



21 February 2022

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### Local Government Official Information Request

Thank you for your request made under the Local Government Official Information and Meetings Act (LGOIMA), relating to vaccine passes, received on 27 January 2022. Our response to your questions are below:

1. Please could you provide evidence of the risk assessments and all relevant data, including any scientific and/or medical safety and efficacy data relied upon and used by the Council to reach its decision to exclude 'unvaccinated' people from Council facilities. If this policy was implemented on a basis other than data and evidence, on what basis was this policy introduced?

**Response:**

In making its decision to introduce vaccine passes to some Council operated public facilities, Council considered the Public Service workforce guidance for the Covid-19 Protection Framework <https://www.publicservice.govt.nz/resources/public-service-workforce-guidance-for-the-covid-19-protection-framework>. The agenda item provided at the public Council meeting on 23 December 2021 is available for you to read, please see page 133 onwards at this website link: <https://www.rangitikei.govt.nz/files/meetings/council-meetings/2021-12-23/Council-Agenda-23-Dec-2021.pdf>

The details of Council's vaccination pass policy are also available on Council's website - <https://www.rangitikei.govt.nz/covid-19/covid-19-protection-framework-traffic-lights/covid-19-red>

2. Considering the conclusions of the risk assessments/s conducted by Council, does the council hold any risk or cost analysis, demonstrating that the benefits of this policy outweigh the risks or costs?

**Response:**

No further risk or cost analysis is available, other than that provided above.

3. Does the Council hold any medical or scientific data indicating that the Covid-19 injections are not “experimental” medical treatments? If so, what is that data?

**Response:**

Council does not hold medical information on Covid-19 vaccinations. In making its decisions related to vaccination passes, Council has referred to Ministry of Health advice - [COVID-19 vaccines | Ministry of Health NZ](#)

4. Was this an operational decision taken by the Council’s Executive team, or was this a decision by the Mayor and Councillors? If the Mayor and Councillors took the decision, please provide and meeting minutes from the relevant meeting and the record of the vote.

**Response:**

The decision to implement vaccination passes was resolved by Council at its public Council meeting held on 23 December 2021. The draft minutes from this meeting, including record of vote can be found on our website - <https://www.rangitikei.govt.nz/files/meetings/council-meetings/2022-02-24/Council-24-Feb-22-Order-Paper.pdf> Please note these minutes are unconfirmed at this stage.

5. Does the Council hold any data and evidence (excluding modelling data), indicating that, in settings where this policy is implemented, any COVID-19 injections prevent infection and/or transmission with currently circulating COVID variants? If so, what is the data and evidence?

**Response:**

Refer to answer 3 above.

6. Please explain how using a discriminatory vaccine pass system gives effect to Te Tiriti o Waitangi principles, particularly Article III, which provides for autonomy and the right to be free from coercion?

**Response:**

In line with public service guidance (as in 1 above) Council reviewed any considerations under the Bill of Rights 1990 and Human Rights Act 1993. Council does not consider its decision to be discriminatory. Council considers that discriminatory action would include excluding access to persons who have a valid medical exemption, or who are not at an age where they are eligible to hold a vaccine.

7. What ethical, legal, racial justice and human rights considerations has the Council given to this policy? If these issues have not been considered by the Council, then why have they not been considered?

**Response:**

Refer to answer 6 above.

8. What consideration has the Council given to this policy's effect on people to exercise their human rights

a. To informed consent (including rights to informed refusal) to medical treatment

**Response**

Council's policy does not require any person to become vaccinated. Informed consent still applies to every person.

b. To not be subject to medical experimentation

**Response:**

Council's policy does not require any person to be subject to medical experimentation.

c. To maintain privacy and confidentiality of medical information

**Response:**

Council is not retaining the medical information of visitors to Council operated public facilities where vaccine passes are required. Vaccine passes are checked at point of entry and the data is not stored.

d. To not be subject to discrimination on the basis of their personal medical status If these issues have not been considered by the Council, then why have they not been considered?

**Response:**

Refer to answer 6 above.

9. What consideration has the Council given to this policy's effect on exacerbating issues of social disparity and discrimination?

**Response:**

Refer to answer 6 above.

10. What consideration has the Council given to this policy appearing as use of pressure, force, fraud, deceit, duress, collective punishment, over-reach, or other ulterior forms of constraint or coercion to encourage, incentivise, or otherwise promote (experimental) medical treatments? If these issues have not been considered by the Council, then why have they not been considered?

**Response:**

Council considered Ministry of Health advice, which does not refer to medical experimentation. Further, Council's policy does not require any person to become vaccinated. Personal choice and informed consent still applies for every individual.

11. What consideration has the Council given to this policy's effect on individual human rights, and how that may expose proponents, advocates, and/or actors on behalf of such policies, to culpability for human rights violations, crimes against humanity, and/or war crimes? If these issues have not been considered by the Council, then why have they not been considered?

**Response:**

Refer to answer 6 above.

12. Excluding advice which is both (a) unsolicited and (b) from the general public; what advice and influence has the Council received about implementing this policy? Where did such advice come from?

**Response:**

Council used advice and guidance from a number of sources including Work Safe NZ, Ministry of Health, Taituara – Local Government Professional Aotearoa, Local Government New Zealand, Business Central, and the Covid-19 Government Response Unit. Legal Counsel was also sought, with that advice being subject to legal privilege.

13. If a person is pressured into receiving this medical treatment in order to access Council services and facilities, what liability does the Council accept for any adverse reactions such person may suffer, as a result of this medical treatment? If this has not been considered by the Council, then why has this not been considered?

**Response:**

Council's policy does not require any person to become vaccinated, and Council does not consider that such liability exists.

14. What mechanism has the Council put in place to review or amend this 'Vaccine pass' requirement?

**Response:**

The vaccine pass policy includes a review mechanism, as detailed in the final paragraph (refer to the earlier link to the policy on our website).

15. How will the Council facilitate for every resident and or ratepayer of the Rangitikei district, regardless of vaccination status, to take part in local decision- making/ democracy, including voting in upcoming local government elections?

**Response:**

Council has alternative delivery options in place to enable residents continued participation in local decision making and democracy

16. Please advise what processes have been put in place to allow 'unvaccinated' residents and ratepayers access to the library?

**Response:**

Council has alternative delivery options in place to enable residents to access library services

17. Please advise what processes have been put in place by the Mayor and Councillors to meet or facilitate community meetings with 'unvaccinated' residents?

**Response:**

Council has alternative delivery options in place to enable continued community meetings and meetings with Mayor / Councillors.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Gordon', with a stylized flourish at the end.

Carol Gordon

**Group Manager Democracy & Planning**