

20 January 2022

Ashleigh Fechney  
fyi-request-17804-1f536016@requests.fyi.org.nz

Our ref: OIA 92434

Dear Ms Fechney

**Official Information Act request: COVID-19 Protection Framework**

Thank you for your email of 2 December 2021 requesting, under the Official Information Act 1982 (the Act), information held by the Ministry of Justice (the Ministry) regarding the COVID-19 Protection Framework. Your requests and responses are set out below:

1. *Any briefing paper or advice paper from the Ministry of Justice in relation to the COVID-19 Public Health Response (Protections Framework) Order 2021.*

Attached to this letter, I am supplying you with a briefing titled, COVID-19 Protection Framework implementation update. Some information has been withheld under the following sections of the Act:

- section 9(2)(a) to protect privacy of natural persons
- section 9(2)(f)(iv) to maintain the constitutional conventions that protect confidentiality of advice tendered by Ministers and officials.

2. *Any vaccination policy applied by the Ministry of Justice.*

Released to you on 17 December 2021.

3. *Confirmation of whether the Ministry of Justice commenced a “risk assessment” which may give rise to a vaccinations policy.*

I can confirm that the Ministry has undertaken a risk assessment. The scope of the assessment was to determine the level of risk to Ministry staff around being exposed to, contracting, or transmitting COVID-19.

4. *Confirmation of whether the Ministry of Justice have the infrastructure to accommodate widespread remote hearings for unvaccinated people.*

The Ministry of Justice has the infrastructure to accommodate remote hearings when required regardless of vaccination status. The majority of courts have audio/visual capability, which allows for remote access to join proceedings. This access is available to legal representatives, Department of Corrections, and other court participants. Non-custodial participants can connect to hearings or court events through the internet via a computer or smartphone.

Recent upgrades to court systems in some of the bigger centres has also increased the number of people that can join an audio/visual call. Depending on the location, 40 to 300 participants can be connected per call, including people from overseas. Participants in many circumstances can also connect to a court via teleconference, either over audio links (telephone) or via a computer or smartphone. Court hearings can also be held entirely online when required and appropriate.

- 5. Confirmation of whether the Ministry of Justice have procedures in place for appropriate registrars to accept remote filing from people and representatives who are not vaccinated.*

Filing generally in the courts is governed by a range of legislation and court protocols. The COVID-19 Protection Framework - Green, Orange and Red Protocols issued by the judicial Heads of Bench, which commences on 31 January 2022/1 February 2022, outlines how the courts, including filing, will operate under the Protection Framework.

Electronic filing and paying has been available as an alternative to filing documents and paying fees in person at a courthouse or by post throughout the COVID-19 Alert Levels. This option remains available under the Protection Framework. Courts that can usually accept electronic document filing and payment through File and Pay are the Supreme Court, Court of Appeal and the High Court as well as a number of Tribunals. Further information can be found at [courtsofnz.govt.nz/file-and-pay/](https://courtsofnz.govt.nz/file-and-pay/).

- 6. Any other information that may assist legal representatives in advising the people as to whether, or not, the right to justice has been limited.*

In response to your request for information on rights to justice, it is important to note that court protocols are set by the judiciary and outline how the courts operate under COVID-19 restrictions. As noted above, transitional COVID-19 Protection Framework protocols that cover court operations are currently in place up to 31 January 2022.

Protocols for all courts can be found at [courtsofnz.govt.nz/publications/announcements/covid-19/court-protocols/](https://courtsofnz.govt.nz/publications/announcements/covid-19/court-protocols/).

If you require any further information, please contact Alison Horwood, Media Manager, on 021 918 8836; or email [media@justice.govt.nz](mailto:media@justice.govt.nz).

I am satisfied there are no other public interest considerations that render it desirable to make the information withheld under section 9 available. If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'T Hampton', written in a cursive style.

Tim Hampton  
**Deputy Secretary, Sector Group**

Hon Kris Faafoi, Minister of Justice

Hon Aupito William Sio, Minister for Courts

**COVID-19 Protection Framework implementation update**

<b>Date</b>	26 November 2021	<b>File reference</b>	
-------------	------------------	-----------------------	--

**Action sought**

**Timeframe**

<b>Note</b> the Ministry's progress in designing and implementing the transition to the COVID-19 Protection Framework.	30 November 2021
--	------------------

**Contacts for telephone discussion (if required)**

Name	Position	Telephone		First contact
		(work)	(a/h)	
Andrew Kibblewhite	Secretary for Justice	(04) 466 4399	s9(2)(a)	<input type="checkbox"/>
Tim Hampton	Deputy Secretary Sector SLT Sponsor for CPF	(04) 913 2379	s9(2)(a)	<input checked="" type="checkbox"/>
Mike Knowles	CPF Programme Manager	s9(2)(a)	s9(2)(a)	<input type="checkbox"/>

**Minister's office to complete**

- Noted   
  Approved   
  Overtaken by events  
 Referred to: \_\_\_\_\_  
 Seen   
  Withdrawn   
  Not seen by Minister

**Minister's office's comments**

**In Confidence**

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## **Purpose**

---

1. To update you on the Ministry's progress in designing and implementing the transition to the COVID-19 Protection Framework.

## **The COVID-19 Protection Framework implementation programme**

---

2. The Ministry is managing the project under two broad workstreams:
  - 2.1. Courts and tribunals – in partnership with the judiciary
  - 2.2. Non-court settings
3. These are supported by three enabling workstreams:
  - 3.1. Vaccination policy for Ministry of Justice employees
  - 3.2. Contractor policy
  - 3.3. Testing.

### *Courts and tribunals workstream*

4. The purpose of this workstream is to ensure that all courts and tribunals can continue operate while maintaining access to justice, conforming with judicial protocols, and in a way that keeps everyone who accesses any premises for which the Ministry is responsible healthy and safe and allows the Ministry to meet its responsibilities as a PCBU (Person Conducting a Business or Undertaking – as per the Health and Safety at Work Act).
5. The Ministry is working with the judiciary to confirm judicial protocols and determine what can be implemented by early December, and what may be implemented through into early 2022. These protocols, along with legal advice, will inform access and entry requirements to courts and tribunals. Many of our current protective measures such as thermal imaging, use of face masks, scheduling and restricting access to key participants that were put in place under Alert Levels will continue. We will expand on this where required to ensure safety and access to justice.

6. s9(2)(f)(iv)

7. s9(2)(f)(iv)

8. s9(2)(f)(iv)

*Non-court workstream*

9. The non-court workforce covers people in a range of roles across New Zealand and in a variety of workplace settings. These roles have a range of exposures to different people and risk. As such, the non-court workstream has been broken down into three categories:
- 9.1. Public Defence Service
  - 9.2. bailiffs (when operating outside courts)
  - 9.3. corporate (including National Office, call centres etc).
10. The overriding objective of this work is to ensure that the Ministry of Justice can operate as safely as it can in order to continue to undertake its functions which requires:
- 10.1. that access to Ministry services continues at any traffic light setting
  - 10.2. that staff know how they should act and what they should do at any traffic light setting
  - 10.3. that the Ministry can meet its obligations as a PCBU.
11. Our current thinking is that, at least initially from 3 December, Amber settings will align closely with the current Alert Level 2 settings and Red settings will align closely with the current Alert Level 3 settings. We are working through the details and communications of that, as well as thinking how these will evolve over time, especially as the COVID-19 vaccination status of our employees becomes clearer (see below).

*Vaccination policy for Ministry of Justice employees*

12. The Ministry is currently consulting our employees on a draft COVID-19 vaccination policy, which proposes mandating vaccination for all Ministry of Justice employees. The draft policy was informed by an internal risk assessment process. The draft policy proposes that those staff who remain unvaccinated would be able to undergo an individual risk assessment to identify whether there are any other practical measures that could be taken to sufficiently reduce the COVID-19-related risks. A communication plan and a plan for addressing vaccination hesitancy for employees have been developed and are being implemented. The consultation paper included this draft timeline:

- 29 November Register opens for staff to record their vaccine status voluntarily
- 3 December Consultation closes

10 December Announce final policy and requirement to record vaccination status

17 December Final date for recording vaccination status

1 February Policy comes into effect

*Contractor workstream*

13. This workstream, which is just getting underway, will consider the management of contractors visiting our sites.

*Testing workstream*

14. s9(2)(f)(iv)

**Future reporting**

15. We will report to you on progress across the entire programme on a weekly basis.
16. Separate briefings will be provided on more detailed issues as required or when your approval is sought.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

**Recommendations**

---

17. It's recommended that you:

1. **Note** the Ministry's progress in designing and implementing the transition to the COVID-19 Protection Framework.



---

Tim Hampton  
**Deputy Secretary Sector, SLT sponsor for CPF implementation**

APPROVED    SEEN    NOT AGREED    APPROVED    SEEN    NOT AGREED

---

Hon Kris Faafoi  
**Minister of Justice**

Date   /   /

---

Hon Aupito William Sio  
**Minister for Courts**

Date   /   /

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982