



Proactive Release

The following items have been proactively released by the Rt Hon Jacinda Ardern, Prime Minister:

Briefing: Essential Services

Meeting of the COVID-19 Ministerial Group - Minute of Decision: Update on Essential Services

Briefing

ESSENTIAL SERVICES

To	Ad Hoc Cabinet Committee on COVID-19 Response		
From	Peter Crabtree, Strategy and Policy	Date	24/03/2020

Purpose

This paper provides information about the essential services regime, which allows some premises to continue operating at COVID-19 Alert Level 4.

Recommendations

Confirm officials' decisions in relation to the following:

<i>Essential services</i>	<i>Non-essential services</i>
<ul style="list-style-type: none"> • Dairies • Food delivery services • Liquor outlets • Self-service laundries • Supply chain for building and construction (eg Bunnings, Placemakers, Mitre 10 only for trade customers for essential purposes) • Retirement villages 	<ul style="list-style-type: none"> • Butchers, bakeries and similar small-scale food retailers • Natural health services • The Warehouse

Agree / Disagree

Confirm officials' decisions in relation to large-scale industrial plants:

- The Tiwai Point smelter should be exempt from closure.
- NZ Steel should be shut down in a way that allows for production to recommence easily.
- Pulp and paper plants should shut down non-essential elements in a way that allows for production to recommence easily while maintaining essential production.
- Methanex should remain in production, but at a scale consistent with stability of gas supply.

Agree / Disagree

Agree the National Controller will make specific decisions (include timing extensions) about essential services consistent with the overall framework Ministers have agreed, and will elevate decisions to Ministers as required.

Framework for essential services

1. New Zealand moves to Level 4 (the highest of the alert levels) from 11.59 pm on Wednesday, 25 March 2020. At this level, the objective is to limit movement and interaction of people, so that we can break chains of transmission. Moving to Level 4 is an opportunity to control the spread of COVID-19, meaning we need to make sure any movement of people for work is absolutely necessary, and accept the consequent economic impacts.
2. On 22 and 23 March 2020, Cabinet and CVD discussed the list of essential services. These are services which can continue to be provided at Level 4 and are therefore exempt, in a limited way, from some of the restrictions on people movement. At Level 4, for entities providing essential services:
 - a. Their people must work from home, or
 - b. If their people cannot work from home, they can leave their homes to work, but must do so in a way that meets all appropriate public health measures.
3. The difference between essential and non-essential services is that for non-essential services, if their workers cannot work from home, then they cannot leave home to go to work.
4. The principles we have used to decide what essential services are that:
 - a. Public health is paramount, so we need to minimise risks to public health.
 - b. We must continue and scale up our response to COVID-19.
 - c. We must ensure the necessities of life for everyone in New Zealand.
 - d. We must maintain public health, safety and security.
5. The current list of essential services is at Annex 1.

Decisions required

6. The essential services list is meant to be a guide to agencies, businesses and workers about what work can continue outside homes at Level 4. It is impossible to definitively categorise all types of work across the economy, and as expected, the list's publication yesterday has reasonably generated questions about what counts as an essential service. While it is easy to say some activities are not essential (eg body piercing), and other activities are clearly essential (eg ambulance services), there is a large grey area in the middle.
7. Clarification, and your decisions, are now required in relation to the following. Analysis follows for each of these based on our guiding principles.

Dairies

8. The public health risk associated with operating dairies is not greater than operating supermarkets, which also sell fast-moving consumer goods (eg groceries and baby

products). It is possible to operate a dairy with appropriate health measures in place: such as more frequent cleaning of counters and EFTPOS terminals, hand sanitiser terminals, and capacity limits (eg allowing one customer in a dairy at a time). Dairy workers can also go cashless or use PPE to minimise contact, in addition to taking health and hygiene measures such as regular hand-washing. On some measures it could be made clear that if it is found there has been a breach of conditions e.g. more than the specified number of customers in a store at any one time they are to close immediately.

9. Dairies are a key avenue through which we can continue to provide food to people in New Zealand while at Level 4. There will be people for whom accessing a dairy is easier than accessing a supermarket, and also reduces load on supermarkets (which we may eventually need to manage through measures such as staggered entry to supermarkets, with people waiting in their own vehicles). It will support people to stay closer to their household and reduce the need for travel across/beyond suburbs and towns if the alternative is a supermarket. In addition dairies will reduce the number of exposure points with other members of the public than will occur in supermarkets.
10. Keeping dairies open will also reduce public anxiety about avenues through which people can get food while the country is at Level 4.
11. For the above reasons, we recommend treating dairies as an essential service.

Food delivery services:

12. There are two elements to food delivery services: preparation, and delivery. Some may only deliver food, and not be involved in its preparation (eg UberEats). Others may prepare and then deliver food to customers (eg Hell Pizza).
13. We think the public health risks involved in food preparation (for delivery to customers) can be managed with appropriate health, hygiene and safety measures. This is analogous to in-house kitchens in hotels continuing to operate at Level 4. Kitchens may put measures in place such as requiring staff to wear PPE.
14. We also think the public health risks involved in food delivery can be managed with the appropriate measures, similar to those that taxi and rideshare drivers will have in place. These could include contactless delivery and cashless payment methods.
15. Food delivery services are a key way of providing prepared meals to people, particularly those who may be unable to cook food themselves, or access supermarkets easily (eg disabled people, or people who may have reduced access to supermarkets through public transport). While social services could fill this gap, food delivery services are already performing this function. Food delivery services could also be essential in feeding people, at large-scale, who may be housed in temporary isolation/quarantine facilities.
16. Similar to dairies, the availability of food delivery services could manage public anxiety about public availability of food, and would contribute to maintaining civic order.

Liquor outlets

17. We think it is possible to operate liquor outlets in a manner consistent with public health requirements. Similar measures will probably be required as for supermarkets (eg managing entry).

18. There are areas in New Zealand where liquor cannot be obtained from supermarkets nearby. This means there is a risk that, if liquor outlets cannot operate at Level 4, there could be implications for people for addiction issues. New Zealand Police are also concerned about scarcity of alcohol leading to stockpiling, or a run on liquor stores in the next two days.
19. Another risk is that closing liquor outlets may lead to people doing “booze runs”, where they travel beyond their communities to get alcohol. This will impact our ability to contain transmission.
20. There is a risk that allowing liquor stores to operate could create perceptions of unequal treatment between retail stores. However, this can be managed by communicating the need to avoid causing undue harm to people with addiction issues.
21. We do not think there is a need to distinguish between liquor outlets in Licencing Trust areas, or those that are not. Essentially they sell different products (supermarkets generally wine and beer). We think clear, universal rules will be easier for the public and stores to understand and comply with.

Butchers, bakeries etc

22. We do not think butchers, bakeries or similar retailers of specialised food need to remain open to the public at Level 4. Supermarkets and dairies should be able to supply basic food needs for four weeks. Allowing a large number of small food outlets to remain open at Level 4 would create health risks that we do not think are justified given there are alternative avenues through which the same or similar food can be obtained.

Natural and other health services

23. We do not consider natural health services to be critical for health, and therefore do not think they should be considered essential services.
24. We think more work is required in relation to other health services (eg optometry, physiotherapy). If needed, they should only be available in very limited circumstances, where they would amount to providing something necessary for life. Officials will continue to work with the Ministry of Health on this, and update the essential services list on my instruction.

Self-service laundries

25. We think self-service laundries need to remain open, but with restrictions. That is because in low socio-economic areas, these may be the only way for people to do laundry, which contributes to public health. We expect self-service laundries to comply with health requirements, and this may mean introducing measures to limit numbers and access at any one time.

For information: decisions which have been made

26. The Warehouse Group is currently communicating that they are able to keep operating at Level 4. This is incorrect: we do not think they need to remain open, even for fast-moving consumer goods. That is because any place with a Warehouse is also likely to have a supermarket nearby providing necessities of life.

27. The essential services list does not prevent people from obtaining dry goods that are necessary for life (eg a fridge) while the country is at Level 4. Retailers can sell online or by phone, and then deliver goods using contactless methods.
28. The supply chain for essential building and construction work will be maintained even at level 4. This means retailers like Bunnings, Placemakers and Mitre 10 can continue to sell to tradespeople for essential work (but cannot open to the general public), while taking appropriate measures. These could include having to be assured that the work concerned is essential and using contactless sale methods (eg taking orders by phone/email and then delivering goods).
29. We intend to add retirement villages to the list of essential accommodation providers, for the avoidance of doubt.
30. Also note the separate paper you have received about childcare for children of essential service workers.

Large scale industrial plants

31. There are a small number of large scale industrial plant that will need specific consideration. A number of these are captured under energy production (e.g. NZ Refining). A number are not directly involved in providing what would be considered an essential service over the next four weeks. The recommended position on each is:

Tiwai Smelter

32. The smelter would incur significant and irreversible costs if it were to shut and it would be a people intensive and long process. It is recommended the smelter be exempt from closure.

NZ Steel

33. Steel supply is unlikely to be an essential service over the next four weeks. The plant should be safely shut down but only in a way that allows for production to recommence easily.

Pulp and paper plants

34. All production should cease except to maintain the minimum production needed to deliver essentials (eg toilet paper). For non-essential services, plants should be safely shut down but only in a way that allows for production to recommence easily.

Methanex

35. Methanex is a major gas consumer. The advice from the gas regulator is that Methanex shutting would risk gas supply instability. Methanex should remain in production but scaling back operations consistent with gas supply stability.

Primary industries

36. Primary industries has been defined as an essential service at Level 3 and Level 4. Ministers have had discussions with primary industries and discussed that MPI now needs safety assurances from industries and businesses that their production processes protect workers and the public by reducing the potential spread of COVID-19. Minister O'Connor made it clear to the sector and industry leaders that, at a time when many other businesses

are not able to operate, their being able to continue is a privilege, not a right. MPI is urgently working on setting up a registration system of safety practices to enable this important piece of work, and has sent out a list of questions to the sector for them to consider. MPI will support the sector through this process and will continue to be in constant contact with the sector in the coming days and weeks.

Operationalising the essential services regime

Timing exemptions

37. Some businesses would need time to shut down safely or take action to protect assets (e.g. ensuring a building under construction is weathertight). The Controller should have discretion to grant exemptions.

Export industries

38. Other than those businesses involved in eventual services or as discussed under large industrial plants, exporters should be shutting down. Exporting by itself should not be a relevant criteria. The emphasis must be on achieving the health outcomes for Level 4.

Communications and next steps

39. An 0800 contact centre will come into operation later today. The All-of-Government group has been responding to queries from the public and agencies about how to prepare for Level 4 in relation to the essential services list. Lead agencies in each sector are now preparing guidance for their stakeholders and what does and does not constitute an essential service. This includes considering what public health measures need to be put in place where essential work is continuing.

40. The current essential services list could cover a large proportion of the workforce. We are communicating to businesses that just because *some* of their functions are essential, does not mean their entire workforce will be allowed to come to business premises. They still need to make sure workers are working from home wherever possible, and only leaving their homes to come to work to do essential things.

41. We intend to keep reviewing the list of essential services to make sure there is adequate consideration of public health risks. Over time, we may need to add or remove particular services from the list. For example, if we need to remain at Level 4 for sustained periods of time, some activities that are not essential now, may become essential, for example to ensure continued production of food and other necessities of life.

Annex 1: Current essential services list

Entities and their workers carrying out the following services are considered essential. This also includes entities in their supply chains (eg those providing IT and data infrastructure to an entity providing an essential service).

Sectors	Entities providing essential services (including their supply chains)
Accommodation Lead agency: Ministry of Business, Innovation and Employment	<ul style="list-style-type: none"> Any entity that provides accommodation services for essential workers, isolation/quarantine, and emergency housing
Border Lead agency: Customs New Zealand	<ul style="list-style-type: none"> Customs New Zealand, Immigration New Zealand and the Ministry for Primary Industries
Building and construction Lead agency: Ministry of Business, Innovation and Employment	<ul style="list-style-type: none"> Any entity involved in building and construction related to essential services and critical infrastructure Any entity involved in building and construction required immediately to maintain human health and safety at home or work Any entity that performs or is involved in building and resource consenting necessary for the above purposes
Courts, tribunals and the justice system Lead agency: Ministry of Justice	<ul style="list-style-type: none"> Courts of New Zealand, tribunals Critical Crown entities (eg Electoral Commission)
Education Lead agency: Ministry of Education	At level 3 only: <ul style="list-style-type: none"> Any person employed or contracted as teaching, nursery and childcare staff, including specialist education professionals and others who provide support (eg to disabled children) Any person employed by or contracted to an educational facility Any entity supplying educational facilities or educational materials (eg printers)
Fast-moving consumer goods Lead agency: Ministry of Business, Innovation and Employment	<ul style="list-style-type: none"> Any entity involved in the supply, delivery, distribution and sale of food, beverage and other key consumer goods essential for maintaining the wellbeing of people, but not takeaway shops
Financial services Lead agencies: Financial Markets Authority and Reserve Bank of New Zealand	<ul style="list-style-type: none"> Banks, insurers and other financial institutions, including any entity that contracts or provides services to them (eg secure money delivery services) Securities registries NZX
Health	<ul style="list-style-type: none"> District Health Boards (and all of their facilities), Pharmac, New Zealand Blood Service, Health

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<p>Lead agency: Ministry of Health</p>	<p>Promotion Agency, Health Quality and Safety Commission</p> <ul style="list-style-type: none"> Any person employed or contracted as a doctor, nurse, midwife, pharmacist, paramedic, medical laboratory scientists, kaiāwhina workers, social workers, aged care and community workers, and caregivers more generally Hospitals, primary care clinics, pharmacies, medical laboratories, care facilities (eg rest homes) Any entity providing ambulance services Any entity involved with the deceased/tūpāpaku (eg funeral homes, crematories, cemeteries) Any entity producing health sector equipment, medicines and PPE
<p>Local and national government Lead agencies: Department of Internal Affairs (local government) and State Services Commission (national government)</p>	<ul style="list-style-type: none"> Any entity involved in COVID-19 response, enforcement, planning or logistics or that has civil defence/emergency management functions (including any entity that supplies services for these purposes) Key public services (see note below for agencies)
<p>Primary industries, including food and beverage production and processing Lead agency: Ministry for Primary Industries</p>	<ul style="list-style-type: none"> Any entity involved in the packaging, production and processing of food and beverage products, whether for domestic consumption or export Any entity involved in relevant support services, such as food safety and verification, inspection or associated laboratory services, food safety and biosecurity functions Any entity providing veterinary services Any entity whose closure would jeopardise the maintenance of animal health or welfare standards (including the short-term survival of a species)
<p>Public safety and national security Lead agency: National Emergency Management Agency</p>	<ul style="list-style-type: none"> The Department of Corrections, Fire and Emergency New Zealand, Ministry of Defence, Ministry of Justice, New Zealand Defence Force, New Zealand Police, New Zealand Security Intelligence Service, Government Communications Security Bureau Courts of New Zealand Any person employed or contracted in a public safety or national security role
<p>Science Lead agency: Ministry of Business, Innovation and Employment</p>	<ul style="list-style-type: none"> ESR, GNS, GeoNet, NIWA, MetService Any entity (including research organisations) involved in COVID-19 response Any entity (including research organisations) involved in hazard monitoring and resilience Any entity (including research organisations) involved in diagnostics for essential services like biosecurity, public health Laboratories and Physical Containment level 3 (PC3) facilities that could provide essential services and products that could be used to respond to COVID-19

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	<ul style="list-style-type: none"> • Other significant research facilities including animal facilities, clinical trials and infrastructure that requires constant attention (eg samples, collections and storage facilities) that are important to New Zealand •
<p>Social services Lead Agency: Ministry of Social Development/Oranga Tamariki</p>	<ul style="list-style-type: none"> • Those entities, including non-government organisations, that provide welfare and social services to meet immediate needs, to be specified jointly by the Ministry of Social Development and Oranga Tamariki
<p>Transport and logistics Lead agency: Ministry of Transport</p>	<ul style="list-style-type: none"> • Ministry of Transport, New Zealand Customs, New Zealand Transport Agency, Civil Aviation Authority (including Aviation Security Service), Maritime New Zealand (including the Rescue Coordination Centre), Airways NZ, MetService, KiwiRail (including Interislander), and any entity which is contracted by these entities • Any entity that provides, or is contracted to an entity that provides, logistics services, including New Zealand Post and courier services • Any entity providing, or is contracted by an entity that provides, transport services to the Ministry of Health, a District Health Board, a Medical Officer of Health, or a Controller (as defined in section 4 of the Civil Defence and Emergency Management Act 2002) • Any entity which provides services related to the maintenance and ongoing operation of critical infrastructure (eg roads, rail, ports, airports) • Any entity which operates or is contracted by an entity listed in Schedule 1 of the Civil Defence and Emergency Management Act 2002, an aerodrome, a passenger and/or freight aviation service, a passenger and/or freight shipping service, a road freight service, a rail freight service, a vehicle recovery service; or a public transport service (under contract with a Regional Council) • Any small passenger service vehicle driver (who holds the relevant licence) • Any entity providing services to keep vehicles operational for essential work purposes (eg vehicle testing, mechanics, tyre services)
<p>Utilities and communications, including supply chains Lead agency: Ministry of Business, Innovation and Employment, and Ministry for Culture and Heritage (for broadcasting)</p>	<ul style="list-style-type: none"> • Any entity involved in the production, supply, sale distribution or disposal of electricity, gas, water, waste water (eg sanitation), waste (eg rubbish collection), fuel, telecommunication services, and any entity that is contracted by these entities • News (including news production) and broadcast media • Internet service providers • Any entity that provides maintenance and repair services for utilities and communications, including supply chains

	<ul style="list-style-type: none">• Any entity supplying services to an essential workplaces that are required for the safe operation of that workplace (eg cleaning, security services)
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For the avoidance of doubt, specified sectors and occupations in the following are also included in this list of essential services:

- Schedule 1 of the Civil Defence and Emergency Management CDEM Act 2002 Schedule 1 of lifeline utilities, and
- Employment Relations Act 2000 Schedule 1 of essential services.

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Meeting of the COVID-19 Ministerial Group

Minute of Decision

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Update on Essential Services

The group of Ministers with Power to Act on COVID-19 matters [CAB-20-MIN-0130] convened on 24 March 2020 at 4.30pm and, in accordance with their Power to Act:

- 1 **noted** that the principles used to determine 'essential services' are health-based, for example public health is paramount and therefore risks to public health must be minimised;
- 2 **confirmed** that essential services include:
 - 2.1 dairies (subject to conditions, namely that dairies must apply a strict 'one in, one out' process, with appropriate PPE to be used if possible);
 - 2.2 whole food delivery services (eg Meals on Wheels, boxed whole food that needs to be cooked before consumption);
 - 2.3 self-service laundries;
 - 2.4 supply chain for building and construction (eg Bunnings, Placemakers, Mitre 10 only for trade customers for essential purposes);
 - 2.5 retirement villages;
- 3 **confirmed** that non-essential services include:
 - 3.1 liquor outlets;
 - 3.2 butchers, bakeries and similar small-scale food retailers;
 - 3.3 natural health services;
 - 3.4 The Warehouse;
- 4 **noted** that further advice will be provided to Ministers on online shopping issues;
- 5 **confirmed**, in relation to large-scale industrial plants, that:
 - 5.1 the Tiwai Point smelter should be exempt from closure;
 - 5.2 NZ Steel should be shut down in a way that allows for production to recommence easily;

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- 5.3 pulp and paper plants should shut down non-essential elements in a way that allows for production to recommence easily while maintaining essential production;
- 5.4 Methanex should remain in production, but at a scale consistent with stability of gas supply;
- 6 **agreed** that the National Controller, jointly with the Director-General of Health, will make specific decisions (including timing extensions) about essential services consistent with the agreed overall framework, and will elevate decisions to Ministers as required.

Michael Webster
Secretary of the Cabinet

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