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1 August 2023

Campbell Larsen

By email: **s 9(2)(a)**
Ref: H2023028765

Tēnā koe Campbell

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 7 July 2023 for:

“The details of the instances where the Minister/ Ministry of Health have been aware they have not met their obligations under the pieces of legislation that they administer, including but not limited to, the number of instances, the name(s) of the legislation, regulations or other instrument.”

On 26 July 2023, Manatū Hauora contacted you to clarify what specific legislation and time frame you are interested in. On the same day, you responded with:

“The details of the instances where the Minister/ Ministry of Health have been aware they have not met their obligations under the pieces of legislation that they administer, including but not limited to, the number of instances, the name(s) of the legislation, regulations or other instrument.”

I do not wish to limit this request by specifying a particular piece of legislation or a timeframe. If however OIA Requests will confirm that the instances are so numerous that the request will be declined please do advise me of this before declining the request.”

On 27 July 2023, Manatū Hauora contacted you again and advised you that the scope of your request would involve substantial collation and would be refused on that basis. You were asked again to clarify what specific legislation and time frame you were interested in. On the same day, you responded with:

“I believe that I have supplied the necessary qualifier, that being 'the instances where the Minister/ Ministry of Health have been aware they have not met their obligations under the pieces of legislation that they administer'.

By this I mean the instances where the Minister/ Ministry of Health have been aware they have not met their obligations, and yet have chosen to not remedy the legislation, regulations or other instrument, or remedy their practice until challenged to do so.

I do not at this time require Department of Health era information.

Please advise if this is now a manageable request.”

Your request, as it is currently worded, would require Manatū Hauora to search through all of its records, dating back to the establishment of the Ministry in 1993. Given the breadth of the scope of the request, which would include material in any adverse Court and Tribunal judgments, audit findings, findings of non-compliance with legislation following investigation of complaints to bodies such as the Ombudsmen, Privacy Commissioner and other Commissioners and other documents such as Health Reports and legal advice, this is not information located in a central place which can be readily compiled.

Therefore, your request is refused under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research. I have considered whether charging or extending the time to compile the information would enable us to respond. However, I do not believe it is in the public interest to do so.

Manatū Hauora remains willing to work with you on a refined request.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

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 or by calling 0800 802 602.

Nāku noa, nā



Phil Knipe
Chief Legal Advisor
Government and Executive Services | Te Pou Whakatere Kāwanatanga