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Email: jodie@bruning.net.nz  
Ref: H2023022230  
H2023021702

Tēnā koe Jodie

### **Response to your requests for official information**

Thank you for your requests under the Official Information Act 1982 (the Act) to Manatū Hauora (Ministry of Health) on 13 March 2023. As both of your requests, H2023022230 and H2023021702, are on the same topic, Manatū Hauora has consolidated your requests under section 18(A)(2) of the Act. I will respond to each part of your request below.

*“The date of each document containing instruction to commence drafting, sent to the Chief Parliamentary Counsel or staff in the PCO:*

*[A] Instructions to make editorial changes to all reprints of the COVID-19 Public Health Response (Vaccinations) Order 2021 (LI 2021/94) 14 July 2021*

*(See: <https://www.legislation.govt.nz/regulation/public/2021/0094/24.0/versions.aspx>)*

*[B] Instructions to commence drafting of:*

*COVID-19 Response (Vaccinations) Legislation Bill 2021. (Public Act 2021 No 51)”*

All the drafting instructions are subject to legal professional privilege. I am therefore unable to provide you with this information under section 9(2)(h) of the Act. Please note that section 61(2) of the Evidence Act 2012 states that drafting instructions are subject to legal professional privilege, which has not been waived in this case. I have considered the countervailing public interest in releasing these drafting instructions and consider that it does not outweigh the need to withhold at this time.

The results of the drafting process, which include explanatory notes outlining the effect of the instrument, are publicly available in the relevant orders and legislation published on the Manatū Hauora website here: [www.health.govt.nz/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-legislation-and-orders](http://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-legislation-and-orders). In relation to the COVID-19 Response (Vaccinations) Legislation Bill 2021, Hansard records are publicly available at: [www.parliament.nz/en/pb/hansard-debates/rhr/](http://www.parliament.nz/en/pb/hansard-debates/rhr/).

*“The date of each instruction to commence drafting sent to the Chief Parliamentary Counsel or staff in the PCO.*

[A] Instructions to make editorial changes to all reprints of the COVID-19 Public Health Response (Vaccinations) Order 2021 (LI 2021/94) 14 July 2021

(See:

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.govt.nz%2Fregulation%2Fpublic%2F2021%2F0094%2F24.0%2Fversions.aspx&data=05%7C01%7Cinformation%40dpmc.govt.nz%7C3db3f6742dcf41657d8908db2358a5f0%7Ceea6053309ef4b7a94060f38551cc613%7C0%7C0%7C638142635877709560%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I k1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=eeaavTVmYR8734hgto7xhN4%2FLvDJFEoz6YDtCKdWauU%3D&reserved=0>

[B] To commence drafting of:

COVID-19 Response (Vaccinations) Legislation Bill 2021. (Public Act 2021 No 51)

This instruction could be sent by officials or Ministers, including the Minister for COVID-19 Response.”

The making of editorial changes to reprints is a matter for the PCO. Agencies do not instruct PCO to make these types of changes, they are adopted by PCO itself. Editorial changes are made in accordance with powers under subpart 2 of Part 3 of the Legislation Act 2019. These provisions provide that the Chief Parliamentary Counsel may authorise the PCO to make specified editorial changes referred to in section 87 of the Legislation Act 2019.

I am unable to provide this information to you under section 18(g)(i) of the Act, as the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act. Please note, the Parliamentary Counsel Office (PCO) is not an “organisation” as defined in the Act and is not subject to it.

I am sorry I could not be of more assistance. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā

Phil Knipe

Chief Legal Advisor/Privacy Officer

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