

# Briefing

## Exemption from the Alert Level Order for hairdressers in Auckland as part of the CVC early access programme

**Date due to MO:** 19 November 2021      **Action required by:** 19 November 2021

**Security level:** IN CONFIDENCE      **Health Report number:** 20212529

**To:** Hon Chris Hipkins, Minister for COVID-19 Response

**Copy to:** Rt Hon Jacinda Ardern, Prime Minister  
Hon Andrew Little, Minister of Health

### Contact for telephone discussion

Name	Position	Telephone
<b>Dr Ashley Bloomfield</b>	Te Tumu Whakarae mō te Hauora Director-General of Health	s 9(2)(a)
<b>Steve Waldegrave</b>	Group Manager, COVID-19 Policy Response	s 9(2)(a)

### Minister's office to complete:

- |   |                                    |  |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Decline   | <input type="checkbox"/> Noted               |
| <input type="checkbox"/> Needs change         | <input type="checkbox"/> Seen      | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |  |

Comment:

# Exemption from the Alert Level Order for hairdressers in Auckland as part of the CVC early access program

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**Security level:** IN CONFIDENCE      **Date:** 18 November 2021

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**To:** Hon Chris Hipkins, Minister for COVID-19 Response

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## Purpose of report

1. This briefing seeks your feedback on the proposed implementation steps of a COVID-19 Vaccine Certificate early access programme for hairdressers in Auckland if they are granted a class exemption from the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the Order).

## Summary

2. Last week, the Prime Minister requested that you grant an exemption to hairdressers in Auckland from the Order. On Tuesday 16 November, I provided you advice outlining that the power to grant such exemptions sits with the Director-General of Health (HR20212504 refers).
3. The purpose of a class-based exemption would be to exempt hairdressers in Auckland to participate in an early access programme for the COVID-19 Vaccine Certificate (CVC) program that would mirror the recent Wellington pilot that has been extended to six businesses.
4. It is proposed that this programme would begin on Thursday 25 November 2021 for hairdressers (as defined by the Health (Hairdressers) Regulations 1980) across Auckland.
5. The Office of the Director of Public Health (ODPH) advised the public health risk of this is 'low' and proposed a range of measures to mitigate the public health risk that this programme may pose. These include:
  - a. Complying with the current Alert Level 3 Step 2 requirements for businesses who may open, such as physical distancing, wearing face coverings and contact records, as outlined in clause 26 of the Order.
  - b. Only seeing customers with bookings (e.g. no walk-in customers).
  - c. Ensuring that all hairdressers and staff are fully vaccinated.
  - d. Verifying proof of vaccination by customer by scanning the customer's CVC.
6. Ministry of Health have identified a series of implementation steps to ensure that the programme can operate safely and successfully:

- a. confirmation, from the Minister, for the release of the COVID-19 Vaccine Certificate Verifier application on Monday 22 November, subject to app-store approval
  - b. Ministry to publish communications outlining the proposal
  - c. Ministry to publish guidance on operations for hairdressers who choose to operate under the exemption.
7. Should you agree to the implementation steps, Ministry of Health officials will provide me with advice on whether to grant this exemption.

## Recommendations

We recommend you:

- a) **Note** that the Prime Minister requested you to grant an exemption to hairdressers in Auckland from the COVID-19 Public Health response (Alert Level Requirements) Order (No 12) 2021. **Noted**
- b) **Agree** to the implementation steps for introducing the COVID-19 Vaccination certificate early access program for hairdressers across the Auckland region, which are:
  - i. confirmation, from the Minister, for the release of the COVID-19 Vaccine Certificate Verifier application on Monday 22 November, subject to app-store approval **Yes/No**
  - ii. Ministry to publish communications outlining the proposal **Yes/No**
  - iii. Ministry to publish guidance on operations for hairdressers who choose to operate under the exemption. **Yes/No**
- c) **Note** my powers as the Director-General of Health to grant an exemption under clause 54 of the COVID-19 Public Health response (Alert Level Requirements) Order (No 12) 2021. **Noted**
- d) **Note** the definition of hairdressers, hairdressing and hairdressers' shops that has been used in this exemption as per the Health (Hairdressers) Regulation 1980. **Noted**
- e) **Note** the public health conditions to be put in place for both hairdressers and customers should this exemption be granted. **Noted**
- f) **Note** that pending your approval, officials will provide me with advice on granting an exemption to hairdressers in Auckland. **Noted**

h) **Note** that the exemption would come into effect at 11.59pm 24 November, **Noted** should I agree to sign.



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

Date: 19 November 2021



Hon Chris Hipkins  
**Minister for COVID-19 Response**

Date: 19/11/21

PROACTIVELY RELEASED

# Exemption from the Alert Level Order for hairdressers in Auckland as part of the CVC early access program

## Background

8. Last week, the Prime Minister requested that you grant an exemption to hairdressers in Auckland from the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the Order) to participate in the COVID-19 Vaccination Certificate (CVC) early access programme.
9. On Tuesday 16 November, I provided you advice outlining that the power to grant an such exemptions sits with the Director-General of Health (HR20212504 refers).
10. Currently, hairdressers cannot operate at Alert Level 3 Step 2 settings. This exemption would, in effect, allow hairdressers to operate in Auckland subject to public health conditions and CVC scanning. This proposal would mirror the pilot involving six Wellington businesses that began on Wednesday 17 November.
11. Officials have identified a series of steps required for the early access programme to be implemented, subject to the Director-General of Health granting an exemption.
12. The Office of the Director Public Health (ODPH) have advised that the public health risk of the CVC early access programme for hairdressers in Auckland is considered 'low'. A range of public health risk mitigation measures have been proposed to mitigate risk that may be present.
13. I may grant a class-based exemption to hairdressers to be open across Auckland as part of the CVC early access programme, subject to the implementation of public health risk mitigation measures and approval from you on the implementation steps beginning Thursday 25 November 2021. Staff have also recommended that scanning a CVC be a condition of entry, with only those who can prove their vaccination status be permitted entry to hairdressers.

## Statutory power to grant an exemption

14. The Director-General of Health may grant an exemption from provisions of the Order only if they are satisfied that:
  - a. the exemption is necessary and desirable to promote the purposes of the COVID-19 Public Health Response Act 2020 (the Act) or the purposes of the Order; and
  - b. the extent of the exemption is not broader than reasonably necessary to address the matters that gave rise to the exemption.
15. The purpose of the Order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 and to otherwise support the purposes of the Act.

16. If granted, this exemption would apply to hairdressers and hairdressers' shops as a named class of business, as defined in the Health (Hairdressers) Regulations 1980, specially:
- a. **hairdresser** means any person who engages for profit or reward in the business or practice of hairdressing, whether in a hairdresser's shop or not
  - b. **hairdresser's shop** means any premises, other than premises occupied by a customer, where a hairdresser carries on his business or practice
  - c. **hairdressing** means the dressing, curling, waving, cleansing, cutting, shaving, trimming, singeing, bleaching, tinting, colouring, or other treatment of the hair or beard of any person.
17. When deciding whether to grant an exemption and what (if any) conditions to impose on the exemption, I must consider the advice on the public health risk mitigation and implications.

### **Implementing the CVC early access programme for Auckland hairdressers**

18. For this early access programme to proceed, Ministry of Health have identified a series of implementation steps to ensure that the programme can operate safely and successfully. These include:
- a. Confirmation from you, of the release of the COVID-19 Vaccine Certificate Verifier app on Monday 22 November, subject to app-store approval.
  - b. Communications published by Ministry of Health outlining the proposal.
  - c. Publishing guidance from the Ministry of Health for Auckland hairdressers who choose to operate under the exemption.
19. Before I agree to the exemption, your approval is sought on the implementation steps outlined above.

### **Preventing and limiting the spread of COVID-19 and the adverse effects of an outbreak**

20. While there is community transmission of COVID-19 in Auckland, various public health measures can be implemented to reduce and mitigate the risk of transmission in these settings.
21. A public health risk assessment has determined that exempting hairdressers in Auckland from the Order will not lead to an unacceptable risk of transmission and outbreak of COVID-19. Accordingly, ODPH have advised that the risk of transmission or an outbreak associated with this proposal is 'low' if appropriate conditions are met. These include:
- a. Complying with the current Alert Level 3 Step 2 requirements for businesses who may open, such as physical distancing, wearing face coverings and contact records, as outlined in clause 26 of the Order.
  - b. Only seeing customers with bookings (e.g., no walk-in customers).
  - c. Ensuring that all hairdressers and staff are fully vaccinated.

- d. Verifying proof of vaccination by customer by scanning the customer's CVC.

### **Equity**

22. This exemption has no material equity impacts as this is a trail programme that will be available to most businesses soon as part of the COVID-19 Protection Framework.

### **Next steps**

23. If you agree to the implementation steps for this programme, Ministry of Health official will provide me with advice whether to grant this exemption. If I agree, you and the Prime Minister would then be notified, and the relevant exemption will be published in the *New Zealand Gazette* and come into effect at 11.59pm on Wednesday 24 November 2021.

ENDS.

PROACTIVELY RELEASED