

27 January 2022

s 9(2)(a)

By email: s 9(2)(a)
Ref: H202117003

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) which was transferred from the Department of the Prime Minister and Cabinet to the Ministry of Health (the Ministry) on 2 December 2021. You asked for:

“a copy of the public health advice which forms the basis for excluding outdoor swimming pools from use under the same restrictions as other outdoor exercise.”

The Ministry has identified one document within scope of your request. This document is itemised in Appendix 1 of this letter and a copy has been enclosed. As noted in the document, a meeting was held on 28 September 2021 to consider potential changes to Alert Level 3 settings. The Public Health advice regarding pools provided by the Ministry can be found in Appendix 1 of the enclosed document, this is an accurate reflection of the discussions held.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: <https://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests>.

Nāku noa, nā



Maree Roberts
**Deputy Director-General
System Strategy and Policy**

Appendix 1: List of documents for release

#	Date	Document Details	Decision on release
1	28 September 2021	Memo – Proposed staged step-down to Alert Level 3 settings in the Auckland region	Released in full

Memo

Proposed staged step-down to Alert Level 3 settings in the Auckland region

To: Dr Ashley Bloomfield, Director-General of Health

Copy to: Maree Roberts, Deputy Director-General, System Strategy and Policy
Dr Caroline McElnay, Director of Public Health

From: Angela Hassan-Sharp, General Manager, COVID-19 Policy Response

Date: 28 September 2021

For your: Decision

Purpose of report

1. This briefing is seeking your agreement to proposed public health advice on potential changes to Alert Level 3 settings for the Auckland region to inform a DPMC-led briefing to Ministers. This will be going to Ministers for their consideration tomorrow at the 11.30am meeting that you will be attending. ✓

Background

2. There is a need to review our Alert Level 3 settings given the potential tail of the current COVID-19 outbreak and challenges in supporting compliance and maintaining wellbeing. This will inform Cabinet's decision to identify what changes could be made to step down Alert Level 3 settings in a staged approach before moving to Alert Level 2. ✓
3. On Tuesday 28 September 2021, officials from the Ministry of Health (including Public Health and COVID-19 Policy) and the Department of Prime Minister and Cabinet (DPMC) met. The intention was to consider potential changes to Alert Level 3 settings for the Auckland region and assessed whether they would be fit for purpose over the next three weeks.

We are proposing a staged step down from Alert Level 3 settings

4. On balance, the group determined that phased changes could be made that are low-risk and would assist in supporting compliance and wellbeing. You will find the proposed staged changes in Alert Level 3 settings in **Appendix 1**. ✓
5. The timing of the proposed changes would work towards the re-opening of schools in week one of term 4 (the week commencing 18 October) if this is supported by the case information at that time. The week-by-week progression of potential changes would depend on the outcomes of consecutive Public Health Risk Assessments. This would be

a way to help manage the risk of being able to reinstate restrictions if the context changes.

6. We are not proposing to change the boundary permissions between Alert Levels 3 and 2 as part of these changes. We acknowledge the pressures that these boundaries are placing on people's wellbeing and have had reports from Healthline that this is causing distress to the point of being abusive. At this stage, the boundary is a key tool in preventing the spread of COVID-19 across the country. Decisions on Alert Level 2 will continue to be reviewed alongside the step-down approach.

Education settings

7. We are supportive of efforts to re-open education settings due to the overall health benefits of education. As part of the proposals, early childhood education would be permitted to open in the week commencing October 4. Schools (for years 1-13) would re-open in the week commencing October 18 to align with the start of the school term.
8. In discussions, particularly around education settings for children under 12, it was emphasised that we need to consider how we can strengthen vaccination levels for school staff or provide other potential measures to prevent the spread of COVID-19 in those environments. We will also work with DPMC and the Ministry of Education to scope potential changes to manage potential public health settings in schools, particularly around vaccinations.

This is during the school holidays.

Next steps

9. If you agree to the proposed changes in **Appendix 1**, and these are agreed to by Ministers, we will recommend these be included in potential amendments to the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021 and consecutive versions. This recommendation will be explicit in the Cabinet paper on the review of Alert Level settings to be prepared on Thursday 30 September 2021.
10. We will also work with DPMC and the Ministry of Education to scope potential changes to manage potential public health settings in schools, particularly around vaccinations.

Recommendations

I recommend that you:

- a) **Note** that the group has reviewed current settings and proposed a staged step down of Alert Level 3 settings for the Auckland region from 4 October 2021 (dependent on public health advice at the time) to inform advice to Ministers that will be considered tomorrow at the 11.30am meeting you will be attending (29 September 2021).
- b) **Note** that we are seeking your agreement to the proposals in **Appendix 1**.
- c) **Agree** that if you agree to the changes in appendix 1, they will be provided to DPMC for input into DPMC's Cabinet paper on the review of Alert Levels.

Noted

Noted

Agree

- d) **Note** if Ministers agree to this advice, we will provide you with further advice to make appropriate changes in a potential amendment to the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021.
- e) **Note** that we will work with DPMC and the Ministry of Education to scope potential changes to manage potential public health settings in schools, particularly around vaccinations.

Noted

Noted

Signature _____

Date: 28 September 2021

Dr Ashley Bloomfield
Director-General of Health
Te Tumu Whakarae mō te Hauora

Released under the Official Information Act 1982



Appendix 1: Staged approach to reduce current Alert Level 3 settings in Auckland

- This approach does not propose changes to boundary permissions for a 2/3 boundary – very restricted movement in and out of Auckland is a fundamental tenet to being at Alert Level 3.
- This proposal has not yet been consulted with any other agencies
- Moving down each stage will be based on Public Health risk assessments that inform Ministerial decisions – moves down will only be made when it is safe to do so.
- Reopening of schools for all students is not dependant on reaching stage 3 – they should open regardless in the week beginning 18 October
 - Public Health's initial assessment (as of 28 September) is that schools are a low risk environment for this community outbreak

Stage 1 – week beginning 4 October	Notes	Agree Yes/ No	
<ul style="list-style-type: none"> - Outdoor gatherings max limit to be the greater of either: up to 10 people or two households for any purpose - Permitted outdoor recreation expanded (allowing for movement anywhere in the Auckland region, and to undertake activities currently prohibited) - Funerals/tangihanga: maximum limit to 50 people (plus staff) - ECE centres can reopen, staff to wear face coverings 	<ul style="list-style-type: none"> - Permissions allow people to begin reconnecting with friends and whānau and to undertake sports and social recreation classes outdoors (e.g. use of outdoor playgrounds, the beach, organised outdoor yoga/CrossFit classes, golf and bowls, outdoor picnics) - Recreation can now include scuba diving, sailing, hunting, flying - Use of outdoor recreational facilities managed via clear guidance to councils - Organiser of funeral/tangihanga is required to have record keeping systems in place, if eating or drinking people must be seated in groups of 10 	<p>Yes/ No</p>	
Stage 2 – week beginning 11 October	<ul style="list-style-type: none"> - Retail can operate with face coverings and 2m social distancing requirements - Public and event facilities can open (must operate with face coverings, 2m physical distancing requirements and 25 person cap at event facilities) - Increase outdoor gathering limit to 25 people for any purpose 	<ul style="list-style-type: none"> - Retail would include all farmers markets - Hospitality functions within community facilities would not be able to operate (e.g. café in a museum) - Public facilities include: libraries, pools (these are exempt from face covering requirements), museums - Event facilities include: cinemas, casinos, theatres 	<p>Yes/ No</p> <p>See note</p>
Stage 3 – week beginning 18 October	<ul style="list-style-type: none"> - Schools (all years) can reopen - Hospitality to reopen, with seating requirements in place and 50 person cap - Close contact businesses (hairdressers, beauty salons, massage parlours) to reopen - Indoor and outdoor social gatherings (including faith based) permitted, with 50 person cap 	<ul style="list-style-type: none"> - Schools should reopen for all students regardless of Auckland having stepped down through Stages 1 and 2 - Staff face covering requirement in place for all settings (except for in Education settings, which haven't yet been mandated) 	<p>Yes/ No</p>

Released under the Official Information Act 1982