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16 September 2022

Oscar Mahy

By email: fyi-request-18091-5e319b76@requests.fyi.org.nz
Ref: H202200219/ 577753

Tēnā koe Oscar,

Reconsideration of your request for official information

I refer to your request under the Official Information Act 1982 (the Act) to Manatū Hauora (Ministry of Health) on 3 January 2022. You requested:

- “1. Copies of all correspondence within the Ministry of Health (MOH) regarding the MIQ rules broken by Robert Etheridge;*
- 2. Copies of any written correspondence between the MOH (any staff members) and Robert Etheridge or his staff/managers; and*
- 3. Copies of all correspondence with any other government agencies in regards to the MIQ rules broken by Robert Etheridge.”*

Manatū Hauora responded to your request on 15 March 2022 and advised that your request was withheld in full under section 9(2)(h) of the Act to maintain legal professional privilege.

Manatū Hauora is now in a position to release a summary of the reasons that Manatū Hauora made the decision not to refer Mr Etheridge’s apparent breach of MIQ rules to the Police.

Manatū Hauora made this decision for a number of reasons, including:

- the need to treat Mr Etheridge equitably. Manatū Hauora had not pursued the prosecution of other apparent self-isolation rule breakers and it was important not to treat him differently.
- prosecution could be counterintuitive to the greater goal of keeping the community safe by deterring other potential self-isolation rule breakers from coming forward for testing, creating its own public health risk. The main focus was not punitive but prioritising public health.
- whether there was any benefit to the New Zealand tax payer, when Mr Etheridge would ultimately leave the country and any investigation would be unlikely to be completed until after his departure.
- with the advent of the Omicron variant, the Ministry had moved to a new model which required 10 days in managed isolation, rather than the 7 days in managed isolation and 3 days in self-isolation rule Mr Etheridge had been subject to.

- that Mr Etheridge had already experienced adverse consequences from his actions; he had lost income by having to withdraw from the festivals he was due to play at in New Zealand, he had angered fellow artists who had also had to withdraw from festivals because they were close contacts of Mr Etheridge, and he had been subjected to considerable negative publicity.

I trust this information fulfils your request.

Nāku noa, nā



Phil Knipe
Chief Legal Advisor
Government and Executive Services