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27 May 2024

Erika Whittome

By email: fyi-request-26171-05b7aea3@requests.fyi.org.nz
Ref: H2024040530

Tēnā koe Erika

Response to your request for official information

Thank you for your requests under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 30 April 2024 as a follow up to your previous OIA response (reference H2024039112). You requested:

“There are functions and powers under section 18 (2) of the Act. Where and when those functions and powers were published?”

And

“According to the Covid 19 Act 2020 "enforcement officer means— (a)the Director-General:

(b)a medical officer of health:

(c)a constable:

(d) in relation to any function or power, a person authorised to perform that function or power under section 18 or a person in a class of persons authorised to perform that function or power under section 18”

Then Section 18 says that the director general "may" authorize a person. So whom did the director general authorize for these fines?

Section 18 (2) says that the authorization must be in writing:

“An authorisation under subsection (1) must—

(a) be in writing; and

(b) specify—

(i)the authorised enforcement person or the class of persons; and (ii)the functions and powers that may be carried out by the authorised enforcement person or class of persons; and (iii)the term of the authorisation.”

My request for information was authority and jurisdiction to issue these fines (in writing). I could not see any authorization or delegations on the Gazette (ie in writing) . Please provide the requested information for when the authorisation was given as per s18 above.”

Ministry of Health staff were authorised by the Director-General of Health in accordance with section 18(2) of the Covid-19 Public Health Response Act 2020. The relevant authorisations are outlined in Appendix 1 and copies are enclosed. Where information is withheld, this is outlined in the Appendix and noted in the document itself. Where information is withheld under section 9 of the Act, I have considered the countervailing public interest in releasing information and

consider that it does not outweigh the need to withhold at this time. Please note, there was no requirement for such authorisations to be published.

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.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in blue ink, appearing to be 'Phil Knipe', written in a cursive style.

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

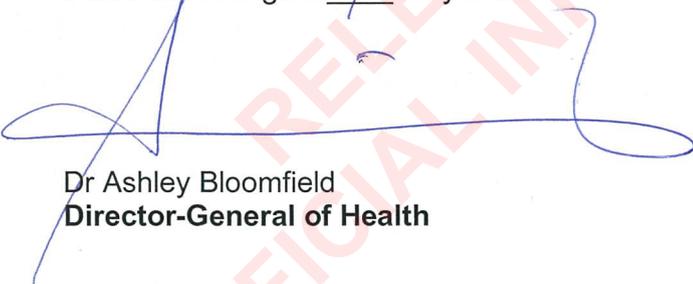
Appendix 1: List of documents for release

| # | Date | Document details | Decision on release |
|---|------------------|---|---|
| 1 | 29 May 2021 | COVID-19 PUBLIC HEALTH RESPONSE ACT 2020-SECTION 18 AUTHORISATION | Some information withheld under section 9(2)(g)(ii) of the Act, to protect Ministers, members of organisations, officers, and employees from improper pressure or harassment. |
| 2 | 29 May 2021 | Evidence of Authorisation | |
| 3 | 13 July 2021 | COVID-19 PUBLIC HEALTH RESPONSE ACT 2020-SECTION 18 AUTHORISATION | |
| 4 | 14 December 2021 | COVID-19 PUBLIC HEALTH RESPONSE ACT 2020-SECTION 18 AUTHORISATION | |
| 5 | 14 December 2021 | Evidence of Authorisation | |
| 6 | 10 April 2022 | COVID-19 PUBLIC HEALTH RESPONSE ACT 2020-SECTION 18 AUTHORISATION | |
| 7 | 10 April 2022 | Evidence of Authorisation | |

COVID-19 PUBLIC HEALTH RESPONSE ACT 2020
SECTION 18 AUTHORISATION

1. In accordance with section 18 of the COVID-19 Public Health Response Act 2020 (“the Act”), I, Dr Ashley Bloomfield as Director-General of Health, authorise **s 9(2)(a)** **s 9(2)(a)** (“the Appointee”) who is employed or engaged by the Ministry of Health (“the Ministry”) to carry out the functions and powers of an enforcement officer as further described in this authorisation.
2. I am satisfied that the Appointee is a suitably qualified and trained person.
3. Subject to paragraph 4, I authorise the Appointee to carry out the following functions and powers of an enforcement officer under the Act:
 - a. the power of entry under section 20;
 - b. the power to give directions under section 21;
 - c. the power to direct persons to provide identifying information under section 23;
 - d. the power to direct business or undertaking to close under section 24; and
 - e. the power to issue an infringement notice in accordance with section 29 and 30 of the Act.
4. The Appointee may carry out the functions and powers of an enforcement officer set out in paragraph 3 of this authorisation to enforce the COVID-19 Public Health Response (Required Testing) Order 2020 (or any order that modifies, replaces or corresponds to that Order).
5. This authorisation will take effect from **1 June 2021** and will continue to apply until **31 December 2021**, unless earlier revoked in accordance with section 18(4) of the Act.

Dated at Wellington 29 May 2021



Dr Ashley Bloomfield
Director-General of Health

Evidence of authorisation

s 9(2)(g)(ii) [REDACTED] who is employed or engaged by the Ministry of Health, is authorised under section 18(1) of the COVID-19 Public Health Response Act 2020 (the Act), as an Enforcement Officer to exercise the following functions and powers of an enforcement officer under the Act:

- enter any land, building, craft, vehicle, place or thing if they have reasonable grounds to believe that a business or service is failing to comply with any aspect of an order issued under section 11 of the Act, in accordance with section 20 of the Act;
- give directions under section 21 of the Act to stop any activity that is contravening or likely to contravene an order issued under section 11 of the Act, or to take any action to prevent or limit the extent of the person's non-compliance;
- direct a person to provide identification information under section 23 of the Act including full name, address, date of birth, occupation, and telephone number or any other particulars of the business or service that may be required; and
- direct a business or undertaking, or part of a business or undertaking, that is operating in contravention of a section 11 order or contrary to conditions posed in a section 11 order to close or cease operation for 24 hours, in accordance with section 24 of the Act.

A direction may be given either verbally or in writing.

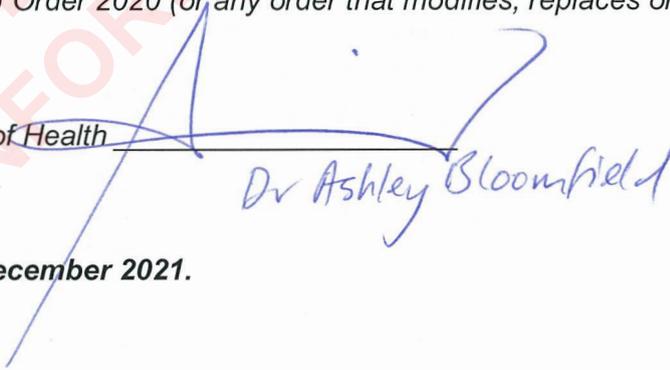
s 9(2)(g)(ii) [REDACTED] may issue an infringement notice under sections 29 and 30 of the Act.

These functions and powers may be carried out under the Act to enforce the COVID-19 Public Health Response (Required Testing) Order 2020 (or any order that modifies, replaces or corresponds to that Order).

Authorised by the Director-General of Health

Date:

29/5/21


Dr Ashley Bloomfield

This authorisation is valid until **31 December 2021**.

COVID-19 PUBLIC HEALTH RESPONSE ACT 2020
SECTION 18 AUTHORISATION

1. In accordance with section 18 of the COVID-19 Public Health Response Act 2020 (“the Act”), I, Dr Ashley Bloomfield as Director-General of Health, authorise **s 9(2)(g)(ii)** **s 9(2)(g)(ii)** (EO010) - “the Appointee”) who is employed or engaged by the Ministry of Health (“the Ministry”) to carry out the functions and powers of an enforcement officer as further described in this authorisation.
2. I am satisfied that the Appointee is a suitably qualified and trained person.
3. I authorise the Appointee to have all the powers of an enforcement officer under the Act to enforce the COVID-19 Public Health Response (Required Testing) Order 2020 (or any order that modifies, replaces or corresponds to that Order).
4. This authorisation will take effect from **13 July 2021** and will continue to apply until **31 December 2021**, unless earlier revoked in accordance with section 18(4) of the Act.

Dated at Wellington July 2021

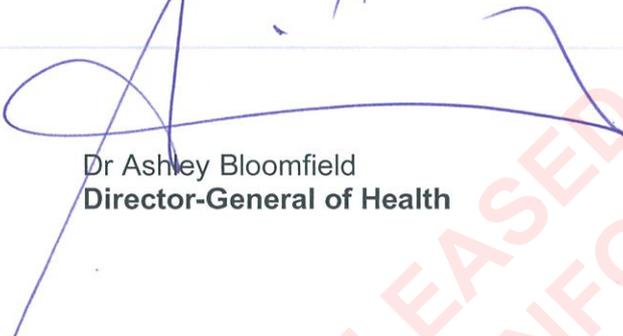


Robyn Shearer
Acting Director-General of Health

COVID-19 PUBLIC HEALTH RESPONSE ACT 2020
SECTION 18 AUTHORISATION

1. In accordance with section 18 of the COVID-19 Public Health Response Act 2020 (“the Act”), I, Dr Ashley Bloomfield as Director-General of Health, authorise **s 9(2)(g)(ii)** **s 9(2)(g)(iii)** (EO010) – (“the Appointee”) who is employed or engaged by the Ministry of Health (“the Ministry”) to carry out the functions and powers of an enforcement officer as further described in this authorisation.
2. I am satisfied that the Appointee is a suitably qualified and trained person.
3. I authorise the Appointee to have all the powers of an enforcement officer under the Act to enforce the COVID-19 Public Health Response (Required Testing) Order 2020 and the COVID-19 Public Health Response (Vaccinations) Order 2021 (or any order that modifies, replaces, or corresponds to those orders).
4. This authorisation will take effect from **15 December 2021** and will continue to apply until **31 December 2022**, unless earlier revoked in accordance with section 18(4) of the Act.

Dated at Wellington ^{14^h} December 2021

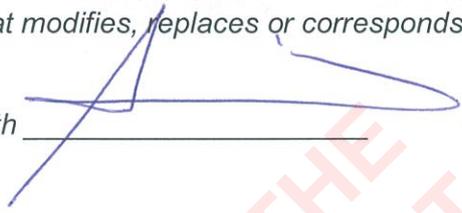

Dr Ashley Bloomfield
Director-General of Health

Evidence of authorisation

s 9(2)(g)(i) (EO010), who is employed or engaged by the Ministry of Health, is authorised under section 18(1) of the COVID-19 Public Health Response Act 2020 (the Act), as an Enforcement Officer to exercise all the functions and powers of an enforcement officer under the Act.

A direction may be given either verbally or in writing.

These functions and powers may be carried out under the Act to enforce the COVID-19 Public Health Response (Required Testing) Order 2020 and the COVID-19 Public Health Response (Vaccinations) Order 2021 (or any order that modifies, replaces or corresponds to those orders).

Authorised by the Director-General of Health 

Date:

14/12/21

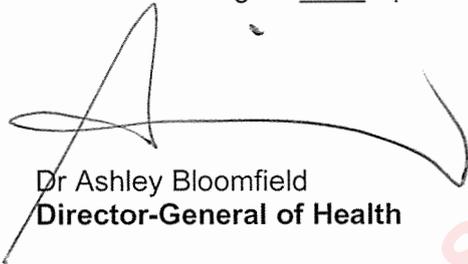
This authorisation is valid until **31 December 2022**.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

COVID-19 PUBLIC HEALTH RESPONSE ACT 2020
SECTION 18 AUTHORISATION

1. In accordance with section 18 of the COVID-19 Public Health Response Act 2020 (“the Act”), I, Dr Ashley Bloomfield as Director-General of Health, authorise **s 9(2)(a)** **s 9(2)(g)(ii)** EO011) – (“the Appointee”) who is employed or engaged by the Ministry of Health (“the Ministry”) to carry out the functions and powers of an enforcement officer as further described in this authorisation.
2. I am satisfied that the Appointee is a suitably qualified and trained person.
3. I authorise the Appointee to have all the powers of an enforcement officer under the Act to enforce the COVID-19 Public Health Response (Required Testing) Order 2020 and the COVID-19 Public Health Response (Vaccinations) Order 2021 (or any order that modifies, replaces, or corresponds to those orders).
4. This authorisation will take effect from **12 April 2022** and will continue to apply until **31 December 2022**, unless earlier revoked in accordance with section 18(4) of the Act.

Dated at Wellington 10 April 2022



Dr Ashley Bloomfield
Director-General of Health

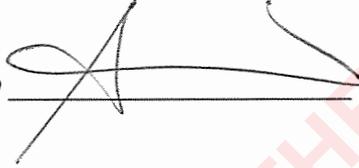
Evidence of authorisation

s 9(2)(g)(ii) (EO011), who is employed or engaged by the Ministry of Health, is authorised under section 18(1) of the COVID-19 Public Health Response Act 2020 (the Act), as an Enforcement Officer to exercise all the functions and powers of an enforcement officer under the Act.

A direction may be given either verbally or in writing.

These functions and powers may be carried out under the Act to enforce the COVID-19 Public Health Response (Required Testing) Order 2020 and the COVID-19 Public Health Response (Vaccinations) Order 2021 (or any order that modifies, replaces or corresponds to those orders).

Authorised by the Director-General of Health



Date:

10/4/22

This authorisation will take effect from **12 April 2022** and is valid until **31 December 2022**, unless earlier revoked in accordance with section 18(4) of the Act.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982