

**IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

**CIV-2021-404-1889  
[2021] NZHC 2869**

UNDER the Judicial Review Procedure Act 2016

BETWEEN MURRAY BOLTON and WATI TALEI  
ZOING  
Applicants

AND THE CHIEF EXECUTIVE OF THE  
MINISTRY OF BUSINESS, INNOVATION  
AND EMPLOYMENT  
Respondent

DIRECTOR-GENERAL OF HEALTH  
Second Respondent

MINISTER FOR COVID-19 RESPONSE  
Third Respondent

Hearing: 27 October 2021

Appearances: J R Billington QC, JHW Little and J Lethbridge for the Applicants  
S Kinsler, E Watt and H Botha for the Respondents

Judgment: 28 October 2021

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**JUDGMENT OF VENNING J**

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*This judgment was delivered by me on 28 October 2021 at 10:00 am  
pursuant to r 11.5 of the High Court Rules 2016.*

*Registrar/Deputy Registrar*

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Solicitors / Counsel:

Mr J R Billington QC and Mr JWH Little, Barristers, Shortland Chambers, Auckland  
Ms J Lethbridge (applicants' instructing solicitor), Martelli McKegg, Auckland  
Mr S Kinsler, Ms E Watt and Ms H Botha, Meredith Connell, Auckland

BOLTON v THE CHIEF EXECUTIVE OF THE MINISTRY OF BUSINESS, INNOVATION AND  
EMPLOYMENT [2021] NZHC 2869 [28 October 2021]

[1] The first respondent's decision of 17 October 2021 declining the applicants' application for an exemption under clause 12 of the IQ Order is set aside.

[2] The respondents are directed to reconsider the request for exemption under clause 12 of the IQ Order.

[3] In that reconsideration, the respondents are expressly required to consider, amongst other relevant considerations:

- (a) the need for Mr Bolton to attend the board meeting in Boston; and
- (b) the need of the applicants to enjoy rights conferred by the New Zealand Bill of Rights Act 1990, including the right to freedom of movement and as citizens to enter New Zealand without unreasonable limitation; and
- (c) the need of the applicants to avoid the risk of contracting COVID-19 at an MIQ facility, including in view of any characteristics that may make them especially vulnerable to COVID-19, including age;

and balance those considerations against the degree of risk to the community of further spread of COVID-19 involved in the applicants' isolating or quarantining at a place other than an MIQ facility taking into account:

- (d) the precautions the applicants may propose to take or other conditions that may be imposed on them; and
- (e) their vaccination status; and
- (f) the prevailing circumstances within the community at the present time.