



30 May 2023



Ref: OIA-2022/23-0869

Dear ■

Official Information Act request follow up to request for correspondence/documents related to the use of domestic vaccine passes

Thank you for your Official Information Act 1982 (the Act) request received on 2 May 2023. You requested:

Thank you for responding on the portion of my request to relating to what was the document dated the 5th of July.

Funnily enough, I did read that document but because there was no mention of a domestic version of the vaccine pass (only in relation to international travel) I wondered if it was the correct reference. Perhaps the 2nd part of my request will shed more light on that?

I'm certainly interested in how that document which does not explicitly discuss it - led to domestic vaccine pass discussions.

On 22 May 2023 you were advised that the document titled 'Consultation (Initial advice on domestic use of Vaccine certificates)' was identified as being within scope of your request and you clarified that both the document and embedded emails were to be considered for release.

Please find enclosed the relevant information, subject to some information withheld under the following section of the Act:

- section 9(2)(h), to maintain legal professional privilege
- section 9(2)(a), to protect the privacy of individuals

I can further advise that this information was the basis for the previously released 'Joint Briefing: Initial Advice on the Domestic Use of COVID-19 Vaccination Certificates', I have however, withheld the DRAFT copy of this briefing in full under the following section of the Act:

- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion

However, here is a link to the final briefing: <https://covid19.govt.nz/assets/Proactive-Releases/Alert-levels-and-restrictions/10-Dec-2021/Vaccine-Certificates-and-CPF/Initial-advice-on-the-domestic-use-of-COVID-19-Vaccination-certificates.pdf>

Please note that this response covers information held by DPMC. The Ministry of Health would also hold information within scope of your request, however, I understand that you

have made a similar request to the Ministry of Health and as such I refer you to their response.

Finally, you will note on page 5 of the document being released to you that the Ministry for Pacific Peoples (MPP) is recorded as not having provided a response to DPMC. MPP have asked me to let you know that they did not provide a response because the request for comment wasn't received due an error in the recipient's email address.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response may be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Clare Ward
Executive Director
Strategy, Governance, and Engagement

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Agency	Feedback
<p>MBIE - Gayathiri Ganeshan and Shane Kinley including comments from Tourism – Karl Woodhead</p>  <p>B4104E7E.msg</p>	<p>Comments in draft and input on employment section, with a few broader comments:</p> <ul style="list-style-type: none"> - It's not clear how long these requirements are likely to be for, or precisely what events and venues. Some people, event organisers, and venues will see this as a restriction on their rights – while others may value this, hence the weighing approach we are taking for the workplaces advice. You might also want to look at whether this is intended as an enduring approach or linked to alert levels so there is a degree of certainty on this. It feels like the approach is of limited impact in AL3/4, given the limits on activities that can occur, so maybe more important to focus on AL1/2 application. - I appreciate you intend to look at this as a 2nd order issue, whether this will require legislation or can be dealt with through an Order will depend on the final shape of the proposal. If it is tied to an outbreak and is a short term measure linked to a particular alert level, then an Order may be appropriate (linked to ALs?). If it is a longer term preventative measure unrelated to an outbreak it is more likely to require legislation. And of course legislation is always the safer option when BORA issues are at play because it is not vulnerable to legal challenge in the way an order is. - It reads that this is about people who have received the vaccine in New Zealand. There will be a number of people who will have received vaccines overseas and this will increase over time. These people are likely to have some sort of certification of these vaccines – it would be good to see a discussion on the use of vaccine certificates (digital or physical) issued by other jurisdictions. As we look to get people like essential workers and major events participants, we'll see people coming with proof of overseas vaccination (and possibly participants in events where a lack of NZ vaccination may see them not able to participate in the events they're coming for). - It might be worth bringing the potential equity impacts and whether this might have the effect of further marginalising/discriminating against people out up-front. You make a good point about the potential for having a negative effect on vaccine uptake and have got to Tiriti analysis in the paper, but this could be stressed earlier? <p>Discussed with Hospitality NZ and the Restaurant Association on what their members would think of the hypothetical use of vaccine certificates. They've said that a majority of their members are supportive of this with regard to customers at level 2 and above but it would be problematic for their workforces (workers can't be easily redeployed from customer facing to non-customer facing roles). They see the use of vaccine certificates as a way of being able to operate more safely at alert levels 2 and above.</p>
<p>MFAT</p> <p>Rachel.Spencer@mfat.govt.nz Rachel.McLean@mfat.govt.nz Ara.TaiRakena@mfat.govt.nz</p>  <p>98802C21.msg</p>	<p>Specific edits in the paper.</p> <p>As a general comment it would be useful to include further detail on the operationalisation of this policy. In particular, how will vaccinations administered offshore be dealt with. This includes how vaccinations not currently used in the New Zealand rollout/approved for use in New Zealand will be accommodated in a CVC. This could cause significant issues for people (including New Zealanders) vaccinated offshore. We have seen this issue crop up in other countries i.e. where domestic vaccine certificates are in use and only one format is accept, therefore a New Zealander vaccinated in New Zealand is not able to access the local proof of COVID-19 vaccination because their proof of vaccination is not recognised; or where a vaccine is not recognised by the country and the flow on effects on this for individuals when domestic vaccine certificates are a requirement.</p>
<p>TSY</p> <p>Alastair.Cameron@treasury.govt.nz Michael.Sherwood@treasury.govt.nz</p>  <p>5ACA63D7.msg</p>	<ul style="list-style-type: none"> • The report notes that discussion of how this will impact total economic activity will need to be a part of further advice. When it comes to more detailed advice down the road though, I think Treasury will definitely want to be involved. My initial thinking was that the effect that CVCs might have on economic activity could be mixed. On the one hand, CVCs will add compliance costs to businesses if they are mandatory, and non-vaccinated people not able to fully participate in the economy. On the other hand, it may encouraging the vaccinated to participate more in the economy due to greater safety allowed by CVCs. Not sure if there is a good way to understand which impact is likely to be the largest, but will need to acknowledge these competing impacts on economic activity in future reporting. • What impact might CVCs have on encouraging vaccine hesitant people to get the vaccine (which would be a positive for both public health and economic activity)? The report says that using CVCs must be linked to benefiting public health. The obvious ways CVCs can do this is by reducing transmission in high risk settings by excluding the unvaccinated. But encouraging the unvaccinated to get vaccinated is also a benefit to public health. The report says other countries (I believe France might be one) are using vaccine certificates for this purpose, so it would be interesting to know how effective they have been in achieving this goal. • Building on that question, it would be good to know what, if any international evidence there is of the effect of this. I see that MFAT has been tasked with coming up with a summary of what other countries have been doing in this space, but I wasn't sure if this included looking at what the impact of CVCs overseas have been. A lot of the analysis in the report is based on first principles thinking, which makes sense, but good to bring in as much of the overseas experience, especially around how people respond to CVCs(vaccination rates, compliance with other public health restrictions) into later reporting if it is available. • One question that might be useful to think about is are CVCs only useful when we are at a moderate level of population vaccination? If we were at a very high rate of vaccination, presumably the public health benefit is much smaller, and then compliance costs may outweigh the benefit. In addition, it is possibly more acceptable from a social licence/equity perspective to have some people not be able to fully access some locations for a short period, but much less acceptable if it is permanent/long-term. • Is there a place to treat workers differently from customers? Would expect there to be a much lower compliance cost to check one time only for workers, instead of every time a customer uses a service.
 <p>D39E92FD.msg</p> <p>CLO (Mark Bryant) – Mark.Bryant@crownlaw.govt.nz and Katie.Anderson@crownlaw.govt.nz</p>	<p>Legally privileged section in the briefing</p>
<p>Office of the Privacy Commissioner – Liz Macpherson</p>	<p>The paper notes that government is seeking a solution to reduce the risk of COVID-19 transmission, to support safe reopening of the economy. On our reading of the paper, the specific problem being addressed is the potential proliferation of differing requirements for demonstrating vaccination status by PCBUs (e.g. each business may establish different requirements for individuals) and potential inequities and unintended consequences that could result. The paper argues this problem could be addressed by government standardising the demonstration of vaccination status, through the domestic use of Covid-19 vaccination certificates (CVCs).</p>

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<p>liz.macpherson@privacy.org.nz</p>  <p>92F35B13.msg</p>	<p>As a preliminary point, it is not clear to us that the case has been made that it is a reasonable requirement for a PCBU to manage access to their premises on the basis of vaccination status. Has legal analysis been carried out on this specific point, in terms of the liability a PCBU has in this case? This is an area that the Government could provide clarity on, if it so chooses.</p> <p>If this is a reasonable requirement, we would like to see Ministers presented with more analysis about the alternative options to address the above problem. A range of options do exist, including prohibiting PCBUs from requiring demonstration of vaccination status, or the use of other more privacy-protective measures such as a system that verifies as individual as ‘authorised’ but does not share any other personal information (a ‘Green Card’ approach, akin to a range of digital certificates that have been developed in other countries, such as the EU Digital Certificate). However, we acknowledge that there may well be legitimate situations for requiring individuals to demonstrate their vaccination status, and an efficient, convenient, and socially-acceptable means of doing so would be ideal.</p> <p>If the Government does decide to proceed with a standardised model of requiring demonstration of vaccination status, we would encourage a model that incorporates privacy at the heart of its design. This will be essential to ensuring that individuals can have confidence that their sensitive health information is not being misused, which is central to the social licence behind our Covid-19 response and recovery.</p> <p>In the design of any solution, consideration should be given to the following privacy matters:</p> <ul style="list-style-type: none"> • There is clarity on how an individual will be verified against their CVC (e.g. will businesses be required to check IDs against a “CVC and how will they be able to assure identity) • A prohibition on re-use of information collected, so that individuals can have confidence their personal information will not be re-used for purposes other than entry to a particular venue/setting. This should include re-use for law enforcement purposes. A system could be designed that does not store personal information at all. • The system can incorporate those people who are exempt from requiring a vaccination, in a way that supports their privacy (e.g. not disclosing the reason they are exempt in the case of health reasons) • We also recommend that demonstration of vaccination status have either a clear end date or review date, as it may not be required in the future. • That the system can cover those individuals who cannot utilise a digital CVC, so as to address any equity concern <p>The decision on what scenario option to pursue should be guided by public health evidence; the privacy impacts of each vary significantly. The privacy impacts will also vary significantly depending on the solution designed. We are happy to provide more detailed advice on the privacy issues inherent in each scenario, when the policy thinking has matured further.</p>
<p>Customs: Richard.bargh@customs.govt.nz</p>	<p>No response</p>
<p>MSD: Maria-Laura.Crespo001@msd.govt.nz</p>  <p>18A35999.msg</p>	<p>Below is some additional feedback, that focuses more on our other major concern around the risks of impacts on equity of access/participation in society. Given how fraught this topic is, we’d recommend that we spend some time either the 2pm AOG DCE policy group meeting tomorrow or through another specifically convened meeting of agency DCEs, before advice is finalised to continue teasing out these options.</p> <p>Equity of access and subsequent impacts on economic and social participation</p> <ul style="list-style-type: none"> • We would recommend adding social cohesion as a pro/con to each of the scenarios and also calling out the impacts on social cohesion (as it relates to social licence) in both the equity of impact section (perhaps after para 25) as well as at para 28 (c). The stronger government mandated CVCs the stronger the negative impacts on social cohesion that will need mitigation, especially for those populations who have pre-existing equity of access issues with vaccinees such as Māori and younger people and those where there is strong distrust in government and/or vaccine hesitancy. <ul style="list-style-type: none"> ○ It could be argued that excluding people could drive an uptake in vaccinees, but it’s a divisive way of doing it. • The equity of impacts outlined in the pro/cons under different scenarios are difficult to quantify as either positives or negatives. For example under all of the scenarios, those groups who have not had high proportions vaccinated or have other equity of access issues with vaccinees (ie Māori, young people) will have negative equity of access impacts and also negative social cohesion impacts. • There may be value in adding a further point about the risks of compounding economic and social inequities if mandates/requirements in workplaces/staff is introduced and particular population groups such as Māori, young people who are already economically disadvantaged, are further excluded. <p>If you haven’t seen it, there’s some good analysis from Tom Dare (University of Auckland) and Justine Kingsbury (University of Waikato) this week on the Conversation: Why a domestic NZ COVID ‘passport’ raises hard questions about discrimination, inequality and coercion (theconversation.com)</p> <p>Additional populations/places to consider in impact analysis</p> <ul style="list-style-type: none"> • We’d strongly encourage that other communities be consulted on this policy including, Pacific, ethnic communities, and disabled peoples (rec 7 and para 32) • If Ministers prefer to take a more enabling/mandating role in certificates then spaces that are important to various population groups also become quite important to consider and consult with different groups on, especially if they are determined to be high-risk locations. For example, marae, churches (where there have been significant clusters on current and previous resurgences) and other religious and/or cultural settings as they relate to Pacific, Māori, and other ethnic communities. The interaction with social cohesion and social licence can not be underestimated here for these groups as well given fragile trust relationships with government. • Para 24 - should expand the types of populations that could be impacted, including, disabled people due to health • Para 27 - good to see digital equity issues highlighted, but suggest that this is not isolated to just older Māori, but other populations that have similar issues, including older people, disabled people, as well as those populations that intersect with various ethnicities that may also experience digital exclusion such as Māori and Pacific population. • It’s also worth noting that some older people may also be in the difficult to reach category as a result of lacking identification (either having lost/surrender their driver’s licence). <p>Additional points</p> <ul style="list-style-type: none"> • s9(2)(h) Can we confirm whether Justice policy group have been consulted on BORA impacts? • The paper may want to acknowledge that there will be significant impacts for Government itself as an employer, owner and service provider. (at Para 28, b) <p>Para 23 - Will alternative approaches be part of the next phase of work? This could be better articulate in the paper.</p>
<p>MCH – Emma.Spooner@mch.govt.nz</p>  <p>509A880F.msg</p>	<ul style="list-style-type: none"> • Definitely agree there is strong industry interest in this – it’s a topic of discussion amongst all our sectors, and any ability to engage on proposals would be greatly appreciated. I’m sure every other sector feels the same, and I’m sure I’m telling you what you already know, but there is a strong feeling of Govt not engaging and then not getting things quite right in the response space, including from our Crown Entities. Given the proposal around Scenario 2 would have a significant impact on our sector, we would recommend some targeted consultation with most impacted sectors, which we could support to happen. We’ve already floated the idea of MCH leading a bit of a cross-cultural-sector group to engage on Covid issues, so that could be an ideal forum. • There is generally likely to be support for domestic use of a CVC across our sectors, especially if it will allow higher audience numbers and allow more of the sector to operate at levels that are more sustainable, although we are hearing some concerns from public venues such as Te Papa about potential equity issues.


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	<ul style="list-style-type: none"> The events/music/arts sectors may provide a useful mechanism for incentivising younger and hard to reach parts of the community to get vaccinated, and also for gaining social licence for wider government interventions related to Covid response activity, as well as communicating the types of issues discussed in para 14. Te Matatini are already advocating strongly for vaccinations amongst iwi in the regions, and have been considering requiring proof of vaccination for competitors. There would be some support for the statements about active protection of Māori through these measures and Te Matatini may be able to provide useful insights to adoption of CVC in relation to Kapa Haka events in particular, but wider in terms of trying to address equity issues in paras 25-27. The key thing we are hearing from our sectors is they want certainty and clarity from central Government. In this case they likely won't want discretion to set their own rules - it will be an imposition on audiences and attendees, so being required to do by Govt is actually easier – Scenario 2 sounds like it would do that as long as there are clear guidelines on who it applies to. There are instances where venues etc have sought legal advice to determine what they can impose, such as in relation to QR codes, so certainty and clarity is key to avoid unnecessary costs such as these. While there is support, there is concern about compliance costs and logistics, so advance notice and potential support to comply would be appreciated by the sector. We support implementation by December 2021 to allow summer festivals to adopt/adapt in time for January events. Would need to ensure alignment/consideration of requirements for workers at events/venues noted in para 29. <p>Note the burden imposed on smaller organisations under Scenario 1. Engagement through cultural agencies could assist this; there is scope for MCH/MBIE (and maybe others) cross-agency work on events and venues sector</p>
<p>MPI – Antonia.Reid@mpi.govt.nz</p>  <p>DB4A9BF5.msg</p>	<p><i>Relationship with the Health and Safety at Work Act</i></p> <ul style="list-style-type: none"> We note the comment in the paper that links between the CVC and the HSWA are yet to be analysed and considered. We agree that this will be important and will be particularly interested in how proposals may affect employers and employees and the roles they would be expected to play (as the focus in the paper is on clients and customers). Some primary industry venues / workplaces are large and may pose similar risks as large scale events, so clarity here in future advice would be useful. Many of our primary industries – meat processing plants, milk processors and so on) are not at this point included. Do we rely on the assumption and rules regarding safe working? Would these still apply at lower alert levels? <p><i>High risk event</i></p> <ul style="list-style-type: none"> It is not clear from this paper what this is or what the scale might be. It might be useful to give some thought to this early on to make some clearer distinctions between a 'high risk event' and other contexts in which large numbers of people might gather (including large workplaces / factories). Many of our primary industries - meat processing plants, milk processors etc have large numbers of employees. Appreciate that this analysis is still to come, but it might be useful to acknowledge that these workplaces may be considered as part of this analysis. <p><i>Impact on primary industries</i></p> <ul style="list-style-type: none"> See comments above on PI workplaces. A note to be aware of is that safe working at some primary industry venues (eg a processing plant) results in reduced output because workers are spaced further apart so they operate at reduced capacity. Ideally that capacity can be increased if we rely on CVCs as a safeguard this keeps the economy rolling with less detrimental impact on trade and the economy. The sooner you get to normal production and outputs the better for the economy and our trading partners. Many primary industries have public interface and can involve significant numbers of people and multiple interface – at a reception, vets in public practise, at processing plants, sale auctions; stock agents; rural supplies stores and field reps for fertiliser, agricultural and horticultural contractors, machinery maintenance and repairs; fruit picking and packhouses and the associated seasonal and temporary workforce highs to deal with seasonal output – fruit and vegetables. Forestry - logging operations, haulage and wood processing plants and then Fisheries - fishing vessels, sales and processing plants. Some of these industry groups employ high numbers of Maori and Pacific people with lower vaccination rates and there will be exceptions for some regardless of a mandated requirement. <p>A general comment for the overall context - does 'public health imperative' include Alert Level 1 (or a lesser 2) situation where COVID-19 is not likely to be present in the community? What is the trigger for the public health imperative, and is it on-going? It might be useful to clarify this from the outset, if possible at this stage.</p>
<p>Moj – covidpolicy@justice.govt.nz Sally.Wheeler@justice.govt.nz ; Brendan.gage@justice.govt.nz</p>  <p>B4FE66CB.msg</p>	<p>General</p> <ul style="list-style-type: none"> Given that the key trade-off is between public health interest and rights and freedoms, we suggest these are addressed in an equivalent way wherever possible throughout the paper. We suggest ensuring equivalent undertakings to do further work on public health analysis and on rights policy analysis. One way would be to add to Rec 2 an undertaking to do further work on the issues, to be equivalent to the Rec 4 undertaking. <p>Human rights</p> <ul style="list-style-type: none"> At this early stage, with high-level proposals, we cannot yet provide more detailed advice on several aspects that we anticipate will be of interest to us. Re using a public health imperative to justify the proposals: We would need a clearer idea of what the public health imperative was before we could comment on the justification. For example, the public health imperative for alert levels is based on how widespread COVID-19 is within our community, and this is how we evaluate whether the restrictions are justified. We think similar considerations would be relevant to the use of vaccination certificates. The proposals are more likely to be NZBORA consistent when they are used as a tool to ease existing restrictions and improve public health outcomes, not on top of existing restrictions. It might be useful (perhaps in later stages of the advice) to set out how the passport certificate would operate as part of the suite of tools to respond to COVID-19. Scenario Two has a positive assessment of "equity" in that everybody eligible would have been offered the vaccine. Being offered a vaccine is not the same as equitable access to vaccines, especially given the proposal might commence from as early as December 2021. We suggest articulating this nuance around para 24. The details of proposed exemptions to the requirement (and feasibility of reasonable alternatives like testing requirements), as mentioned in para 23, will be important when assessing consistency of a more detailed proposal with NZBORA. <p>Privacy</p> <ul style="list-style-type: none"> We are pleased to note you will be engaging with the Privacy Commissioner on the policy development of the proposals The draft paper acknowledges the importance of a clear public health imperative to justify the limitations on rights and we consider that the same would apply in terms of the privacy implications of the proposal

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	<ul style="list-style-type: none"> We are particularly interested in the privacy implications for people exempt from vaccination (eg for medical reasons). If a CVC becomes a requirement of entry to a place, it is important the reasons for individual's exemptions are managed carefully in the most privacy protective way possible. We appreciate this analysis will likely be fleshed out further as the paper progresses The paper notes "the Privacy Act is also relevant, which the CLO advised has principles that are generally enabling, providing the collection is necessary for a legal purpose" (para 16)." We agree that the Privacy Act is relevant and in many ways enabling, but it is unclear to us exactly what is meant by this sentence and consider some further clarification may be useful. For example, if this means that requiring a CVC is likely to be consistent with the Privacy Act (especially IPPs 1 and 4), we think this is probably not as clear cut as the paper suggests, especially across all possible contexts that may require a CVC. In particular, we're contemplating the scenario where some businesses are mandated by the Government to require CVCs, but others aren't, yet those businesses still decide on their own accord to require people to show a CVC. If you have legal advice on this, we would be interested to see it. <p>Te Tiriti o Waitangi</p> <ul style="list-style-type: none"> We see the paper notes a more comprehensive analysis of Te Tiriti o Waitangi implications is required. We agree that the intent behind introducing a requirement for the CVC (ie protecting people) aligns with the principle of active protection. However, it may be worth noting equity concerns regarding the currently low Māori vaccination rates, which in turn could lead to decreased rates of Māori obtaining a CVC. If being able to obtain a CVC was more difficult for Māori, this would inhibit ability to access certain places, which we consider has equity implications under Te Tiriti.
<p>Ministry of Transport – S.tucker@transport.govt.nz</p>  A2643611.msg	<p>- There could be an option to Govt to mandate for big events (e.g. big music festivals) and private sector could adopt it on a more local level at its discretion If we only let vaccinated people in when we open the border, how much will using CVCs matter? Would the public health imperative then be to protect unvaccinated people?</p>
<p>Ministry of Education –</p>  - Ema Hao'uli 92673347.msg	<p>We wanted to note for implementation that universities are seeking guidance on the acceptability of students/family members arriving in New Zealand who have been vaccinated with vaccines other than those currently in use in New Zealand (they raised Sputnik as an example) – this will also need to be considered as part of CVC.</p> <p>As a general comment, acknowledging that it's still early days in this process, we're very keen to continue to be involved as this work progresses to figure out how any potential CVC rules should be applied to education entities, and whether different rules for different kinds of entity might be required. We don't yet have a clear view on this, with part of the reason being that we do not yet have a clear picture/statement of how the public health experts regard schools, early learning services and tertiary providers from a COVID risk perspective. We continue to come up against the public perception that schools, for example, are high risk environments for COVID, and we had some very good scientific evidence to support schools early in the COVID response in 2020, but are missing that in light of Delta in 2021. This work may be a good opportunity for us to gain some clarity on this.</p>
<p>Te Arawhiti –</p>  Henry Broughton 552FC3ED.msg Rose Jago Roger Falloon Caleb Johnstone	<p>We note that this paper provides initial advice only, and that further advice will be developed. More analysis and information will be needed for Ministers to be able to make informed decisions about vaccination certificates. This should include more detailed analysis about the impact vaccination certificates would have and the impact on Māori (and other communities) that have lower vaccination rates. As noted in paragraph 15, it would be highly likely that introducing a domestic vaccine passport would disproportionately impact Māori communities given current vaccination rates. This raises significant equity issues and associated risks to Māori communities that are not yet adequately addressed. We appreciate this is fast moving advice, and that an update on public health advice is planned for next week – will this include other aspects of advice, such as impacts on Māori? We note that you have indicated an intention to engage with Māori and we are interested to know who you intend to engage with, and when?</p> <p>Our comments on the paper fall into two areas:</p> <ul style="list-style-type: none"> Impact/effectiveness of domestic use of vaccine passports. The paper notes that similar schemes have been used or are about to be rolled out in other countries, but provides no evidence about how impactful they have been. The paper notes that some countries are phasing these out, or have chosen to not roll them out. Recommendation 4 notes that more 'public health analysis' is required. This analysis should consider what effect such a scheme would have on Māori communities. More analysis is required to understand: <ul style="list-style-type: none"> do vaccination certificates work in other settings, and what impacts has there been on minority or indigenous populations when used overseas? how might certificates work in a country like New Zealand with a smaller population, fewer large scale events and a low baseline level of COVID in the community? how would the effectiveness of these be measured (including across different communities)? And would there be an end date to their use? The impact of the policy from a Treaty and equity perspective. The paper notes this gap, and refers to an intention to engage with Māori (and other groups) but only after public health analysis has been completed. We recommend that earlier engagement with Māori be undertaken in parallel with the public health analysis. We note that Māori should be engaged as the Treaty partner rather than as part of a wider stakeholder consultation. The references to the Treaty principles (paragraph 15) are problematic. For example, rangatiratanga refers to collective rights of self-determination in different contexts (rather than individual rights as referred to in the paper) and, as referred to above, the disproportionate impact on Māori and associated risks needs more consideration and analysis. There may also be opportunities to partner with Māori that have not yet been considered. We recommend that DPMC and Ministry of Health: <ul style="list-style-type: none"> complete a more thorough Treaty analysis; engage Māori leaders, Māori health experts, community health practitioners and the Māori health team at Ministry of Health to explore the impacts of the policy proposals and consider alternatives; and clarify how implementation would impact Māori and other communities (for example if smartphone technology were to be used this could have exclusionary impacts). <p>We can also provide further advice on Treaty analysis components and engagement with Māori.</p>
<p>TPK – keene@tpk.govt.nz and  olset@tpk.govt.nz 8DE2E983.msg</p>	<p>Comments in this paper – question if engagement will involve National Iwi Chairs Forums.</p>
<p>Police – 1078A189.msg Bronwyn Donaldson</p> 	<p>Thank you for the opportunity to comment on the draft paper on the domestic use of COVID-19 Vaccination certificates.</p> <p>Police's main interest is whether there has been any consideration given to enforcement of any restrictions or requirements associated with a person's vaccination status. It isn't clear in the paper whether it would be an offence to access or to provide access to relevant places, without a vaccination certificate, and if it was, who would be expected to enforce the restriction. This issue should be considered within the wider context of enforcement of COVID related restrictions as a means of controlling the spread of Delta or other variants of COVID in the future. Existing restrictions on access to certain places, such as age-restrictions on access to licensed premises, might be useful models. Scenario 1 for widespread application would be particularly difficult to enforce given the breadth of places that would require someone to present a certificate. Police would need to rely on high levels of compliance and</p>

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	<p>encouragement from businesses to enforce this. It would also be helpful to clarify if there is any intent to introduce penalties/infringements relating to vaccination certificates and their use. While this might sit within the further work required on what the role of government might be we think this important to give an indication now so that the Minister understands the full suite of implications of the proposal.</p> <p>We assume Police staff would be captured by reference to public facing services and workplaces. As we don't know the vaccination status of all of our staff we are unsure how this might affect the deployment of our staff. We assume this would be true for other public services. It would be useful for the paper to be clear on what the implications of the scenarios might mean for public services such as Police.</p> <p>There is currently no reference to how those who are not eligible to be vaccinated (under 12) might be treated. This maybe worthy of some consideration in the paper.</p>
<p>DIA –Laura.Sommer@dia.govt.nz ; Justine.Smith@dia.govt.nz Alan.Bell@dia.govt.nz</p>  <p>DEC1457F.msg</p>	<p>Privacy: the OPC view is one that we would expect the regulator to take, and a timebound requirement is consistent with a Health-led activity.</p> <p>Accessibility: Noted: (paragraph 23) the accessibility concerns, and that further work is required. There will be legitimate grounds for individuals to not be vaccinated, and the development of a CVC is best designed to indicate this fact but with the minimum declaration of personal information possible (i.e. “this person is exempt from vaccination due to medical reasons”, compared to “this person is not vaccinated”). This is where personal information that otherwise would not be made public does have to be where the presentation of a CVC is required, and will be a primary accessibility issue.</p> <p>Māori/Crown relationship: – that we have to actively consider in our AOG roles, digital public service and partnership – it's encouraging that DPMC are considering accessibility and tino rangatiratanga at this early stage. Together with Health on contact tracing card trials – we've seen the benefits of early partnership in development. How is that perspective brought in during the policy development?</p> <p>The local government sector is heavily invested in the events industry especially through their economic development partners and in funding and running major events/venues etc. We are already getting queries about what the rights or otherwise are for Councils and Events/Venues to insist on staff being vaccinated or attendees being vaccinated. Obviously not a major issue right now under current Alert Level Settings, however we anticipate that under AL1 or an adjusted setting that allows larger gatherings, this question will be top of mind for local government. The LG sector will look to government for consistent guidance from central government and a rationale that they can communicate to their communities. So just to reiterate our interest in this piece of work and in being able to provide timely guidance to our local government leaders.</p> <p>Add Justine.Smith@dia.govt.nz to AOG distribution list</p>
<p>Ministry for Ethnic Communities – Email to Ruth from Jeet.Sheth@ethniccommunities.govt.nz</p>	<p>I suspect the equity and social cohesion issues apply equally to some ethnic communities under MEC's mandate and are probably well covered. Broadly 'Asian' communities have a higher uptake but there are subgroups which have lower rates (MoH stats on vaccine uptake attached, which as you're aware, they aggregate and publish).</p>
<p>MPP Matthew Gileone – Matthew.Gileone@mpp.govt.nz</p>	<p>No response</p>

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Oliver Whitehead [DPMC]

From: SPENCER, Rachel (CPCD) <Rachel.Spencer@mfat.govt.nz>
Sent: Thursday, 16 September 2021 3:20 pm
To: Kayleigh Wiltshire [DPMC]
Cc: JOHAL, Sarah (CPCD); KARRAN, Glenys (CPCD); MCLEAN, Rachel (CPCD); ^MFAT: David Taylor; TAI RAKENA, Ara (CPCD); Megan Stratford [DPMC]
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Follow Up Flag: Follow up
Flag Status: Completed

[SEEMAIL] [IN CONFIDENCE]

Kia ora Kayleigh,

Thank you for the opportunity to comment on the paper.

As a general comment it would be useful to include further detail on the operationalisation of this policy. In particular, how will vaccinations administered offshore be dealt with. This includes how vaccinations not currently used in the New Zealand rollout/approved for use in New Zealand will be accommodated in a CVC. This could cause significant issues for people (including New Zealanders) vaccinated offshore. We have seen this issue crop up in other countries i.e. where domestic vaccine certificates are in use and only one format is accept, therefore a New Zealander vaccinated in New Zealand is not able to access the local proof of COVID-19 vaccination because their proof of vaccination is not recognised; or where a vaccine is not recognised by the country and the flow on effects on this for individuals when domestic vaccine certificates are a requirement.

Specific comments:

- Recommendation 1 suggest the following language ...*available for people vaccinated in New Zealand*...
- Equity section (paras 24-27) it would be useful to include the discussion here on the situation for individuals (including New Zealanders) vaccinated offshore, whether by a New Zealand-approved vaccine or an un-approved vaccine.
- Para 28 d talk about operational issues – we are concerned that these could be significant in particular for those vaccinated offshore. Work is under way on the mutual recognition of vaccine certification but until this is completed this could exclude a portion of the population.
- Include the following language in para 28 d “Operational considerations, such as who is captured by the term ‘fully vaccinated’ given variations in domestic and international vaccines *and the range of different vaccination certificates received by those vaccinated offshore*, data and privacy concerns, technology requirements for the domestic development of a CVC, compliance, and alignment with different Alert Levels.
- Table 1 in each of impact on equity sections – need to include *those vaccinated offshore*.

Happy to discuss.

Ngā mihi nui,

Rachel

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Sent: Wednesday, 15 September 2021 5:47 pm
To: TAYLOR, David (CPCD) <David.Taylor@mfat.govt.nz>; SPENCER, Rachel (CPCD) <Rachel.Spencer@mfat.govt.nz>; MCLEAN, Rachel (CPCD) <Rachel.McLean@mfat.govt.nz>; JOHAL, Sarah (CPCD) <Sarah.Johal@mfat.govt.nz>; TAI

RAKENA, Ara (CPCD) <Ara.TaiRakena@mfat.govt.nz>; Alastair Cameron [TSY] <Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz; ...BARGH, Richard (Inet) <Richard.Bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz; emma.spooner@mch.govt.nz; antonia.reid@mpi.govt.nz; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark <Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>; keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

M +64 21 089 26074

E kayleigh.wiltshire@dpmc.govt.nz



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Oliver Whitehead [DPMC]

From: Ema Hao'uli <Ema.Haouli@education.govt.nz>
Sent: Thursday, 16 September 2021 5:41 pm
To: Kayleigh Wiltshire [DPMC]
Cc: ^Education: Tony Clark; ^EDU: Katrina Sutich; Paul Fenton; ^EDU: Anne-Margaret Campbell
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Attachments: 1509 - Agency consultation Draft on Domestic Certificates.docx
Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh,

Aroha mai for the late response, and many thanks for sending this paper through for our review. Specific comments on the paper are **attached**. We also wanted to note for implementation that universities are seeking guidance on the acceptability of students/family members arriving in New Zealand who have been vaccinated with vaccines other than those currently in use in New Zealand (they raised Sputnik as an example) – this will also need to be considered as part of CVC.

As a general comment, acknowledging that it's still early days in this process, we're very keen to continue to be involved as this work progresses to figure out how any potential CVC rules should be applied to education entities, and whether different rules for different kinds of entity might be required. We don't yet have a clear view on this, with part of the reason being that we do not yet have a clear picture/statement of how the public health experts regard schools, early learning services and tertiary providers from a COVID risk perspective. We continue to come up against the public perception that schools, for example, are high risk environments for COVID, and we had some very good scientific evidence to support schools early in the COVID response in 2020, but are missing that in light of Delta in 2021. This work may be a good opportunity for us to gain some clarity on this.

Ngā mihi,
Ema

Ema Hao'uli | Senior Policy Analyst | System, Regulatory & Higher Education Policy | Te Ara Kaimanawa
DDI 04 463 1551 / 021 114 0363

From: Tony Clark <Tony.Clark@education.govt.nz>
Sent: Wednesday, 15 September 2021 6:38 pm
To: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Cc: Ema Hao'uli <Ema.Haouli@education.govt.nz>
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Thanks Kayleigh
If we have comments from Education, Ema Hao'uli will be coming back to you.
Have a good evening.
Tony

Tony Clark | Policy Director | Poutohu Kaupapa, Education System Policy
DDI +6444637054 | Mobile +64 21 239 2388
33 Bowen Street, Wellington

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>

Sent: Wednesday, 15 September 2021 5:47 p.m.

To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz;
Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY]
<Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz; ^Customs: Richard Bargh
<Richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz; emma.spooner@mch.govt.nz;
antonia.reid@mpi.govt.nz; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; Tony Clark
<Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>;
keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker
<paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow
<Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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Oliver Whitehead [DPMC]

From: Shelley Tucker <s.tucker@transport.govt.nz>
Sent: Thursday, 16 September 2021 4:55 pm
To: Kayleigh Wiltshire [DPMC]
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Attachments: 1509 - Agency consultation Draft on Domestic Certificates.docx
Follow Up Flag: Follow up
Flag Status: Completed

[IN-CONFIDENCE]

Hi Kayleigh,

Thanks for your email. A few comments from Transport, although we note at this stage that the proposals do not really touch on our sector at this point.

Thanks

Shelley

Shelley Tucker (she/her)

M: s9(2)(a) | E: s.tucker@transport.govt.nz | transport.govt.nz

Assistant: Tarien Knoetze | M: s9(2)(a) | E: t.knoetze@transport.govt.nz | transport.govt.nz



From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Sent: Wednesday, 15 September 2021 5:47 pm
To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz; Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY] <Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz; ^Customs: Richard Bargh <Richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz; emma.spooner@mch.govt.nz; antonia.reid@mpi.govt.nz; Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark <Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>; keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>
Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>
Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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Auckland | NZ Government Auckland Policy Office | 45 Queen Street | PO Box 106238 | Auckland City | Auckland 1143 | NEW ZEALAND | Tel: +64 4 439 9000 |

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Oliver Whitehead [DPMC]

From: Wheeler, Sally <Sally.Wheeler@justice.govt.nz>
Sent: Thursday, 16 September 2021 6:07 pm
To: Kayleigh Wiltshire [DPMC]
Cc: Justice COVID Policy
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh

Thank you for sharing the draft briefing on domestic use of vaccination certificates for feedback. We're very interested in the proposal and the issues it raises, particularly re balancing public health interest with rights and freedoms. We have the following high-level comments from our human right, privacy, and constitutional people:

General

- Given that the key trade-off is between public health interest and rights and freedoms, we suggest these are addressed in an equivalent way wherever possible throughout the paper. We suggest ensuring equivalent undertakings to do further work on public health analysis and on rights policy analysis. One way would be to add to Rec 2 an undertaking to do further work on the issues, to be equivalent to the Rec 4 undertaking.

Human rights

- At this early stage, with high-level proposals, we cannot yet provide more detailed advice on several aspects that we anticipate will be of interest to us. Re using a public health imperative to justify the proposals: We would need a clearer idea of what the public health imperative was before we could comment on the justification. For example, the public health imperative for alert levels is based on how widespread COVID-19 is within our community, and this is how we evaluate whether the restrictions are justified. We think similar considerations would be relevant to the use of vaccination certificates.
- The proposals are more likely to be NZBORA consistent when they are used as a tool to ease existing restrictions and improve public health outcomes, not on top of existing restrictions. It might be useful (perhaps in later stages of the advice) to set out how the passport certificate would operate as part of the suite of tools to respond to COVID-19.
- Scenario Two has a positive assessment of "equity" in that everybody eligible would have been offered the vaccine. Being offered a vaccine is not the same as equitable access to vaccines, especially given the proposal might commence from as early as December 2021. We suggest articulating this nuance around para 24.
- The details of proposed exemptions to the requirement (and feasibility of reasonable alternatives like testing requirements), as mentioned in para 23, will be important when assessing consistency of a more detailed proposal with NZBORA.

Privacy

- We are pleased to note you will be engaging with the Privacy Commissioner on the policy development of the proposals
- The draft paper acknowledges the importance of a clear public health imperative to justify the limitations on rights and we consider that the same would apply in terms of the privacy implications of the proposal
- We are particularly interested in the privacy implications for people exempt from vaccination (eg for medical reasons). If a CVC becomes a requirement of entry to a place, it is important the reasons for individual's exemptions are managed carefully in the most privacy protective way possible. We appreciate this analysis will likely be fleshed out further as the paper progresses

- The paper notes “the Privacy Act is also relevant, which the CLO advised has principles that are generally enabling, providing the collection is necessary for a legal purpose” (para 16).” We agree that the Privacy Act is relevant and in many ways enabling, but it is unclear to us exactly what is meant by this sentence and consider some further clarification may be useful. For example, if this means that requiring a CVC is likely to be consistent with the Privacy Act (especially IPPs 1 and 4), we think this is probably not as clear cut as the paper suggests, especially across all possible contexts that may require a CVC. In particular, we’re contemplating the scenario where some businesses are mandated by the Government to require CVCs, but others aren’t, yet those businesses still decide on their own accord to require people to show a CVC. If you have legal advice on this, we would be interested to see it.

Te Tiriti o Waitangi

- We see the paper notes a more comprehensive analysis of Te Tiriti o Waitangi implications is required. We agree that the intent behind introducing a requirement for the CVC (ie protecting people) aligns with the principle of active protection. However, it may be worth noting equity concerns regarding the currently low Māori vaccination rates, which in turn could lead to decreased rates of Māori obtaining a CVC. If being able to obtain a CVC was more difficult for Māori, this would inhibit ability to access certain places, which we consider has equity implications under Te Tiriti.

We hope this is useful. Feel free to call with any questions.
We’re very keen to be involved as the work progresses.

Ngā mihi
Sally



Sally Wheeler

Manager – Harm Reduction and Public Safety | Policy Group
Ministry of Justice | Tāhū o te Ture
45089 | +64 4 978 7089 | +64 27 282 3607
Justice Centre | 19 Aitken Street | Wellington 6011

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Sent: Wednesday, 15 September 2021 5:49 pm
To: Wheeler, Sally <Sally.Wheeler@justice.govt.nz>; Gage, Brendan <Brendan.Gage@justice.govt.nz>
Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>
Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Importance: High

[IN-CONFIDENCE]

Kia ora Sally and Brendan,

As mentioned in Ruth’s email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates. I am happy to set up a call to discuss comments over the phone tomorrow too, if you would prefer.

Please send your comments to me by **5pm tomorrow**.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor
Strategy and Policy | COVID-19 Group
M +64 21 089 26074

E kayleigh.wiltshire@dpmc.gov.nz



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- (2) do not act on this email in any other way.

Thank you.

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Oliver Whitehead [DPMC]

From: Shane Kinley <Shane.Kinley@mbie.govt.nz>
Sent: Thursday, 16 September 2021 5:03 pm
To: Kayleigh Wiltshire [DPMC]
Cc: ^MBIE: Paul Stocks; Gayathiri Ganeshan; Anna Clark; Val Sim; ^MBIE: Kara Isaac; Sara McFall; Nora Burghart; ^MBIE: Karl Woodhead
Subject: FW: Agency consultation by 5pm 16/09: Draft initial advice on the domestic use of COVID-19 vaccination certificates [IN-CONFIDENCE]
Attachments: 1509 - Agency consultation Draft on Domestic Certificates (GG).docx
Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh

Thanks for sharing and for discussion – this is coming together well. We don't have a huge amount of comment, but some points to consider – noting you are awaiting public health advice which is key for this. In particular, I think it would be useful (and we are considering for the workplace advice) looking carefully at the context for any requirements shifts as vaccination rates increase (which appears internationally to be leading to mixed responses – some countries are relaxing these sorts of requirements, which I think you point out, but it can also arguably increase the social license for the approach) and as the border opens (subject to whether there are vaccination requirements to cross the border and whether this entails a relaxing of expectations that COVID-19 may become endemic in the community at some stage, which is a big call outside my expertise).

We've provided specific edits in the attached document for the paras re the advice we're giving Hon Wood on workplace issues (hopefully tomorrow still, but currently work in progress).

A few broader comments (appreciating that this is the initial advice and further advice on implementation would follow if Ministers want to pursue this idea) – some of these are tagged with comments in the attached:

- It's not clear how long these requirements are likely to be for, or precisely what events and venues. Some people, event organisers, and venues will see this as a restriction on their rights – while others may value this, hence the weighing approach we are taking for the workplaces advice. You might also want to look at whether this is intended as an enduring approach or linked to alert levels so there is a degree of certainty on this. It feels like the approach is of limited impact in AL3/4, given the limits on activities that can occur, so maybe more important to focus on AL1/2 application.
- I appreciate you intend to look at this as a 2nd order issue, whether this will require legislation or can be dealt with through an Order will depend on the final shape of the proposal. If it is tied to an outbreak and is a short term measure linked to a particular alert level, then an Order may be appropriate (linked to ALs?). If it is a longer term preventative measure unrelated to an outbreak it is more likely to require legislation. And of course legislation is always the safer option when BORA issues are at play because it is not vulnerable to legal challenge in the way an order is.
- It reads that this is about people who have received the vaccine in New Zealand. There will be a number of people who will have received vaccines overseas and this will increase over time. These people are likely to have some sort of certification of these vaccines – it would be good to see a discussion on the use of vaccine certificates (digital or physical) issued by other jurisdictions. As we look to get people like essential workers and major events participants, we'll see people coming with proof of overseas vaccination (and possibly participants in events where a lack of NZ vaccination may see them not able to participate in the events they're coming for).
- It might be worth bringing the potential equity impacts and whether this might have the effect of further marginalising/discriminating against people out up-front. You make a good point about the potential for having a negative effect on vaccine uptake and have got the Tiriti analysis in the paper, but this could be stressed earlier?

As discussed, the WorkSafe-convened Ginger Group hasn't really given specifics on the extent of business demand for this type of thing. There were indications of interest at the first meeting a few weeks ago and reiteration of this at a conceptual rather than specific level last week. Our EDT colleagues at MBIE have done some informal discussion – comment below:

I've discussed with Hospitality NZ and the Restaurant Association on what their members would think of the hypothetical use of vaccine certificates. They've said that a majority of their members are supportive of this with regard to customers at level 2 and above but it would be problematic for their workforces (workers can't be easily redeployed from customer facing to non-customer facing roles). They see the use of vaccine certificates as a way of being able to operate more safely at alert levels 2 and above.

Ngā mihi
Shane Kinley

Note – I occasionally work from home, normally on Thursday afternoons from 2pm, but can always be contacted for Zoom or Teams meetings remotely or on my mobile: +64 21 669 633 (preferred contact – either text or call)

From: Shane Kinley <Shane.Kinley@mbie.govt.nz>
Sent: Thursday, 16 September 2021 9:43 AM
To: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Cc: Anna Clark <Anna.Clark2@mbie.govt.nz>; Gayathiri Ganeshan <Gayathiri.Ganeshan@mbie.govt.nz>; Val Sim <val.sim@mbie.govt.nz>
Subject: RE: Agency consultation by 5pm 16/09: Draft initial advice on the domestic use of COVID-19 vaccination certificates [IN-CONFIDENCE]

Thanks for this Kayleigh.

Will work through comments for this afternoon.

My main question is whether you need to flag up the mechanisms for implementation if the Minister wants to progress with this. I'm not clear from my first skim about whether you are considering an Order based approach or legislation for options 1 & 2. From prior considerations, Orders can be quite limiting and our scan of international approaches where there are broader objectives has seen those as being legislatively based.

Happy to talk through this afternoon or get earlier reactions.

Ngā mihi
Shane Kinley

Note – I occasionally work from home, normally on Thursday afternoons from 2pm, but can always be contacted for Zoom or Teams meetings remotely or on my mobile: +64 21 669 633 (preferred contact – either text or call)

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Sent: Wednesday, 15 September 2021 6:05 PM
To: Paul Stocks <Paul.Stocks@mbie.govt.nz>; Shane Kinley <Shane.Kinley@mbie.govt.nz>; Gayathiri Ganeshan <Gayathiri.Ganeshan@mbie.govt.nz>; Anna Clark <Anna.Clark2@mbie.govt.nz>; Val Sim <val.sim@mbie.govt.nz>; Kara Isaac <Kara.Isaac@mbie.govt.nz>; Sara McFall <Sara.McFall@mbie.govt.nz>; Nora Burghart <Nora.Burghart@mbie.govt.nz>; Karl Woodhead <Karl.Woodhead@mbie.govt.nz>
Subject: Agency consultation by 5pm 16/09: Draft initial advice on the domestic use of COVID-19 vaccination certificates [IN-CONFIDENCE]
Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As referred to in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates. You will see I have referred to MBIE advice that Shane shared earlier this week, and I have left this in square brackets for MBIE's review.

Please send your comments to me by **5pm tomorrow**. I am happy to discuss comments over the phone too, if preferred.

Ngā mihi

Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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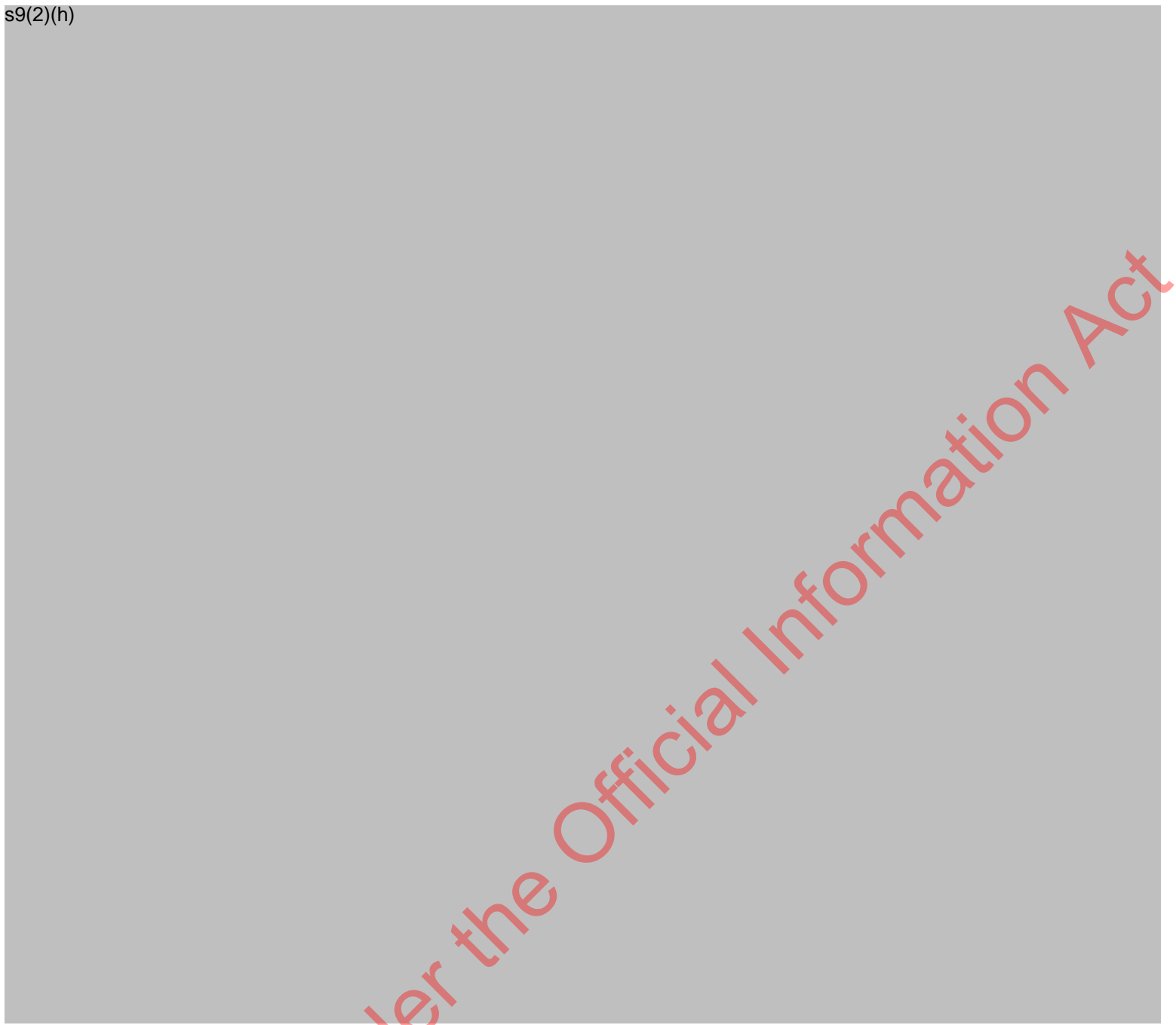


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Oliver Whitehead [DPMC]

From: Policy and Trade COVID Duty Manager <PTdutymanager@mpi.govt.nz>
Sent: Thursday, 16 September 2021 3:59 pm
To: Kayleigh Wiltshire [DPMC]
Cc: Antonia Reid
Subject: FW: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Attachments: 1509 - Agency consultation Draft on Domestic Certificates.docx

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh,

Thank you for the opportunity to provide comment. Acknowledging that stage that this work and analysis is at, some of these comments may be more relevant for future consideration, but we appreciate the opportunity to flag them early.

Relationship with the Health and Safety at Work Act

- We note the comment in the paper that links between the CVC and the HSWA are yet to be analysed and considered. We agree that this will be important and will be particularly interested in how proposals may affect employers and employees and the roles they would be expected to play (as the focus in the paper is on clients and customers). Some primary industry venues / workplaces are large and may pose similar risks as large scale events, so clarity here in future advice would be useful.
- Many of our primary industries – meat processing plants, milk processors and so on) are not at this point included. Do we rely on the assumption and rules regarding safe working? Would these still apply at lower alert levels?

High risk event

- It is not clear from this paper what this is or what the scale might be. It might be useful to give some thought to this early on to make some clearer distinctions between a 'high risk event' and other contexts in which large numbers of people might gather (including large workplaces / factories). Many of our primary industries - meat processing plants, milk processors etc have large numbers of employees. Appreciate that this analysis is still to come, but it might be useful to acknowledge that these workplaces may be considered as part of this analysis.

Impact on primary industries

- See comments above on PI workplaces.
- A note to be aware of is that safe working at some primary industry venues (eg a processing plant) results in reduced output because workers are spaced further apart so they operate at reduced capacity. Ideally that capacity can be increased if we rely on CVCs as a safeguard this keeps the economy rolling with less detrimental impact on trade and the economy. The sooner you get to normal production and outputs the better for the economy and our trading partners.
- Many primary industries have public interface and can involve significant numbers of people and multiple interface – at a reception, vets in public practise, at processing plants, sale auctions; stock agents; rural supplies stores and field reps for fertiliser, agricultural and horticultural contractors, machinery

maintenance and repairs; fruit picking and packhouses and the associated seasonal and temporary workforce highs to deal with seasonal output – fruit and vegetables. Forestry - logging operations, haulage and wood processing plants and then Fisheries - fishing vessels, sales and processing plants. Some of these industry groups employ high numbers of Maori and Pacific people with lower vaccination rates and there will be exceptions for some regardless of a mandated requirement.

A general comment for the overall context - does 'public health imperative' include Alert Level 1 (or a lesser 2) situation where COVID-19 is not likely to be present in the community? What is the trigger for the public health imperative, and is it on-going? It might be useful to clarify this from the outset, if possible at this stage.

Very happy to discuss if helpful.

Cheers

Sharlene

Sharlene Hogan | Manager, Agriculture Reform (Acting)

Agriculture, Marine and Plant Directorate | Policy & Trade Branch | Ministry for Primary Industries
Charles Fergusson Building | 34-38 Bowen Street | PO Box 2526 | Wellington | New Zealand
Mobile: 022 010 9757 | Web: www.mpi.govt.nz



From: Antonia Reid <Antonia.Reid@mpi.govt.nz>

Sent: Wednesday, 15 September 2021 6:01 PM

To: Chris Kerr <Chris.Kerr2@mpi.govt.nz>; Policy and Trade COVID Duty Manager <PTdutymanager@mpi.govt.nz>

Subject: FW: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

For the duty team to pick up tomorrow

Antonia

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>

Sent: Wednesday, 15 September 2021 5:47 PM

To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz;

Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY]

<Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz; Richard Bargh (Chair)

<richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz; emma.spooner@mch.govt.nz; Antonia

Reid <Antonia.Reid@mpi.govt.nz>; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark

<Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>;

keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker

<paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow

<Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

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Oliver Whitehead [DPMC]

From: Justine Smith <Justine.Smith@dia.govt.nz>
Sent: Thursday, 16 September 2021 2:17 pm
To: Kayleigh Wiltshire [DPMC]
Cc: Fergus Campbell
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Kia ora ano,

Apologies for the double-dipping of feedback, but I've just received some intel from within our Local Government Branch.

The local government sector is heavily invested in the events industry especially through their economic development partners and in funding and running major events/venues etc. We are already getting queries about what the rights or otherwise are for Councils and Events/Venues to insist on staff being vaccinated or attendees being vaccinated. Obviously not a major issue right now under current Alert Level Settings, however we anticipate that under AL1 or an adjusted setting that allows larger gatherings, this question will be top of mind for local government. The LG sector will look to government for consistent guidance from central government and a rationale that they can communicate to their communities. So just to reiterate our interest in this piece of work and in being able to provide timely guidance to our local government leaders.

Ngā mihi
Justine

Justine Smith | Partnerships Director
Local Government Branch
Department of Internal Affairs Te Tari Taiwhenua
Ph | 027 282 9976

Based in Te Tai Tokerau, New Zealand | www.dia.govt.nz



From: Justine Smith
Sent: Thursday, 16 September 2021 12:10 PM
To: Kayleigh.Wiltshire@dpmc.govt.nz
Cc: Fergus Campbell <Fergus.Campbell@dia.govt.nz>
Subject: FW: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Kia ora Kayleigh,

Whilst we have no comments on this draft from a local government policy perspective we would really appreciate being kept informed as to how this progresses.
We regularly distribute key messaging and guidance to the sector, and some councils have already registered an interest in any changes to the alert level restrictions in a delta environment.

Could I also ask if you could check that my name is on the AOG policy distribution list? Paul Barker and I tag-team on AOG to spread the load and avoid sole person risk, so it would be brilliant if we were both on the list and between us we'll sort who responds.

Ngā mihi,
Justine

Justine Smith | Partnerships Director
Local Government Branch
Department of Internal Affairs Te Tari Taiwhenua
Ph | 027 282 9976

Based in Te Tai Tokerau, New Zealand | www.dia.govt.nz



From: Paul Barker <Paul.Barker@dia.govt.nz>
Sent: Wednesday, 15 September 2021 7:31 PM
To: Justine Smith <Justine.Smith@dia.govt.nz>
Subject: Fwd: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

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From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Sent: Wednesday, September 15, 2021 5:47:07 PM
To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz <Rachel.Spencer@mfat.govt.nz>; Rachel.McLean@mfat.govt.nz <Rachel.McLean@mfat.govt.nz>; Sarah.Johal@mfat.govt.nz <Sarah.Johal@mfat.govt.nz>; Ara.TaiRakena@mfat.govt.nz <Ara.TaiRakena@mfat.govt.nz>; Alastair Cameron [TSY] <Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz <liz.macpherson@privacy.org.nz>; ^Customs: Richard Bargh <Richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz <maria-laura.crespo001@msd.govt.nz>; emma.spooner@mch.govt.nz <emma.spooner@mch.govt.nz>; antonia.reid@mpi.govt.nz <antonia.reid@mpi.govt.nz>; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark <Tony.Clark@education.govt.nz>; Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>; keene@tpk.govt.nz <keene@tpk.govt.nz>; olset@tpk.govt.nz <olset@tpk.govt.nz>; matthew.gileone@mpp.govt.nz <matthew.gileone@mpp.govt.nz>; Paul Barker <Paul.Barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>
Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>
Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)
Senior Policy Advisor
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Oliver Whitehead [DPMC]

From: Michael Sherwood [TSY]
Sent: Thursday, 16 September 2021 4:53 pm
To: Kayleigh Wiltshire [DPMC]
Cc: Shannon Tyler [TSY]; Alastair Cameron [TSY]
Subject: FW: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Attachments: 1509 - Agency consultation Draft on Domestic Certificates.docx
Follow Up Flag: Follow up
Flag Status: Completed

Hi Kayleigh

Thanks you for the opportunity to provide some comments on this report on Covid Vaccination Certificates. Most of my thoughts were really questions that it might be good to think about for the next round of thinking/advice on this issue, rather than things that necessarily need to be included in this report.

- The report notes that discussion of how this will impact total economic activity will need to be a part of further advice. When it comes to more detailed advice down the road though, I think Treasury will definitely want to be involved. My initial thinking was that the effect that CVCs might have on economic activity could be mixed. On the one hand, CVCs will add compliance costs to businesses if they are mandatory, and non-vaccinated people not able to fully participate in the economy. On the other hand, it may encouraging the vaccinated to participate more in the economy due to greater safety allowed by CVCs. Not sure if there is a good way to understand which impact is likely to be the largest, but will need to acknowledge these competing impacts on economic activity in future reporting.
- What impact might CVCs have on encouraging vaccine hesitant people to get the vaccine (which would be a positive for both public health and economic activity)? The report says that using CVCs must be linked to benefiting public health. The obvious ways CVCs can do this is by reducing transmission in high risk settings by excluding the unvaccinated. But encouraging the unvaccinated to get vaccinated is also a benefit to public health. The report says other countries (I believe France might be one) are using vaccine certificates for this purpose, so it would be interesting to know how effective they have been in achieving this goal.
- Building on that question, it would be good to know what, if any international evidence there is of the effect of this. I see that MFAT has been tasked with coming up with a summary of what other countries have been doing in this space, but I wasn't sure if this included looking at what the impact of CVCs overseas have been. A lot of the analysis in the report is based on first principles thinking, which makes sense, but good to bring in as much of the overseas experience, especially around how people respond to CVCs(vaccination rates, compliance with other public health restrictions) into later reporting if it is available.
- One question that might be useful to think about is are CVCs only useful when we are at a moderate level of population vaccination? If we were at a very high rate of vaccination, presumably the public health benefit is much smaller, and then compliance costs may outweigh the benefit. In addition, it is possibly more acceptable from a social licence/equity perspective to have some people not be able to fully access some locations for a short period, but much less acceptable if it is permanent/long-term.
- Is there a place to treat workers differently from customers? Would expect there to be a much lower compliance cost to check one time only for workers, instead of every time a customer uses a service.

Ngā mihi
Michael

Michael Sherwood (he/him) | Senior Analyst | Te Tai Ōhanga - The Treasury

Tel: 04 8903591 | Mob: 027 8193519 | E. michael.sherwood@treasury.govt.nz

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[SEEMAIL]

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>

Sent: Wednesday, September 15, 2021 5:47:07 PM

To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz
<Rachel.Spencer@mfat.govt.nz>; Rachel.McLean@mfat.govt.nz <Rachel.McLean@mfat.govt.nz>;
Sarah.Johal@mfat.govt.nz <Sarah.Johal@mfat.govt.nz>; Ara.TaiRakena@mfat.govt.nz
<Ara.TaiRakena@mfat.govt.nz>; Alastair Cameron [TSY] <Alastair.Cameron@treasury.govt.nz>;
liz.macpherson@privacy.org.nz <liz.macpherson@privacy.org.nz>; ^Customs: Richard Bargh
<Richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz <maria-laura.crespo001@msd.govt.nz>;
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<antonia.reid@mpi.govt.nz>; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark
<Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>;
keene@tpk.govt.nz <keene@tpk.govt.nz>; olset@tpk.govt.nz <olset@tpk.govt.nz>; matthew.gileone@mpp.govt.nz
<matthew.gileone@mpp.govt.nz>; ^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood
<Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter
<Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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Oliver Whitehead [DPMC]

From: Erin Keenan <keene@tpk.govt.nz>
Sent: Thursday, 16 September 2021 6:49 pm
To: Kayleigh Wiltshire [DPMC]
Cc: Tamati Olsen; Jaclyn Williams
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Attachments: 2021 09 16 BP 1509 - Agency consultation Draft on Domestic Certificates - Te Puni Kōkiri comments.docx

Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh

Thanks for your patience for this response – please find attached some comments from Te Puni Kōkiri. Happy to discuss any of these points further.

Ngā mihi
Erin

Erin Keenan ([she/her](#))
Policy Manager
Te Puni Kōkiri, National Office

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Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
PO Box 3943, Wellington 6140, New Zealand

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Sent: Wednesday, 15 September 2021 5:47 PM
To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz; Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY] <Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz; ^Customs: Richard Bargh <Richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz; emma.spooner@mch.govt.nz; antonia.reid@mpi.govt.nz; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark <Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>; Erin Keenan <keene@tpk.govt.nz>; Tamati Olsen <olset@tpk.govt.nz>; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>
Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>
Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Importance: High

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[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)
Senior Policy Advisor
Strategy and Policy | COVID-19 Group
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Oliver Whitehead [DPMC]

From: Maria-Laura Crespo <Maria-Laura.Crespo001@msd.govt.nz>
Sent: Thursday, 16 September 2021 3:56 pm
To: Kayleigh Wiltshire [DPMC]
Cc: ^MSD: Nic Blakeley
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh

I understand that Nic has been in touch this morning to talk through some of the higher-level feedback we have around pre-establishing the role of government in enabling, facilitating, or mandating certificate in the front end of the paper.

Below is some additional feedback, that focuses more on our other major concern around the risks of impacts on equity of access/participation in society. Given how fraught this topic is, we'd recommend that we spend some time either the 2pm AOG DCE policy group meeting tomorrow or through another specifically convened meeting of agency DCEs, before advice is finalised to continue teasing out these options.

Equity of access and subsequent impacts on economic and social participation

- We would recommend adding social cohesion as a pro/con to each of the scenarios and also calling out the impacts on social cohesion (as it relates to social licence) in both the equity of impact section (perhaps after para 25) as well as at para 28 (c). The stronger government mandated CVCs the stronger the negative impacts on social cohesion that will need mitigation, especially for those populations who have pre-existing equity of access issues with vaccinees such as Māori and younger people and those where there is strong distrust in government and/or vaccine hesitancy.
 - It could be argued that excluding people could drive an uptake in vaccinees, but it's a divisive way of doing it.
- The equity of impacts outlined in the pro/cons under different scenarios are difficult to quantify as either positives or negatives. For example under all of the scenarios, those groups who have not had high proportions vaccinated or have other equity of access issues with vaccinees (ie Māori, young people) will have negative equity of access impacts and also negative social cohesion impacts.
- There may be value in adding a further point about the risks of compounding economic and social inequities if mandates/requirements in workplaces/staff is introduced and particular population groups such as Māori, young people who are already economically disadvantaged, are further excluded.

If you haven't seen it, there's some good analysis from Tom Dare (University of Auckland) and Justine Kingsbury (University of Waikato) this week on the Conversation: [Why a domestic NZ COVID 'passport' raises hard questions about discrimination, inequality and coercion \(theconversation.com\)](https://theconversation.com/why-a-domestic-nz-covid-passport-raises-hard-questions-about-discrimination-inequality-and-coercion)

Additional populations/places to consider in impact analysis

- We'd strongly encourage that other communities be consulted on this policy including, Pacific, ethnic communities, and disabled peoples (rec 7 and para 32)
- If Ministers prefer to take a more enabling/mandating role in certificates then spaces that are important to various population groups also become quite important to consider and consult with different groups on, especially if they are determined to be high-risk locations. For example, marae, churches (where there have been significant clusters on current and previous resurgences) and other religious and/or cultural settings as they relate to Pacific, Māori, and other ethnic communities. The interaction with social cohesion and social licence can not be underestimated here for these groups as well given fragile trust relationships with government.

- **Para 24** - should expand the types of populations that could be impacted, including, disabled people due to health
- **Para 27** - good to see digital equity issues highlighted, but suggest that this is not isolated to just older Māori, but other populations that have similar issues, including older people, disabled people, as well as those populations that intersect with various ethnicities that may also experience digital exclusion such as Māori and Pacific population.
- It's also worth noting that some older people may also be in the difficult to reach category as a result of lacking identification (either having lost/surrender their driver's licence).

Additional points

- s9(2)(h) [REDACTED] Can we confirm whether Justice policy group have been consulted on BORA impacts?
- The paper may want to acknowledge that there will be significant impacts for Government itself as an employer, owner and service provider. (at Para 28, b)
- Para 23 - Will alternative approaches e part of the next phase of work? This could be better articulate in the paper.

We're more than happy to discuss further, as needed.

Ngā mihi
Maria-Laura

Maria-Laura Crespo | Co-Director, Strategic Issues and Investment | Strategy & Insights

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The Aurora Centre | 56 The Terrace | PO Box 1556 | Wellington | New Zealand



*We help New Zealanders to be safe, strong and independent
Manaaki tangata, manaaki whānau*

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>

Sent: Wednesday, 15 September 2021 5:47 PM

To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz; Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY] <Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz; ^Customs: Richard Bargh <Richard.bargh@customs.govt.nz>; Maria-Laura Crespo <Maria-Laura.Crespo001@msd.govt.nz>; emma.spooner@mch.govt.nz; antonia.reid@mpi.govt.nz; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark <Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>; keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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Oliver Whitehead [DPMC]

From: Liz MacPherson <Liz.MacPherson@privacy.org.nz>
Sent: Thursday, 16 September 2021 5:17 pm
To: Kayleigh Wiltshire [DPMC]; ^MFAT: David Taylor; 'Rachel.Spencer@mfat.govt.nz'; 'Rachel.McLean@mfat.govt.nz'; 'Sarah.Johal@mfat.govt.nz'; 'Ara.TaiRakena@mfat.govt.nz'; Alastair Cameron [TSY]; ^Customs: Richard Bargh; 'maria-laura.crespo001@msd.govt.nz'; 'emma.spooner@mch.govt.nz'; 'antonia.reid@mpi.govt.nz'; ^Transport: Shelley Tucker; ^Education: Tony Clark; ^TeArawhiti: Warren Fraser; 'keene@tpk.govt.nz'; 'olset@tpk.govt.nz'; 'matthew.gileone@mpp.govt.nz'; ^DIA: Paul Barker; ^Police: Jeremy Wood; 'Jack Haddow'; 'Maria Cotter'
Cc: Megan Stratford [DPMC]
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh,

Thank you for the opportunity to comment on this proposal. Given the time available to review this proposal, our advice is necessarily high-level.

The paper notes that government is seeking a solution to reduce the risk of COVID-19 transmission, to support safe reopening of the economy. On our reading of the paper, the specific problem being addressed is the potential proliferation of differing requirements for demonstrating vaccination status by PCBU's (e.g. each business may establish different requirements for individuals) and potential inequities and unintended consequences that could result. The paper argues this problem could be addressed by government standardising the demonstration of vaccination status, through the domestic use of Covid-19 vaccination certificates (CVCs).

As a preliminary point, it is not clear to us that the case has been made that it is a reasonable requirement for a PCBU to manage access to their premises on the basis of vaccination status. Has legal analysis been carried out on this specific point, in terms of the liability a PCBU has in this case? This is an area that the Government could provide clarity on, if it so chooses.

If this is a reasonable requirement, we would like to see Ministers presented with more analysis about the alternative options to address the above problem. A range of options do exist, including prohibiting PCBU's from requiring demonstration of vaccination status, or the use of other more privacy-protective measures such as a system that verifies as individual as 'authorised' but does not share any other personal information (a 'Green Card' approach, akin to a range of digital certificates that have been developed in other countries, such as the EU Digital Certificate). However, we acknowledge that there may well be legitimate situations for requiring individuals to demonstrate their vaccination status, and an efficient, convenient, and socially-acceptable means of doing so would be ideal.

If the Government does decide to proceed with a standardised model of requiring demonstration of vaccination status, we would encourage a model that incorporates privacy at the heart of its design. This will be essential to ensuring that individuals can have confidence that their sensitive health information is not being misused, which is central to the social licence behind our Covid-19 response and recovery.

In the design of any solution, consideration should be given to the following privacy matters:

- There is clarity on how an individual will be **verified** against their CVC (e.g. will businesses be required to check IDs against a "CVC and how will they be able to assure identity)
- A **prohibition on re-use** of information collected, so that individuals can have confidence their personal information will not be re-used for purposes other than entry to a particular venue/setting.

This should include re-use for law enforcement purposes. A system could be designed that does not store personal information at all.

- The system can incorporate those people who are **exempt** from requiring a vaccination, in a way that supports their privacy (e.g. not disclosing the reason they are exempt in the case of health reasons)
- We also recommend that demonstration of vaccination status have either a **clear end date or review date**, as it may not be required in the future.
- That the system can cover those individuals who **cannot utilise a digital CVC**, so as to address any equity concern

The decision on what scenario option to pursue should be guided by public health evidence; the privacy impacts of each vary significantly. The privacy impacts will also vary significantly depending on the solution designed. We are happy to provide more detailed advice on the privacy issues inherent in each scenario, when the policy thinking has matured further.

We look forward to seeing the final briefing to the Minister and being involved in future discussions on this issue. As always, please don't hesitate to get in contact if there are any points in our comments you wish to discuss or query.

Ngā mihi

Liz

Liz MacPherson (she/her)

COO and Assistant Commissioner – Policy and Operations

Office of the Privacy Commissioner Te Mana Mātāpono Matatapu

PO Box 10094, The Terrace, Wellington 6143

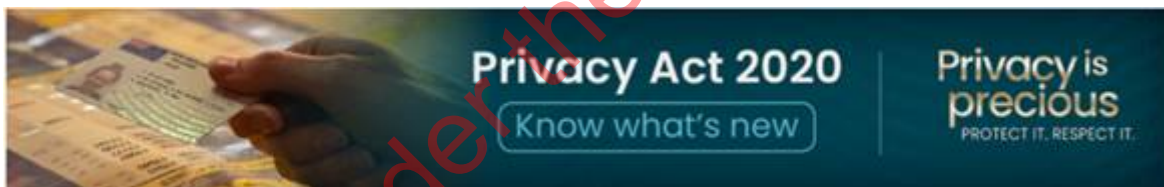
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From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>

Sent: Wednesday, 15 September 2021 5:47 pm

To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz;
Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY]
<Alastair.Cameron@treasury.govt.nz>; Liz MacPherson <Liz.MacPherson@privacy.org.nz>; ^Customs: Richard Bargh
<Richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz; emma.spooner@mch.govt.nz;
antonia.reid@mpi.govt.nz; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark

<Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser <Warren.Fraser@tearawhiti.govt.nz>; keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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Oliver Whitehead [DPMC]

From: Emma Spooner <Emma.Spooner@mch.govt.nz>
Sent: Thursday, 16 September 2021 2:44 pm
To: Kayleigh Wiltshire [DPMC]
Cc: Matthew Oliver
Subject: RE: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Follow Up Flag: Follow up
Flag Status: Completed

Kia ora Kayleigh,

Thanks for the opportunity to comment, we really appreciate being looped in.

From MCH's point of view:

- Definitely agree there is strong industry interest in this – it's a topic of discussion amongst all our sectors, and any ability to engage on proposals would be greatly appreciated. I'm sure every other sector feels the same, and I'm sure I'm telling you what you already know, but there is a strong feeling of Govt not engaging and then not getting things quite right in the response space, including from our Crown Entities. Given the proposal around Scenario 2 would have a significant impact on our sector, we would recommend some targeted consultation with most impacted sectors, which we could support to happen. We've already floated the idea of MCH leading a bit of a cross-cultural-sector group to engage on Covid issues, so that could be an ideal forum.
- There is generally likely to be support for domestic use of a CVC across our sectors, especially if it will allow higher audience numbers and allow more of the sector to operate at levels that are more sustainable, although we are hearing some concerns from public venues such as Te Papa about potential equity issues.
- The events/music/arts sectors may provide a useful mechanism for incentivising younger and hard to reach parts of the community to get vaccinated, and also for gaining social licence for wider government interventions related to Covid response activity, as well as communicating the types of issues discussed in para 14. Te Matatini are already advocating strongly for vaccinations amongst iwi in the regions, and have been considering requiring proof of vaccination for competitors. There would be some support for the statements about active protection of Māori through these measures and Te Matatini may be able to provide useful insights to adoption of CVC in relation to Kapa Haka events in particular, but wider in terms of trying to address equity issues in paras 25-27.
- The key thing we are hearing from our sectors is they want certainty and clarity from central Government. In this case they likely won't want discretion to set their own rules - it will be an imposition on audiences and attendees, so being required to do by Govt is actually easier – Scenario 2 sounds like it would do that as long as there are clear guidelines on who it applies to. There are instances where venues etc have sought legal advice to determine what they can impose, such as in relation to QR codes, so certainty and clarity is key to avoid unnecessary costs such as these.
- While there is support, there is concern about compliance costs and logistics, so advance notice and potential support to comply would be appreciated by the sector.
- We support implementation by December 2021 to allow summer festivals to adopt/adapt in time for January events.
- Would need to ensure alignment/consideration of requirements for workers at events/venues noted in para 29.
- Note the burden imposed on smaller organisations under Scenario 1. Engagement through cultural agencies could assist this; there is scope for MCH/MBIE (and maybe others) cross-agency work on events and venues sector.

Happy to discuss anything if helpful,

Emma

Emma Spooner

Pou Arataki o Te Pae Kaupapa - Te Toi | Manager - Arts Policy

027 278 5792

Manatū Taonga | Ministry for Culture and Heritage

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Promoting a confident and connected culture



From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>

Sent: Wednesday, 15 September 2021 5:47 PM

To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz;
Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY]
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<s.tucker@transport.govt.nz>; ^Education: Tony Clark <Tony.Clark@education.govt.nz>; ^TeArawhiti: Warren Fraser
<Warren.Fraser@tearawhiti.govt.nz>; keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz;
^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow
<Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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Oliver Whitehead [DPMC]

From: Broughton, Henry <Henry.Broughton@tearawhiti.govt.nz>
Sent: Thursday, 16 September 2021 4:57 pm
To: Kayleigh Wiltshire [DPMC]
Cc: ^TeArawhiti: Warren Fraser; Jago, Rose; Falloon, Roger; Johnstone, Caleb
Subject: FW: BY 5PM TODAY: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Attachments: 1509 - Agency consultation Draft on Domestic Certificates.docx
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

Tēnā koe Kayleigh

Thank you for sending the draft initial advice on the domestic use of COVID-19 vaccination certificates.

We note that this paper provides initial advice only, and that further advice will be developed. More analysis and information will be needed for Ministers to be able to make informed decisions about vaccination certificates. This should include more detailed analysis about the impact vaccination certificates would have and the impact on Māori (and other communities) that have lower vaccination rates. As noted in paragraph 15, it would be highly likely that introducing a domestic vaccine passport would disproportionately impact Māori communities given current vaccination rates. This raises significant equity issues and associated risks to Māori communities that are not yet adequately addressed. We appreciate this is fast moving advice, and that an update on public health advice is planned for next week – will this include other aspects of advice, such as impacts on Māori? We note that you have indicated an intention to engage with Māori and we are interested to know who you intend to engage with, and when?

Our comments on the paper fall into two areas:

- **Impact/effectiveness of domestic use of vaccine passports.** The paper notes that similar schemes have been used or are about to be rolled out in other countries, but provides no evidence about how impactful they have been. The paper notes that some countries are phasing these out, or have chosen to not roll them out. Recommendation 4 notes that more ‘public health analysis’ is required. This analysis should consider what effect such a scheme would have on Māori communities. More analysis is required to understand:
 - do vaccination certificates work in other settings, and what impacts has there been on minority or indigenous populations when used overseas?
 - how might certificates work in a country like New Zealand with a smaller population, fewer large scale events and a low baseline level of COVID in the community?
 - how would the effectiveness of these be measured (including across different communities)? and
 - would there be an end date to their use?
- **The impact of the policy from a Treaty and equity perspective.** The paper notes this gap, and refers to an intention to engage with Māori (and other groups) but only after public health analysis has been completed. We recommend that earlier engagement with Māori be undertaken in parallel with the public health analysis. We note that Māori should be engaged as the Treaty partner rather than as part of a wider stakeholder consultation. The references to the Treaty principles (paragraph 15) are problematic. For example, rangatiratanga refers to collective rights of self-determination in different contexts (rather than individual rights as referred to in the paper) and, as referred to above, the disproportionate impact on Māori and associated risks needs more consideration and analysis. There may also be opportunities to partner with Māori that have not yet been considered. We recommend that DPMC and Ministry of Health:
 - complete a more thorough Treaty analysis;

- engage Māori leaders, Māori health experts, community health practitioners and the Māori health team at Ministry of Health to explore the impacts of the policy proposals and consider alternatives; and
- clarify how implementation would impact Māori and other communities (for example if smartphone technology were to be used this could have exclusionary impacts).

Te Arawhiti would like to review the next iteration of advice on vaccination certificates. We can also provide further advice on Treaty analysis components and engagement with Māori. Do give me a call if you would like to discuss further.

Ngā mihi

Henry



Henry Broughton

MANAGER STRATEGIC POLICY

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The Office for Māori Crown Relations – Te Arawhiti

Level 3, Justice Centre, 19 Aileen Street, SX10111, Wellington 6011

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>

Sent: Wednesday, 15 September 2021 5:47 pm

To: ^MFAT: David Taylor <David.Taylor@mfat.govt.nz>; Rachel.Spencer@mfat.govt.nz; Rachel.McLean@mfat.govt.nz; Sarah.Johal@mfat.govt.nz; Ara.TaiRakena@mfat.govt.nz; Alastair Cameron [TSY] <Alastair.Cameron@treasury.govt.nz>; liz.macpherson@privacy.org.nz; ^Customs: Richard Bargh <Richard.bargh@customs.govt.nz>; maria-laura.crespo001@msd.govt.nz; emma.spooner@mch.govt.nz; antonia.reid@mpi.govt.nz; ^Transport: Shelley Tucker <s.tucker@transport.govt.nz>; ^Education: Tony Clark <Tony.Clark@education.govt.nz>; Fraser, Warren <Warren.Fraser@tearawhiti.govt.nz>; keene@tpk.govt.nz; olset@tpk.govt.nz; matthew.gileone@mpp.govt.nz; ^DIA: Paul Barker <paul.barker@dia.govt.nz>; ^Police: Jeremy Wood <Jeremy.Wood@police.govt.nz>; Jack Haddow <Jack.Haddow@health.govt.nz>; Maria Cotter <Maria.Cotter@health.govt.nz>

Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)

Senior Policy Advisor

Strategy and Policy | COVID-19 Group

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E kayleigh.wiltshire@dpmc.gov.nz



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Thank you.

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From: [DONALDSON, Bronwyn](#)
To: [Kayleigh Wiltshire \[DPMC\]](#)
Cc: [^Police: Gillian Ferguson](#); [^Police: Jeremy Wood](#)
Subject: FW: [EXTERNAL] Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates
Date: Thursday, 16 September 2021 5:52:18 pm
Attachments: [image001.png](#)

Kia ora Kayleigh

Thank you for the opportunity to comment on the draft paper on the domestic use of COVID-19 Vaccination certificates.

Police's main interest is whether there has been any consideration given to enforcement of any restrictions or requirements associated with a person's vaccination status. It isn't clear in the paper whether it would be an offence to access or to provide access to relevant places, without a vaccination certificate, and if it was, who would be expected to enforce the restriction. This issue should be considered within the wider context of enforcement of COVID related restrictions as a means of controlling the spread of Delta or other variants of COVID in the future. Existing restrictions on access to certain places, such as age-restrictions on access to licensed premises, might be useful models. Scenario 1 for widespread application would be particularly difficult to enforce given the breadth of places that would require someone to present a certificate. Police would need to rely on high levels of compliance and encouragement from businesses to enforce this. It would also be helpful to clarify if there is any intent to introduce penalties/infringements relating to vaccination certificates and their use. While this might sit within the further work required on what the role of government might be we think this important to give an indication now so that the Minister understands the full suite of implications of the proposal.

We assume Police staff would be captured by reference to public facing services and workplaces. As we don't know the vaccination status of all of our staff we are unsure how this might this affect the deployment of our staff. We assume this would be true for other public services. It would be useful for the paper to be clear on what the implications of the scenarios might mean for public services such as Police.

There is currently no reference to how those who are not eligible to be vaccinated (under 12) might be treated. This maybe worthy of some consideration in the paper.

We look forward to receiving an update on the paper as it progresses.

Ngā mihi
Bronwyn

Bronwyn Donaldson
Manager – Health & Transport
Policy and Partnerships

M: s9(2)(a)

From: FERGUSON, Gillian <Gillian.Ferguson@police.govt.nz>
Sent: Thursday, 16 September 2021 5:17 PM
To: WOOD, Jeremy <Jeremy.Wood@police.govt.nz>; DONALDSON, Bronwyn <Bronwyn.Donaldson@police.govt.nz>
Subject: RE: [EXTERNAL] Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Bronwyn, are you ok to merge our comments and send off please? That should get you into the email chain for further iterations.

Thanks
Gillian

From: WOOD, Jeremy <Jeremy.Wood@police.govt.nz>
Sent: Thursday, 16 September 2021 5:15 PM
To: DONALDSON, Bronwyn <Bronwyn.Donaldson@police.govt.nz>; FERGUSON, Gillian <Gillian.Ferguson@police.govt.nz>
Subject: RE: [EXTERNAL] Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Thanks both – this looks like a comprehensive review of the touch and interest points for us in the paper. I am happy for one of you provide that input to the DPMC team or to draft something up to go from me, whichever works best. Would you please advise on how you want to respond?

Thanks
Jeremy

From: DONALDSON, Bronwyn <Bronwyn.Donaldson@police.govt.nz>
Sent: Thursday, 16 September 2021 5:08 PM
To: FERGUSON, Gillian <Gillian.Ferguson@police.govt.nz>; WOOD, Jeremy <Jeremy.Wood@police.govt.nz>
Subject: RE: [EXTERNAL] Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Kia ora Gillian and Jeremy

Police's main interest as outlined by Gillian is probably the most critical element. Good for the paper to be clear on any thinking of enforcement and where the balance lies – although it probably arises from more detailed consideration of what the role of government would be. Scenario 1 for widespread application would be particularly difficult given the breadth of places that would require someone to present the certificate. We would need to rely on high levels of compliance and encouragement from businesses to enforce this. It would be helpful to clarify if there is currently an intent to introduce penalties/infringements relating to vaccination passports.

From another perspective I assume Police staff would be captured by reference to public facing

services and workplaces. We don't know the vaccination status of all of our staff – how might this affect our deployment?

There is no reference to how those who are not eligible to be vaccinated (under 12) might be treated. Is it worthy of some consideration in the paper?

Ngā mihi
Bronwyn

Bronwyn Donaldson
Manager – Health & Transport
Policy and Partnerships

M: s9(2)(a)

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Sent: Thursday, 16 September 2021 4:15 PM
To: WOOD, Jeremy <Jeremy.Wood@police.govt.nz>; DONALDSON, Bronwyn <Bronwyn.Donaldson@police.govt.nz>
Subject: RE: [EXTERNAL] Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Kia ora Jeremy

Consideration needs to be given to enforcement of any restrictions or requirements associated with vaccination status. It isn't clear whether it would be an offence to access or to provide access to relevant places, without a vaccination certificate, and if it was, who would be expected to enforce the restriction. This issue should be considered within the wider context of enforcement of COVID related restrictions, and use of infringement offences as a means of controlling the spread of Delta. Existing restrictions on access to certain places, such as age-restrictions on access to licensed premises, might be useful models.

From: Kayleigh Wiltshire [DPMC] <Kayleigh.Wiltshire@dpmc.govt.nz>
Sent: Wednesday, 15 September 2021 5:47 PM
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Cc: Megan Stratford [DPMC] <Megan.Stratford@dpmc.govt.nz>

Subject: [EXTERNAL] Agency consultation: Draft initial advice on the domestic use of COVID-19 vaccination certificates

Importance: High

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[IN-CONFIDENCE]

Kia ora koutou,

As mentioned in Ruth's email, please find attached the draft initial advice on the domestic use of COVID-19 vaccination certificates.

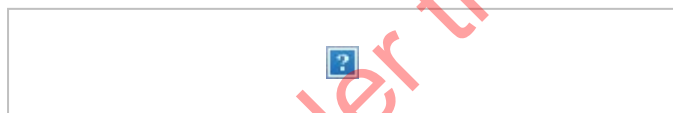
Please send your comments to me by **5pm tomorrow**. Happy to discuss comments over the phone too, if preferred.

Nga mihi,
Kayleigh

Kayleigh Wiltshire (she/her)
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