

7 October 2020

Our Reference: IR-01-20-26397

Adam Nuttall
anuttallnz@gmail.com

Dear Adam Nuttall

I am writing in response to the email you submitted 8 September 2020. Your request has been considered pursuant to the Official Information Act 1982 (the **Act**). Specifically you asked:

- 1) *Have police guidelines been released for the face covering mandate issued under The COVID Response Act 2020? If not why not?*
 - a. *If yes, what date were they released to the police?*
 - b. *If yes are the police guidelines publicly available? If not why not? If so, when did this occur?*
- 2) *Are the police legally able to issue a fine for not wearing a face covering on public transport as of 08/09/2020?*
 - a. *If yes, from what date have the police been able to issue this fine?*
- 3) *Exactly what legal advice have the police received in regards to enforcing the face covering mandate? And exactly whom has this advice come from please name organisations or crown entities?*

Police guidelines for face covering mandate

On 30 August 2020 guidelines were distributed to Police staff to support the changes that came into effect at 11.59 pm that day. These documents included the COVID-19 Public Health Response (Alert Level Requirements) Order 2020; Police Operational Guidelines for Alert Level 2; Guidelines for educating the public about face coverings; and Guidance for passing face masks to the public. The COVID-19 Public Health Response (Alert Levels Requirements) Order 2020 is publically available, but the other documents were for internal use to assist frontline staff and have not been proactively released.

The Police approach to the requirement to wear face coverings on public transport was outlined in a Police media release issued at 10.57am on 30 August 2020, which is **attached** for your information.

Police National Headquarters

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Face covering on public transport

As at 8 September 2020 Police were able to issue an infringement notice pursuant to the COVID-19 Public Health Response (Alert Level Requirements) Order 2020, which came into force at 11.59 pm on 30 August 2020.

Legal advice

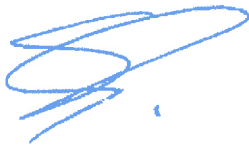
I can advise that Police guidelines have been reviewed by Police Legal Services and discussions have occurred with the author(s) of those guidelines. That advice is subject to legal professional privilege, and is refused pursuant to s 9(2)(h) of the Act.

It is important for the Police (like any other person) to obtain legal advice in confidence to assist them to act lawfully. Legal professional privilege provides a fundamental protection from disclosure that is essential if advice sought is to be candid and properly informed. This is particularly important in the novel and dynamic circumstances that the Covid-19 pandemic has given rise to.

Given these considerations, I do not consider that the interest in withholding the requested information is outweighed by other considerations which may render it desirable, in the public interest, to make that information available.

I trust you are satisfied with my response to your request. If not, you have a right under section 28(3) of the Act to ask the Office of the Ombudsman to seek an investigation and review of my decision.

Yours sincerely



Superintendent Steve Greally
National Response Commander: Operation COVID