



30 June 2026

Ref: DOIA-REQ-0034124-Nigel Gray

Nigel Gray

Email: fyi-request-34823-e63c9718@requests.fyi.org.nz

Tēnā koe Nigel

On 4 June 2026 the Ministry of Business, Innovation and Employment (MBIE) received partial transfer of your request from Health New Zealand, under the Official Information Act 1982 (the Act), namely, for the following information:

I am requesting the following information held by the Ministry of Health relating to the Government's COVID-19 border restrictions and their impact on the right of New Zealand citizens to enter New Zealand.

2. NZ Bill of Rights Act 1990 – s18(2) and s5 analysis

All documents that assess, discuss, or reference the New Zealand Bill of Rights Act 1990, specifically:

s18(2) — the right of every New Zealand citizen to enter New Zealand

s5 — justified limitations on rights

This includes all proportionality assessments, rights-impact assessments, legal-medical interface documents, and any analysis of whether restricting citizen entry was prescribed by law, demonstrably justified, proportionate, the least rights-restrictive means available

3. Consideration of less-restrictive alternatives

All documents that consider, evaluate, or model less-restrictive alternatives to limiting citizen entry, including home isolation, rapid testing, risk-stratified entry, medically-supervised entry, alternative quarantine models.

4. MIQ availability and functional denial of entry

All documents that record, analyse, or discuss whether MIQ availability constraints constituted a functional denial of entry for New Zealand citizens who were unable to secure a voucher.

5. Consideration of the diplomatic request printed in the NZ passport (forced yes/no)

Please provide all documents, legal advice, internal correspondence, or policy papers that show whether the Ministry of Health considered, analysed, or discussed the legal meaning or implications of the diplomatic request printed inside the New Zealand passport:

“...to allow the bearer to pass freely without let or hindrance, and to afford the bearer such assistance and protection as may be necessary.”

This includes any assessment of whether COVID-19 border restrictions, MIQ availability limits, or flight-boarding restrictions were consistent with or contrary to that statement.

If no such documents exist, please confirm this explicitly.

As noted in our email to you of 22 June 2026, the information you have requested is broad in scope, encompassing every document produced by multiple work programmes over years. MBIE is therefore refusing your request under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

I recommend you review the publicly available material at the links supplied to you in the email on 22 June 2026 and submit further questions on specific areas you want more information on.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Kylie Marriner'.

Kylie Marriner
Manager, Ministerial Services
Labour, Science and Enterprise, MBIE