

4 May 2026

Erika Whittome
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Our ref: OIA 131086

Tēnā koe Erika

Official Information Act request: Further to OIA 126311

Thank you for your email of 17 March 2026 to the Ministry of Justice (the Ministry), requesting information under the Official Information Act 1982 (the Act).

You had previously asked the Attorney-General to provide you with the evidence or basis for the statement, in her 23 November 2021 advice on the consistency of the COVID-19 (Vaccinations) Legislation Bill (the Bill) with the New Zealand Bill of Rights Act 1990, that “[v]accination has been shown to substantially reduce transmission of COVID-19 as well as severity of symptoms” (OIA 126311). Your request was transferred to the Ministry to respond.

On 12 November 2025 the Ministry refused your request under s 9(2)(h) of the Act. The response noted that the statement you had quoted was consistent with public health advice contained in briefings that were provided to Ministers and Cabinet when they made decisions on the Bill, and that had since been released on the Department of the Prime Minister and Cabinet’s website.

On 17 March 2026 you sent a further request as follows:

Information has been redacted citing legal Privilege.

Yes I wish to receive the requested information and ask for the following:

As well as ethical obligations, the attorney client privilege does not cover the cooperation and planning and enabling of the continued violation of laws. Can I please have confirmation that your withheld information does not discuss any violations of laws, such as the New Zealand Bill of Rights and the Human Rights Act 1990 or any other constitutional legislation

On 17 April 2026, the Ministry advised you the timeframe to respond to your request was extended, in line with section 15A(1)(b) of the Act. This was because consultations were necessary to make a decision on your request which meant a response could not be made within the original time limit. You were advised we would respond before 5 May 2026.

For context, to assist the Ministry to advise the Attorney-General on the rights-consistency of proposed legislation, the relevant policy agency often provides with the Ministry with associated policy documents as background information. The Ministry may also consult other publicly available information.

In the case of the COVID 19 (Vaccinations) Legislation Bill, the Ministry received background information from the Ministry of Business, Innovation and Employment, the Department of Prime Minister and Cabinet and the Ministry of Health. The documents listed in the attached table were received as background information, and may have been relevant to or formed part of the basis for the statement you asked about in your initial request. We do not have a record of any other material that might have been considered as it was not specifically cited or saved.

In general, section 9(2)(h) of the Act applies to the background materials relating to the Attorney-General's advice to Parliament on the consistency of proposed legislation with the Bill of Rights Act. However, on reflection, we no longer take the view that section 9(2)(h) must be considered to apply to policy documents provided by the relevant agencies to support the Bill of Rights Act vetting process. This is because those documents were prepared independently of that process for a different purpose, and were provided as background information only.

As such, I have considered that these documents are now in scope of your request. Please refer to the documents listed in the attached table, noting the following refusal or withholding reasons:

- section 9(2)(h) of the Act to maintain legal professional privilege, and
- section 18(d) of the Act as the information is publicly available.

In withholding information under section 9 of the Act, I have considered the public interest and do not consider it outweighs withholding the information at this time.

The Ministry considers that this decision is likely to resolve your complaint to the Ombudsman about the Ministry's response to your earlier OIA request (OMB ref 033560), and will therefore provide a copy of this correspondence to the Ombudsman.

Please note this response, with your personal details removed, may be published on the Ministry website at: [Official Information Act responses | New Zealand Ministry of Justice](#).

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28 of the Act. The Office of the Ombudsman may be contacted by phone on: 0800 802 602, by email at: info@ombudsman.parliament.nz, or via the webform: [Make a complaint \(for members of the public\) | Ombudsman New Zealand](#).

Nāku noa, nā



Kathy Brightwell
General Manager, Civil & Constitutional Policy Group

CC: Nick Kennedy, Manager – Early Resolution, Ombudsman

Table 1: Background material in scope of your request

Doc no	Date	Document type	Description	Decision on release
1	12 October 2021	Briefing	Legislation to support COVID-19 vaccination	Refused under section 18(d) of the Act as this information is publicly available here: Legislation to support COVID-19 vaccination
2	14 October 2021	Joint briefing	COVID-19 VACCINE CERTIFICATES – SETTINGS FOR DOMESTIC USE	Refused under section 18(d) of the Act as this information is publicly available here: COVID-19-Vaccine-Certificates-settings-for-domestic-use.pdf
3	26 October 2021	Cabinet Paper	Supporting COVID-19 Vaccination Requirements in the Workplace	Refused under section 18(d) of the Act as this information is publicly available here: Supporting COVID-19 Vaccination Requirements in the Workplace
4	26 October 2021	Cabinet Minute	COVID-19 Vaccination Certificates: Implementation in Domestic Settings	Refused under section 18(d) of the Act as this information is publicly available here: COVID-19-Vaccination-Certificates-Implementation-in-Domestic-Settings.pdf
5	26 October 2021	Cabinet Minute	Supporting COVID-19 vaccination requirements in the workplace	Refused under section 18(d) of the Act as this information is publicly available here: Supporting COVID-19 Vaccination Requirements in the Workplace Cabinet Minute
6	26 October 2021	Cabinet Paper	COVID-19 VACCINATION CERTIFICATES: IMPLEMENTATION IN DOMESTIC SETTINGS	Refused under section 18(d) of the Act as this information is publicly available here: COVID-19-Vaccination-Certificates-Implementation-in-Domestic-Settings.pdf
7	27 October 2021	Drafting instructions	COVID-19 Public Health Response Act 2020 (Vaccinations) Amendment Bill 2021– Drafting Instructions	Withheld in full under section 9(2)(h) of the Act.