

16 May 2024

C179663

Colin Whiting
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Tēnā koe Colin,

Thank you for your email of 19 March 2023 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about COVID-19 vaccination exemption clauses. Your request has been considered under the Official Information Act 1982 (OIA).

You requested:

“...What process was used by Corrections for giving a Covid19 booster exemption to fully vaccinated Corrections staff who returned to work, prior to the 15th May 2022 after recovering from contracting Covid19, and no longer testing positive for Covid19?

Or did these staff just remain off work until 15th May 2022, and were subsequently included in the 220 staff who 'returned to work' after the 15th May 2022, when the new version of the 7A Exemption was enacted?...”

As you are aware, the Ministry of Health advised that people who tested positive for COVID-19 should wait three months after they test positive before receiving their booster vaccination.

This resulted in some frontline staff who were not yet boosted contracting COVID-19 and passing their original individual deadline date to be boosted. Under the Vaccinations Order prior to 15 May 2022, these staff had been unable to return to work inside the wire for up to three months without a Ministry of Health temporary medical exemption, resulting in staff needing to apply to the Ministry of Health for a temporary medical exemption.

On 15 May 2022, this was amended, and Corrections was able to authorise an affected person to return to work. Where Corrections established it was safe and appropriate to do so, staff members who passed their required booster date were able to continue to work inside the wire while waiting to receive a booster. Any approved authorisation applied for 100 days following the staff member’s positive test.

Those fully vaccinated staff who tested positive prior to the authorisation regime being enacted were placed on special leave for a period of 14 days. During this 14-day period, evidence was gathered and submitted to the Director General of the Ministry of Health to approve the exemption. Following the granting of an exemption, the person was permitted to return to work following that 14-day period and the date requirement to receive their booster was extended for six months as per Ministry of Health advice.

All 220 staff referred to previously returned to work under the version of clause 7A that came into force on 15 May 2022. This number also includes those who were granted a temporary medical exemption prior to the 15 May at the discretion of the Director General of the Ministry of Health.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Leigh Marsh
Commissioner Custodial Services