



5 November 2020

Adam Nuttall
By email: anuttallnz@gmail.com

Reference: OIA-2020/21-0148

Dear Adam Nuttall

Official Information Act request relating to the mandating of face coverings

I refer to your Official Information Act 1982 (the Act) request received on 10 September 2020. You requested:

“1) What advice has the DPMC received on the subject of mandating face coverings on public transport prior to issuing the order to mandate it?

1a) Please list both where this advice has come from and on what date it was received?

2) What policy has the DPMC issued for the implementation of the face covering mandate?

2a) What policy has the DPMC issued to the New Zealand Police for the enforcement of the mask mandate?

3) What advice has the DPMC received from Crown Law concerning the order to mandate face coverings on public transport?

3a) On what date was this advice received?”

I note the time limits for responding to your request were extended by 20 working days in order to allow further consultation. Following this extension, I am now in a position to respond.

I have taken your request to be for advice provided prior to the requirement to wear face coverings on public transport at Alert Level 2 which came into effect on 30 August 2020. With regard to part 1 of your request, please find a list of documents relevant either in full or in part that DPMC received below:

Date	Document description	Agency prepared by
23 August 2020	Health Report: Strengthening public health measures to prevent the spread of COVID-19 (20201498)	Ministry of Health
25 August 2020	Health Report: Advice on the mandatory use of face coverings on public transport at Alert Level 2 and 3 (20201514)	Ministry of Health
27 August 2020	Health Report: COVID-19 Public Health Response Act 2020 Orders (20201509)	Ministry of Health

In considering the advice DPMC received regarding the use of face coverings on public transport, I would note that the policy work for mandating the use of face coverings was developed by the Ministry of Health (MoH). DPMC did not receive Crown Law advice in scope of your request. Similarly, DPMC did not issue policy regarding the enforcement or implementation of face coverings. Accordingly, I am refusing parts 2 and 3 of your request under section 18(e) of the Act, as the information requested does not exist.

However, if you would like to make a request under the Act for advice prepared by MoH or Crown Law relating to this matter, I would encourage you to do so by emailing oiagr@health.govt.nz and olia@crownlaw.govt.nz respectively. If you are not already aware, you may also be interested to know that information regarding this Government's response to COVID-19 is regularly scheduled for publication on the COVID-19 website at: covid19.govt.nz/resources/key-documents-and-legislation/proactive-release.

You may also be interested to know that the COVID-19 Public Health Response Act 2020 was passed as standalone legislation to provide a different legal framework for responding to COVID-19. The COVID-19 Public Health Response Act 2020 allows the Minister of Health (or the Director-General of Health in specified circumstances) to make orders under section 11 of this Act to give effect to the public health response to COVID-19 in New Zealand. Further information regarding this can be found at: www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-current-situation/covid-19-epidemic-notice-and-orders.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

I do not intend to have this response published on DPMC's website.

Yours sincerely



Cheryl Barnes
Deputy Chief Executive
COVID-19 All-of-Government Response Group