



8 November 2021

BEB OIA 21-007

Sebastian

By email: [fyi-request-15553-e4de83f9@requests.fyi.org.nz](mailto:fyi-request-15553-e4de83f9@requests.fyi.org.nz)

Dear Sebastian

### **Request for official information**

Thank you for your email, dated 24 September 2021, to the Border Executive Board seeking the following information under the Official Information Act 1982 (the Act).

- *Copies of the minutes of all BEB meetings since 19 July 2021*
- *Copies of all reports produced by BEB and supplied to the Minister for the COVID-19 Response since July 2021*

### **Copies of the minutes of all BEB meetings (since 19 July 2021)**

As noted in my previous responses to you, while the Border Executive Board usually meets weekly, there are some weeks where a meeting was not scheduled and therefore there are no meeting minutes.

Some of the information in these meeting minutes has been withheld under the following sections of the Act:

- section 6(a) – where making the information available would be likely to prejudice the international relations of the New Zealand Government;
- section 6(c) – where making the information available would be likely to prejudice the maintenance of law;
- section 9(2)(b)(ii) – where making the information available would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information;
- section 9(2)(f)(iv) – where the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- section 9(2)(g)(i) – where the withholding of information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown;
- section 9(2)(j) – where the withholding of information is necessary to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on,

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without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

**Copies of all BEB reports submitted to the COVID-19 Response Minister (since 19 July 2021)**

The following 13 reports considered to be within scope of your request are attached:

- *RPT 21/035 COVID-19 maritime settings for commercial vessels*
- *RPT 21/038 Supply chain exemption from the COVID-19 Public Health Response (Vaccinations) Order 2021 - outline of further policy advice*
- *OC210644 Evidence required of PCBUs in applying for a supply chain exemption*
- *22 Jul 2021 BWVO Amendment Implementation Programme Report*
- *29 Jul 2021 BWVO Amendment Implementation Programme Report*
- *5 Aug 2021 BWVO Amendment Implementation Programme Report*
- *RPT 21/040 BWVO Amendment Implementation Programme Report*
- *RPT 21/043 BWVO Amendment Implementation Programme Report*
- *RPT 21/045 BWVO Amendment Implementation Programme Report*
- *RPT 21/047 BWVO Amendment Implementation Programme Report*
- *RPT 21/049 BWVO Amendment Implementation Programme Report*
- *RPT 21/051 BWVO Amendment Implementation Programme Report*
- *RPT 21/054 BWVO Amendment Implementation Programme Report*

The report *RPT 21/038 - Supply chain exemption from the COVID-19 Public Health Response (Vaccinations) Order 2021 – outline of further policy advice* was a joint report signed out by the Chair of the Border Executive Board and the Ministry of Transport. Although the follow up report to the Minister for COVID-19 Response, *OC210644 – Evidence required of PCBUs in applying for a supply chain exemption* was signed out by the Ministry of Transport only, I have decided it would be appropriate to release it to you as it provides further context to the earlier joint report.

Some of the information in the reports has been withheld under the following sections of the Act:

- section 9(2)(a) – where the withholding of the information is necessary to protect the privacy of natural persons;
- section 9(2)(b)(ii) – where making the information available would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information;
- section 9(2)(ba)(i) – protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;
- section 9(2)(ba)(ii) – protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest;

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- section 9(2)(c) – where the withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public;
  - section 9(2)(f)(iv) – where the withholding of the information is necessary to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
  - section 9(2)(g)(i) – where the withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions;
  - section 9(2)(h) – where the withholding of the information is necessary to maintain legal professional privilege.

For both the meeting minutes and the 13 reports, the Border Executive Board Secretariat has considered the public interest arguments in favour of making this information available; however, it is considered that these interests do not outweigh the necessity to withhold the information.

I have also attached the latest copy of the Border Executive Board's Work Programme which may be of interest to you.

If you are not satisfied with my response, you have the right, by way of complaint to the Office of the Ombudsman under section 28(3) of the Act, to seek an investigation and review of this decision. Information about how to make a complaint is available online at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or alternatively the Office of the Ombudsman can be contacted on 0800 802 602.

I also wish to advise that the Border Executive Board Secretariat may proactively release responses to Official Information Act requests on the Board Executive Board page hosted on the Customs' website. As such, this response, without your name and contact details, may be published on the website after it has been sent to you.

If you have any queries about this response, please feel free to contact the Border Executive Board Secretariat at [BEB.info@customs.govt.nz](mailto:BEB.info@customs.govt.nz).

Yours sincerely



Fiona McKissock  
**Executive Director**  
**Border Executive Board**