and its people."*

As set out in part 1 of your request, section 5(1) of the Epidemic Preparedness Act 2006 enables the Prime Minister, with the agreement of the Minister of Health, to "by notice in the Gazette, declare that he or she is satisfied that the effects of an outbreak of a stated quarantinable disease (within the meaning of the Health Act 1956) are likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand (or stated parts of New Zealand) significantly." As noted in part 4 of your request, section 5(4) of the Epidemic Preparedness Act 2006 states that "The Prime Minister must not give the notice except on, and after considering, the written recommendation of the Director-General of Health."

The Notice under the Epidemic Preparedness Act 2006 was made by the Prime Minister on 24 March 2020 and came into force on 25 March 2020. This notice can be found on the Gazette website at: gazette.govt.nz/notice/id/2020-go1368.

Under section 5(3) of the Epidemic Preparedness Act 2006, the Notice expires three months after its commencement if it is not renewed. Subsequent renewals of this initial principal Notice have been made and are also available on the Gazette website. I have interpreted your request to be about the issuing of the principal Notice that came into effect on 25 March 2020, rather than documentation about subsequent renewals. If this is not the case, please advise.

Information publicly available

The documentation supporting the 24 March 2020 Notice made by the Prime Minister is publicly available on the government's COVID-19 website. I have provided links to this publicly available information in the table below.

Date	Document Title	Description	Website Address
23 March 2020	Health Report: Giving an Epidemic Notice and Epidemic Management Notices under the Epidemic Preparedness Act 2006	Ministry of Health briefing to the Prime Minister, Minister of Health, Minister for Social Development and Minister of Immigration. This gives rationale for giving notice and recommendation from the Director-General of Health.	covid19.govt.nz/assets/resources/proactive-release/Giving-an-Epidemic-Notice-and-Epidemic-Management-Notices-under-the-Epidemic-Preparedness-Act-2006-Report-23-03-20.pdf
23 March 2020	COVID-19: Giving an Epidemic Notice and Epidemic Management Notices under the Epidemic Preparedness Act 2006	Cabinet paper from the Minister of Health.	covid19.govt.nz/assets/resources/proactive-release/COVID-19-Giving-an-Epidemic-Notice-and-Epidemic-Management-Notices-under-the-Epidemic-Preparedness-Act-2006-Paper-23-03-20.pdf
23 March 2020	COVID-19 Giving an Epidemic Notice and Epidemic Management Notices under the Epidemic Preparedness Act 2006	Cabinet Minute [CAB-20-MIN-135] of above paper.	covid19.govt.nz/assets/resources/proactive-release/COVID-19-Giving-an-Epidemic-Notice-and-Epidemic-Management-Notices-under-the-Epidemic-Preparedness-Act-2006-Minute-23-03-20.pdf

When the principal Notice came into effect on 25 March 2020 at this early stage in the pandemic, there was a particularly large amount of advice, scientific information and updates being provided all the time regarding the virus and the pandemic. There were many discussions between the Prime Minister and her Cabinet Colleagues, including the then Minister of Health, and Officials on responding to the pandemic. The proactively released information in the table above sets out the documentation I believe you are seeking that led to the primary Notice under the Epidemic Preparedness Act 2006.

In addition to the documentation specifically about the decision on the Notice under the Epidemic Preparedness Act 2006, the Prime Minister received information and advice from the Prime Minister's Chief Science Advisor (Professor Juliet Gerrard). This advice has been made publicly available on the Chief Science Advisor's website. The most relevant information is in the March 2020 advice. You can access this at: www.pmcsa.ac.nz/files/2020/04/COVID-19-March-Advice-Bundle-Final-v2.pdf. Subsequent advice from the Chief Science Advisor can also be found on this website.

Further information related to data, information, statistics and scientific proof (related to the severity of the COVID-19 disease, particularly its mortality rate) was published by the Ministry of Health on its website on 31 March 2020. These are available at: <https://www.health.govt.nz/publication/covid-19-modelling-and-other-commissioned-reports>.

You can find here a number of documents under the heading "Working Papers" that were commissioned at the time by the Director of Public Health and provide background information and evidence for the Ministry of Health's response to COVID-19.

Accordingly, I have refused your request for the documents listed above under section 18(d) of the Act on the basis "*that the information requested is ... publicly available.*"

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Act. You can contact the Ombudsman online via the Ombudsman website, by email (info@ombudsman.parliament.nz) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: www.ombudsman.parliament.nz.

Yours sincerely



Raj Nahna
Chief of Staff