



7 October 2024

Email: [fyi-request-28172-312f12e5@requests.fyi.org.nz](mailto:fyi-request-28172-312f12e5@requests.fyi.org.nz)

Dear Erika,

### **Official information request for Vaccination Requirements at ESR**

I refer to your official information request dated 25 August 2024 for the following information:

- “1. Was Covid 19 a disease reported to Worksafe by ESR?
2. Did Covid 19 arise out of the nature of work at ESR?
3. Is there or was there in the past, any genetic “gain of function” work taking place at ESR on corona viruses, or the nursing of corona virus patients?

Please provide:

4. The written authorisation from the Director General specifying persons at ESR who were authorised enforcement person(s) under section 18 (2) the Covid-19 Public Health Response Act 2020. Please provide the functions and powers that could be carried out by the authorised enforcement person(s) and;
5. Number of exemptions issued to ESR workers under clause 9 of the Covid 19 Public Health Response (Vaccinations) Order 2021, eg clause 9, 9A, 12A;
6. Any other exemptions issued to staff, please provide grounds and number issued and;
7. In relation to covid 19 vaccines, any payment ESR and/or its subsidiaries received for each staff member that was vaccinated, the amount and the scheme the payment was provided under and;
8. Any payment the ESR and/or its subsidiaries received for leasing or renting floor space for vaccination in 2021 and 2022 , eg super Saturdays events at any of your facilities. Please include the amount and the scheme the payment was provided under.”

### **Our Response to Your Request:**

1. *Was Covid 19 a disease reported to Worksafe by ESR?*

No

2. *Did Covid 19 arise out of the nature of work at ESR?*

No

3. *Is there or was there in the past, any genetic “gain of function” work taking place at ESR on corona viruses, or the nursing of corona virus patients?*

No

**4. Please provide:**

*The written authorisation from the Director General specifying persons at ESR who were authorised enforcement person(s) under section 18 (2) the Covid-19 Public Health Response Act 2020. Please provide the functions and powers that could be carried out by the authorised enforcement person(s) and;*

Section 18 (1) of the COVID-19 Public Health Response Act 2020 states the following:

“(1) The Director-General may authorise a suitably qualified and trained person or class of suitably qualified and trained persons to carry out any functions and powers of an enforcement officer under this Act if the person or class of persons is employed or engaged by any of the following agencies:

- (a) WorkSafe New Zealand:
- (b) the Aviation Security Service:
- (c) the New Zealand Customs Service:
- (d) the New Zealand Defence Force:
- (e) a maritime security organisation (as defined by [section 5](#) of the Maritime Security Act 2004):
- (f) the Ministry of Health:
- (g) Health New Zealand.”

Under section 18(1), ESR is not a listed agency therefore ESR did not receive written authorisation under the COVID-19 Public Health Response Act 2020.

**5. Number of exemptions issued to ESR workers under clause 9 of the Covid 19 Public Health Response (Vaccinations) Order 2021, eg clause 9, 9A, 12A; -**

No exemptions were issued to ESR workers under clause 9 of the COVID-19 Public Health response (Vaccinations) Order 2021.

**6. Any other exemptions issued to staff, please provide grounds and number issued and; -**

No other exemptions were issued to staff.

**7. In relation to covid 19 vaccines, any payment ESR and/or its subsidiaries received for each staff member that was vaccinated, the amount and the scheme the payment was provided under and;**

No payments have been received for vaccinated staff members.

8. *Any payment the ESR and/or its subsidiaries received for leasing or renting floor space for vaccination in 2021 and 2022 , eg super Saturdays events at any of your facilities. Please include the amount and the scheme the payment was provided under.*

No payments have been received for leasing or renting floor space for vaccination in 2021 and 2022.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

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Natalie Lombe  
General Manager People & Culture