

**POST-CABINET PRESS CONFERENCE: TUESDAY, 26 OCTOBER 2021
HANSARD TRANSCRIPT**

PM: Kia ora koutou katoa. Good afternoon. First, the week ahead: tomorrow, I am in Wellington, where I will have a farewell call with outgoing Children's Commissioner Judge Andrew Becroft; overnight on Wednesday, I'll be attending the East Asia Summit leaders' meeting, which is happening virtually this year; and, on Thursday, I will be in the Wellington region attending events to support our ongoing vaccination drive. Today, I am joined by workplace relations and safety Minister Michael Wood to set out work we are doing as a Government to help support employers as they consider the role of vaccines in their workplace.

Last week, I set out our new COVID-19 protection framework that will move New Zealand forward once each DHB in New Zealand has reached 90 percent of their population fully vaccinated. The more people who are vaccinated the safer we all are. That gives us options and the ability to keep people safe without having to use some of the more blanket restrictions that we've used in the past. That's because, if you're vaccinated, you are less likely to get COVID-19, and, if you do, you are less likely to get really sick—in fact, in our current outbreak, only 5.2 percent of cases have been fully vaccinated.

We know, then, what this means for Auckland. There are now just 11,000 first doses shy of hitting 90 percent vaccination rates across all DHBs for the eligible population. Once those first doses then go on to receive their second dose, Auckland will move into the new framework, meaning businesses can open and operate safely again. The same transition will apply for the rest of the country once the remaining DHBs also hit 90 percent.

But what if we have cases in the meantime outside of Auckland and before we are ready to move into the new framework? You can already see what our response in these cases would be, but the short version is that if you don't know where a case has come from and if there might be other cases that we don't about, we are very likely to continue to use the level 3 restrictions we have now. None of us want that, especially as we move closer to summer and Christmas. So the answer is simple: vaccination. We don't just want Auckland moving into the COVID protection framework as soon as possible; we want everyone to. It's the best way to give certainty to business and to our communities in that we are doing all we can to ensure we reach those targets so that we can minimise the disruption of COVID. But, of course, to do that, we need to ensure those vaccination rates lift. So, please, don't wait until cases come to your town or your city; get vaccinated now.

In the meantime, there are other ways that we continue to support businesses as we prepare to implement the new framework. The Government has already mandated vaccination across workforces and important sectors where workers are likely to come into contact with COVID-19, including the border, health settings, and, of course, education. With the new traffic light system, businesses that we previously treated as high risk, like hospitality, hairdressers, and gyms, can operate at all levels if they ask customers for a vaccine certificate. And so it follows that if customers must be vaccinated, then so too must the workers. We want workplaces open, customers safe, and workers safe too.

In recent weeks, the Government has been engaging with Business New Zealand and the Council of Trade Unions on this issue, and the clear message we have heard is that businesses large and small want a clear legal framework on the issue of vaccines and vaccine mandates. They want certainty and simplicity, and we're answering that call. Cabinet has decided today that vaccinations will be mandated for everyone who works in any workplace where a vaccine certificate is required for entry. In the new COVID-19 protection framework, this includes hospitality, events, gyms, and close-proximity businesses such as hairdressers and barbers. The timing of this coming into force will depend on when we move to the COVID-19 protection framework. We'll continue to work through the detail with businesses and unions to ensure we get the balance right, and Minister Wood will have more to say on that shortly.

This requirement means staff and customers are treated equally, and it will play a big part in helping to minimise the spread of the virus in the highest-risk venues, by reducing the potential for COVID to enter the business in the first place, and further supports our businesses in their economic recovery. But, beyond those workplaces, employers are also asking us for more guidance and more certainty. So I'll now hand over to Minister Wood to lay out more details of today's decision. Minister Wood.

Hon Michael Wood: Thank you, Prime Minister. As we all know, getting vaccinated is the most important thing that we can do to help stop the spread of COVID-19 and to keep our whānau and workplaces safe. Right now, I'm here in Auckland with 1.7 million other Kiwis, and we desperately want to get back to the things that we love. Having rates of vaccination of 90 percent - plus and confidence about the places that we can go under the COVID protection framework is critical to making that possible. That's why, as the Prime Minister has confirmed, Cabinet has agreed today that we will require vaccination for all workers at businesses where customers need to show COVID-19 vaccination certificates, including hospitality, events, close-contact businesses, and gyms.

It isn't just employers that have been asking us for clarity on this. We've also had workers asking how they can have assurance that they're safe from COVID while at work, and by mandating vaccinations for both customers and employees, we hope to give them that piece of mind and help to protect public health. As the Prime Minister has said, the timing of this coming into force will depend on when we move to the COVID-19 protection framework. We're working closely with the CTU and Business New Zealand to make sure that we will have robust guidance for businesses really well in advance. And I would just like to acknowledge both Business New Zealand and the CTU, who have been working closely with us as we work through these complex issues in recent weeks.

For now, I encourage workers in these industries who are not yet vaccinated to please get your first vaccination. Some businesses have already done a risk assessment to require some, or all, of their workers to be vaccinated, but businesses and unions are asking for more certainty and clarity, and employers sometimes are concerned that their decisions might be legally challenged. We intend to change the law to introduce a clear and simplified risk assessment process for employers to follow when deciding whether they can require vaccination for different types of work. It'll cover simple factors like who workers interact with during their work days, and how close that contact is. We intend to make it very clear and simple for employers to apply. This risk assessment is based on the guidance provided by WorkSafe, with input from public health officials, business representatives, and unions. Just like with health and safety assessments, employers will have to consult workers and their representatives when using this risk assessment process. This process won't override risk assessments that businesses have already done under the existing health and safety guidelines; it'll be about how we move forward.

Employers will continue to be able to exempt any workers from a vaccination requirement they introduce. We will suggest that people who cannot be vaccinated for medical reasons should be exempt—noting that that is a very small number of New Zealanders—unless their work is so high-risk that this is not safe.

Some overseas markets may prevent access due to COVID-19 - related issues in export food production premises. Such barriers have the potential to affect our trade, which is vital for our economic recovery. To help protect our economic recovery, we have therefore also agreed to allow vaccination to be required if it is necessary to facilitate access for New Zealand products to specific overseas markets. More information about this will be available from the Ministry for Primary Industries in the coming weeks.

We do know that these changes will raise questions around what happens when mandated employees do refuse to get vaccinated. To provide clarity, a new four-week notice period will apply if people are terminated if and when they choose not to be vaccinated and their work requires it. We're expecting many more employers to require vaccination for work and their businesses. This law change will require a minimum of four-weeks paid notice for any

employee who loses their job because they are not vaccinated. Most employees will have notice periods in their employment agreement already, but this will create a basic minimum. The change will only apply to employees who do not have a notice period, or if that period is shorter than four weeks. This will effectively be the start of a countdown. Once the notice period commences, the employee will have that amount of time to get vaccinated. Provided it is reasonable to do so, the employee will be able to retain their employment if they get vaccinated in that period, but their employment will be terminated if they do not.

Other aspects of employment law will not change, and employers and employees will continue to both need to behave in good faith. We know that some workers can find it difficult to find the time that they need to get vaccinated, as they might have childcare duties, shift work, or other complications. To make sure that there are as many opportunities as possible for workers to get vaccinated, we're also going to require employers to provide paid time off for workers to get vaccinated. We know that most employers have already been doing this and are taking steps to support the employees—for example, by providing transportation to vaccination centres. This change will ensure that all employees can get vaccinated during work hours, removing a potential barrier and helping employers to raise vaccination coverage in their workplaces.

Employers will also be required to keep records about employees' vaccination status. MBIE will work this issue through with the Office of the Privacy Commissioner in the coming weeks to provide practical guidance on how to make sure that workers' records are handled appropriately.

We know that there are questions around enforcement as well, so we're also providing more funding for WorkSafe to undertake its COVID-19 compliance role. Cabinet today agreed to provide funding of \$4.4 million for WorkSafe, to enable them to extend their current COVID-19 activity to undertake more proactive work, using a mix of education, engagement, and enforcement where necessary.

We understand the urgency of moving forward and will be introducing legislation to bring these changes forward in the very near future. We will pass the legislation as a priority to give workplaces and workers the certainty they need, because vaccination is one of the best tools to reduce the risk of COVID-19 transmission in workplaces and in our communities. Thank you, and I'll pass back to you, Prime Minister, now.

PM: Thank you, Minister Wood. I might now ask Dr Bloomfield to join us. Just aware that usual practice has Dr Bloomfield available for questions after the 1 p.m. release as well.

Media: Prime Minister, mandatory vaccines started with the education and health workforce; now we're talking about hairdressers and barbers. Is this a Government overreach?

PM: Absolutely not. You can see we've been very careful here to make an assessment of those areas that, throughout this outbreak and throughout COVID-19, have always been assessed as high risk. They're those places where you have a large number of people, often that you may not know, in a confined space or in close personal space because that's the nature of the business. So it makes sense that if we're using vaccine certificates for customers, customers will expect that the people that they're in contact with who are the workers will be vaccinated as well.

Media: How much of the total workforce do you expect to face vaccine requirements?

PM: Minister Wood? Across the total workforce, once the mandates are in place, it could be up to 40 percent. Do you wish to expand on that, Minister Wood?

Hon Michael Wood: That's right. The current orders which are in place cover approximately 15 percent of the workforce, and our estimate is that those workplaces covered by COVID vaccine certificates are potentially around about another 25 percent of the workforce. So that would bring it to around about 40 percent in total, noting that other workplaces would still have access to the simplified risk management framework that we're providing.

Media: Is this about punishing the people who are refusing to be vaccinated, and does it further create a two-tiered system?

PM: Not at all. I think questions would rightly be raised if we had introduced a regime of vaccine certificates to ensure that we actually could safely open some of those businesses who have faced closures on and off throughout COVID-19—and using vaccine certificates there enables us to open confidently, but questions would rightly be asked if we required those who are customers to be vaccinated but not the people that were serving them or working in hospitality or those barbers or those places where vaccine certificates were being used. So this is about creating an environment where it makes sense that you can be assured customers but also workers are both vaccinated.

Media: If someone then ends up losing their job, are they just sort of marginalised by society? Will they still be able to access benefits? What happens then to those people?

PM: Yes. Your ability to access Government support and your ability to access, for instance, an unemployment benefit or to seek support in finding new employment is not and will not be affected by your vaccination status. In fact, unlike, as far as I can tell, many other countries, we've taken the step of both saying where vaccination certificates will be used but also where they cannot be used. We will not use them in places like supermarkets or to access health services or critical health needs through things like pharmacies. We do not want people who are not vaccinated to be precluded from accessing the basic necessities of life: food, healthcare, and so on.

Media: What about the flip side of that, particularly with the likes of WINZ? Will you mandate for customer-facing WINZ staff to be vaccinated so that vulnerable people aren't put at more risk?

PM: And you can see here the questions that have been put to us—complex, difficult questions around vaccine mandates, on a daily basis. What we're looking for here is a very consistent approach. We have a duty of care to protect the most vulnerable, but, at the same time, of course making sure that where we're applying mandates, we're doing so in a reasonable way. Minister Wood, would you like to speak to what we're doing across Government services generally?

Hon Michael Wood: Thank you, Prime Minister. That's right, in addition to the areas covered by COVID vaccine certificates for which we have confirmed a mandate today, Ministers have agreed to do some further work in the coming weeks as to whether it is appropriate to include other areas within vaccine mandates. This could include some of those sorts of Government services that you've identified. Obviously, there's a particular nature to them whereby the clients of MSD, for example, do not have any choice but sometimes to interact with people who are working in those areas. So we'll certainly be investigating that. But we have also agreed that we won't be restricting ourselves just to public services. We will be considering whether there are other areas where it is appropriate to consider these mandates. But we want to do this in a proportionate, considered, consultative way. So, as we have been in recent weeks, we'll be working carefully with Business New Zealand and CTU as our social partners, and other key stakeholders as we consider that.

PM: Two final quick points on that: again, I cannot state more clearly how important it is [*Inaudible*] that your access to Government support will not be affected by vaccination status. We're very clear on that. The other point to make is we're up to almost 90 percent vaccination rates in some areas. In fact, you can see well over 80 percent first doses for the general population. We're now talking about, for instance, workplaces where the vast majority of employees will be vaccinated, by giving clarity to employers about what to do if they have one or two who may not be.

Media: Prime Minister, I may have misunderstood, but is this an opt-in system for employers? Not a compulsory one?

PM: So where we'll be requiring the use of vaccine mandates is for those places where vaccine certificates are used. So if you're a hospitality business and within the traffic light

system you're requiring customers to be vaccinated, it naturally follows that your staff need to be as well. For the rest, for other employers—so retail, for instance—we don't require vaccine certificates there. They may legitimately want to use vaccine mandates. We're giving greater clarity in the law about the process they need to go through if they are to adopt a vaccine mandate for their staff.

Media: So areas that aren't customer facing—so office workers—are managers or owners of those companies able to apply this to that setting, even when there is no customer facing at all?

PM: So this is where they would undertake their own assessment based on the framework that's been established. I'll have Minister Wood speak to—already we've got a framework already out there, but what we're looking at is how we can simplify that and also give even greater reassurance to employers where they are making that assessment themselves. Minister Wood, would you like to speak a little bit more to some of the detail around that risk assessment?

Hon Michael Wood: Yes, thanks, PM. Look, it is important to note that we do already have some employers who are using the existing risk framework which is in place, including some employers who mainly have back-office functions. But what we have heard consistently from employers, from unions, and from others, is that they would prefer a much simpler and clearer process. So we'll be doing, effectively, two things here. One is we will be lifting up the risk framework and putting it forward as secondary legislation. So it's currently on WorkSafe's website as guidance. People have said they want a greater sense of firmness around what they can rely upon. So we'll be working that through as a piece of secondary legislation. But, secondly, as the Prime Minister says, we're working to make it as clear and as simple as possible about when it is reasonable for an employer to require vaccination as a condition of employment. So that'll be very simple things such as the degree of interaction with customers, and a small number of other criteria.

PM: We're just very mindful that small businesses in particular want really clear and easy guidance, because they're unlikely to have the HR function that many of the businesses who are already using vaccine mandates might do.

Media: Hospitality businesses will still be able to choose whether they require vaccine certificates?

PM: So, at this point—so you're aware, of course, that a hospitality venue is only able to operate at red contactless if they're not using vaccine certificates; orange if they have limits and distancing; and then green, of course, it's much more open. Cabinet has made the decision today to keep this framework as simple as possible, and so to apply the mandate across the board for places that are eligible for vaccine certificates. But we will go out and seek some specific guidance from that sector as to whether or not they want that certainty and simplicity, or whether or not they want the option of being an unvaccinated workforce but not being able to open until you hit green. So that's something we'll work through with them.

Media: Do you see a time when the certificates won't be necessary—

PM: Yes.

Media: —if vaccination hits a high enough threshold that we can drop them?

PM: Yeah, potentially yes—yeah. I am interested in—you see that many countries who have used them have used them for a number of months whilst they've had other public health measures in place, and then after a certain period of time have moved into a space where they're no longer using them. Of course, they've often done that through summer. What will be interesting is to see whether or not any opt back in during the winter periods when there is some view that, of course, Delta and COVID will need to be more closely managed. The other benefit that those countries may find, of course, is vaccine certificates may be a way to ensure that, if you are in a position where you are, for instance, implementing something like boosters in the future, if you're using a digital process—as we will be—they

could be a means to ensure people are up to date with their vaccination status. So I'll be interested to see if other countries use that tool in that way.

Media: Has the A-G or his office completed a BORA analysis of these changes—these two changes—and what were the implications of that? Does this breach the bill of rights Act?

PM: We're being very careful on that front. I'll have Minister Wood, who's been working closely with the Attorney-General on this, speak to that.

Hon Michael Wood: Thank you. Henry, that process would occur as legislation is developed, which is a phase that we will be moving into now. But very much we've had these issues at the centre of considerations. I've been working closely with other Ministers, including the Attorney-General, to be making sure that as we develop up a framework that gives certainty and makes sure that we enhance public health as much as possible, we are balancing the suite of rights issues that are at place here. And, certainly, as a group of Ministers, it is our view that the overriding public importance and public interest of ensuring that people are highly vaccinated and that people can have confidence in the places that they enter means that it's appropriate to move forward with this.

Media: Is it fair to say it's likely that it will breach BORA, though, long term? Even if you might decide, as a group of Ministers, as you're allowed to, that that's worth it, that it is likely to breach the bill of rights?

PM: I wouldn't make that assumption. Minister Wood?

Hon Michael Wood: No, I wouldn't. Look, that advice is given to us independently, so it's not for us to predetermine what that advice is. But, of course, the way that the bill of rights works is that it does assess the complex way in which rights interact and assesses whether it is reasonable sometimes to make decisions that might be justifiable under the circumstances. But we'll wait for the advice to come through on that.

PM: We've tried to also strike a very careful balance here. I think people would raise questions if we had a vaccine certificate regime where a venue had an unvaccinated workforce but a vaccinated group of people that they were hosting or serving. So we are trying to be very careful to ensure that everything that we're doing has a public health basis to it and also balances up the rights of those who are both workers against also the rights of those who may be clients or customers, as well.

Media: Prime Minister, did Cabinet make a decision today to shorten MIQ stays for double-vaccinated returnees?

PM: You'll know that when we are ready to announce changes—either decisions made by Cabinet or Cabinet committees—that we do that at the time rather than speculating on when decisions may or may not have been made.

Media: Prime Minister, do you expect that the vaccine certificates and also the law changes to enact the mandates will have sunset clauses? And, also, will the law changes protect employers from Employment Relations Act actions, personal grievances, and also workplace health and safety actions?

PM: Minister Wood.

Hon Michael Wood: Thanks, Bernard. Look, in answer to those two questions, we envisage that those changes will come under the COVID legislation that is currently in place that needs to be renewed periodically, so along with all of the other provisions. It would be linked to the lifespan of that piece of legislation. Secondly, we have made a very clear decision that we will not be doing anything active that takes away people's rights to test their employment rights in the courts. We think that that is very important. But what we are doing by massively simplifying the framework is reducing the potential for there to be confusion and litigation, which is what's been identified to us by both employers and unions. So, for example, by creating a simplified risk framework with a smaller number of defined factors to be considered, that will significantly reduce any risks in that area. Similarly, we will provide

guidance in secondary legislation about the process that needs to be followed. So while we won't be taking away anyone's employment rights to test out what's occurred in the courts, we expect that there will be considerably less risk for all involved for there to be litigation.

Media: Just on the vaccine certificates, which are going to be crucial to make this happen, when are you expecting currently those to be ready and in use? Because there seems to have been—

PM: November.

Media: November?

PM: Yes.

Media: Because there's been other reports that it will be December.

PM: Ah, that was an error on a website. But I can tell you, November.

Media: So, late November, early November?

PM: November. We're piloting—there will be piloting across, so testing, of course, the system over the course of November. But, keeping in mind, the ability to use paper-based exists, this is the digital functions. This will be the thing that makes it a lot easier for large-scale events and the like. So we absolutely anticipate it will be in place and ready to go before Auckland moves into the framework.

Media: In terms of the timing, just to be clear, will this kick in as soon as Auckland or another part of the country moves to the new framework? Will that four-week grace period start from day one when the new framework kicks in?

PM: Oh, you mean for the employees? Do you mean the grace—Minister Wood, so as we've said, the timing of the legislation, we're working through in some of our consultation with those interest groups, but, Minister Wood, do you want to speak to how that will interact with the four-week notice period?

Hon Michael Wood: Certainly. So, just to step through how that will work. When the new legislation comes into effect, whether we are talking about mandates which apply to workplaces with COVID vaccine certificates or whether we are talking about workplaces where the risk framework is applied, employers will need to go through a reasonable process with employees. They will need to consider, for example, whether it is possible to redeploy them into work that is not covered and does not need to be vaccinated. But once they have then made that decision, that is when the four-week countdown will begin, and the employees will have a final four-week period to either get vaccinated or face the termination of their employment. So that four-week period will happen a little bit later, once the employers have gone through the process.

Media: OK. And there's no—we can't say for definite whether this is going to start taking effect as soon as we move to the new framework? Is there a chance that the law isn't passed before we move to the new framework?

PM: There's nothing to stop a business undertaking that risk assessment now; that ability already exists.

Hon Michael Wood: That's right. That's absolutely right. Officials are working as fast as they can to get the legislation in place to bring forward these changes, and I'm confident we'll be able to line things up.

Media: Last week, Minister Hipkins said there would be decisions made in Cabinet today about schoolkids based on year 1 to 10 and what the next step is around that. What did Cabinet decide?

PM: I'll leave Minister Hipkins to announce that, but what I can say is that top of mind for us has been making sure that, whatever we do, it's undertaken as safely as possible. Particularly when you factor in that decision making here may affect those who are unable to

be vaccinated in those primary school - aged children, but if you'll allow me to have him make those announcements or foreshadow what will happen in the future.

Media: In the House, David Seymour was alluding to some overseas trips that you might be doing in the future. Is there any truth to his line of questioning?

PM: I have nothing to confirm today. It is fair to say that, for a number of months, of course, as we negotiate the EU FTA, we are reaching a critical juncture and the question has been raised as to whether or not I will be able to support the conclusion of those talks. No final decisions have been made. As you can imagine, for me, so much of what I do in the next few weeks is entirely dependent on what's happening here in New Zealand.

Media: The Government has been reluctant during the course of the Delta outbreak to force vaccination. For example, for essential workers, we've seen truck drivers, for example, who have been unvaccinated who have had the ability to travel the length of the country.

PM: But tested.

Media: Why is there such a drive now to mandate when you have been reluctant to up until this point?

PM: Well, actually, what I would say is that we've been very careful and considered in where we have put in place mandates. We've moved through each as the risk has been identified. We've moved through those sectors, carefully considered it, worked alongside those sectors, and then implemented. Border workers—you can see why. That was because the most confronting, or most highest risk areas were at our borders.

Then, of course, we started the consultation on our health workforce, because of course the vulnerability of those they may be dealing with—and, of course, the fact they are more likely to interact with COVID. Then we considered education because of the ability for individuals in education to be vaccinated. Now, we're lining up the new COVID protection framework with the vaccine certificates. But keep in mind, we've always considered the areas we're applying these to be high risk. Even before we had vaccines, we treated them in that way, and this is a tool we can use to enable those workplaces that previously would have been the subject of heavy restrictions to operate without those heavy restrictions in place. So we see it as a win-win.

When it comes to those who work across borders, that's been more of an issue because of the issue we have of a hard border at the moment. So that's quite specific to our current circumstances. But we have taken into consideration, though, the use of vaccines there. It is an area we wouldn't step into lightly, because, of course, any move there with mandates could cause significant disruption to those networks, and we would be very carefully considered and work alongside those workforces if we were to introduce mandates there.

Media: Because I guess the counter to that is it's a preparedness thing, and whilst Delta has been spreading and whilst there's been this urgent work to sort of contain it within Auckland, there hasn't been any, sort of, rush from the Government to make sure people who are potentially able to spread it are vaccinated. So—

PM: I disagree. Actually, you will have found that there would've been times where I was very, very cautious in talking about vaccine mandates, because our hope across the board has always been that we would achieve the highest rate possible without having to use mandates too widely. We would all want people to make the choice to be vaccinated to protect others, but there are sectors where we have seen that the majority, yes, have been, but there may be a small group who have not, and those fellow employees have wanted the confidence—as have the people that they serve, the confidence—that we have covered the entire workforce.

Media: Can I just quickly ask Dr Bloomfield on that, because I'm sure there are other questions? What has your advice been on the, sort of, mandating of essential workers throughout this period? I mean, have you seen the need for that, considering the risk that it might have had in terms of spread?

Dr Ashley Bloomfield: Do you mean spread out of Auckland?

Media: Yeah, so essential workers—truck drivers and things that we've seen travel the length of the country unvaccinated, take it to other places. What has your advice been over this period about whether the Government should have indeed been—

PM: No one has yet done that, though, but carry on.

Dr Ashley Bloomfield: So the first comment I would make, and the Prime Minister's alluded to this, is our advice was very clear from the start around testing, and hence the surveillance testing for those who are crossing the border regularly and the requirements for, effectively, a pre-departure test for those who are crossing out of Auckland or coming out of Auckland on a single occasion.

In terms of vaccination, our focus has been on making vaccination very easily available for those essential workers, including providing vaccination in their workplaces, and that happened from very early on. And really trying to get the vaccination rate up across those workforces. So that's been the focus there.

And the focus now, of course, with these latest changes is, building on the health and the disability and the education workforces, to be vaccinating workers who are going to be in contact with the public and in settings where there is a high likelihood of transmission. There's a low likelihood of transmission from someone who might be driving a truck out of Auckland and then coming back, especially if they are on a regular testing regime.

PM: I noticed that also other countries have tended to use mandates in very, very broad terms, and we're stepping through the mandates, but, also, giving clarity to businesses to make their own assessment as well.

Media: Prime Minister and Minister Wood, obviously you're a Labour Government. How comfortable are you with the fact that the State is basically mandating that employers have to sack someone if they don't get a vaccine? Workers' morale in the country—how does that sit with you? Can I ask you both that?

PM: Minister Wood?

Hon Michael Wood: Luke, I've spent my entire working life working for and with unions and supporting the rights of working people. So we don't move into these areas lightly or without very carefully thinking through the kinds of considerations that you've identified. But, ultimately, this is about how we live together. This is about the collective rights that people and workers in our society have to be safe and to feel safe when they're at work or when they're coming into workplaces. And, ultimately, we think that is the most important thing at the moment. And I would just note that we have increasingly been hearing this call from workers and from unions as well—that they want certainty and clarity, that workers want to know that when they're going into work they're going to be safe as well. And that's why it's been really important for us that we work with both those social partners—Business New Zealand and CTU—to get this policy right, and they've engaged very, very positively with the policy that we've developed.

Media: Dr Bloomfield, what information do you have on some people getting vaccinated on behalf of others? Are you aware if they're getting paid to do that, for example; and what sort of penalties could be in place?

Dr Ashley Bloomfield: Well, there are certainly some stories circulating about this. I don't have—we've not been informed about any payments that have been made for this. I guess, rather than penalties, I think it's just important to point out that it's a very unsafe thing to do—for someone to be receiving a medical intervention on behalf of another person—because then, when both people require care from a professional, that information that might be there recorded about their vaccination status won't be correct, and that may compromise the care they receive and their health and wellbeing. So, clearly, if this is happening, I just strongly discourage people from doing that.

Media: How big a problem is it? Do you have any idea of numbers?

Dr Ashley Bloomfield: No, but I don't imagine it is a big problem. Whilst there's no requirement to provide identification—photo identification—when someone does get vaccinated—for those of you, and I expect it's everybody in this room, who has been through the process—there are multiple checks made of people's identity, date of birth, and NHI matching. So it would be difficult to get through that process, even without the requirement for photo ID, without that being picked up as something odd happening, if someone was trying to do this.

Media: Prime Minister, this is a bit of an odd one, but—it's not odd; it's just off topic. Scott Morrison has announced that Australia has committed to being carbon neutral by 2050. Can I get your reaction to that?

PM: Look, as we come into COP26, the calls are being made on all countries to make sure that we are doing our bit. Particularly as members of the Pacific, our Pacific neighbours have long held all of us to account to ensure that we're doing our bit. And New Zealand, I believe, absolutely, on behalf and alongside our Pacific neighbours, is. But it's up to each of us to be able to say that.

Media: Prime Minister—just a quick—are you continuing the phase steps out of level 3 for Auckland, or—

PM: So you would have heard us—well, you would have heard me—confirm on Friday that those phased steps that we set out for Auckland, they still hold. We are still looking at the ability for Auckland to move through any of those phased steps. In fact, we designed them whilst we were designing the protection framework. So we had in mind that if Auckland were at different points, the ability to then transition into the new traffic light system.

Media: When can we expect the next sort of review on this?

PM: So we're constantly accessing against the outbreak. You know, what we're seeing at the moment with the outbreak is—of course, we've seen growth. What we want to see, though, is, really, the impact of those vaccines—seeing some stabilisation in that growth. And, at the moment, that's, of course, what everyone is monitoring, and it's what the modellers up in Auckland are looking very closely at at the moment.

Media: Are you considering any kind of COVID testing requirement for people travelling into the South Island to better protect them from COVID?

PM: Of course. The highest risk area at the moment for all of the country is, of course, the primary source of the outbreak in Auckland. And, of course, we do require testing for those who are regularly coming out of Auckland. So that's already happening through that movement. We haven't then applied that, for instance, in Wellington or other places where there simply isn't COVID.

Media: Could you—because, I mean, the way that it got there was from a case that was in Tokoroa or Rotorua. So could you just require one at the ferry as well?

PM: Yeah—we have debated this in the past. Of course, one of the reasons that we do it as a pre-departure is to ensure that we capture everyone that we need to and in a way that makes sense, as well. We did consider previously, when we were putting in that testing regime, whether or not it should happen at, for instance, a ferry terminal. Of course, despite what it says on the label, antigen testing and saliva testing is not quite as rapid as it may appear, so logistically the easiest way to do it was before people really got too far south.

Media: Why were some vaccination centres closed over a long weekend after the biggest drive ever from the Government on Friday for people to get vaccinated?

Dr Ashley Bloomfield: Well, what I can say is there were still well over 100 vaccination centres open over the weekend around the motu, and a number of specific initiatives. Most of the vaccination centres open during the week—and they were especially open on Super Saturday—are actually our general practices and pharmacies and so on, and most of them

are not open over the weekend, including, of course, on public holidays. Vaccination was still widely available, and we saw some good numbers coming from different parts of the country, especially in Auckland and Northland, and there were specific initiatives set up, including in Blenheim and Nelson, because of the higher interest expected there, and also in parts of the Waikato.

PM: If we could just encourage—of course, you will have seen today we're making an announcement where in the future we will legislate the right of an employee to take time off to be vaccinated. I would be willing to guess that right now you'd be hard-pressed to find an employer who would not give time off to an employee to be vaccinated. Please, if you are struggling to find a time that works for you or your family, simply ask, because I'm almost certain that in most parts of the country, it would be welcomed by your employer.

Media: Dr Bloomfield, what can you tell us about the Waiuku case?

Dr Ashley Bloomfield: Waiuku case? I don't have any information on that, but happy to follow that up, yep.

Media: Just on the panel of public health experts and modelling that you convened—you and Juliet Gerrard convened—

PM: And Dr Ian Town, yep.

Media: Yes, thank you. They declared themselves sceptics of the traffic light system, and they also wanted you to put in place a Māori vaccine target. We also have had it reported that several Māori Ministers also want a vaccine target. Can I just ask you to be really clear about why you didn't do that? Was it because you thought that might be disharmonious or you thought that you might not actually be able to reach 90 percent?

PM: So two points I think worth making, and I'll let that group of experts speak for themselves, really, but certainly we took on the feedback of that panel. They wanted to see very high vaccination rates before we moved into the new framework. We have set that. They wanted to see good geographical spread and equity, and, of course, by setting a target per DHB, that's one way to achieve that as well. They also wanted to see the ability, if required, in low-vaccine pockets, to use local lockdowns to be still available, and we've done that. So some of the feedback I've had is certainly that as a result of that feedback they feel like we've picked up a number of those recommendations.

On the issue of specific targets, I'll say exactly what I said previously: consensus around the Cabinet table was reached on the way that we would try and achieve good geographic spread and equitable outcomes. As Minister Henare has himself said, that 90 percent target is not the completion of our vaccination campaign. It will keep going. But we do want to accelerate Māori vaccinations. That's why we have put additional funding in to help support that.

Media: Can I also just put through—similar to that question—to you, Dr Bloomfield, because a member of the public might be confused why there are all these experts they see in the media—Murdoch, Baker, Wiles, and the rest—recommending one thing but you either suggested that and it wasn't picked up or you didn't suggest that. Why does your public health advice differ from those other—

PM: Can I first suggest that you perhaps canvass a few, like Professor Skegg, who himself has, in the aftermath of it being released, spoken to it directly. So I'm not sure—the reason we went and consulted was to get feedback, and then to give ourselves the ability to incorporate it. So, yep, the letter stands as a summary, but it may not reflect necessarily the view of those after it's been released and announced.

Dr Ashley Bloomfield: The only thing I would add to that is that the version of the framework that the group reviewed when it was convened was quite different from the final version, and the final version reflects a lot of the input that was provided there, and some further advice that was sought from us about, for example, the use of CVCs, even in the green level, and the additional public health measures that should be in place right across the framework.

Media: So you didn't support the specific Māori vaccine targets?

Dr Ashley Bloomfield: We certainly put forward advice around making sure that whatever targets were determined—and I call them “milestones” because they're a waypoint—there needed to be an equity component to that. In particular we were focused on high vaccination rates in older populations, including older Māori and older Pacific. Just a comment on that. Only 22 of the 270 or so cases that have been admitted to hospital have been over 65, so 6 percent, and I think this reflects this very high vaccination rate we have across the board in all ethnic groups and over-65—the first group, of course, that was opened up in the wider population. So now our imperative is—and there were no dissenting voices, I think, in the public health advisors and certainly not in our team—about getting as high a vaccination rates across all ethnic groups in the younger age groups as well.

PM: OK, so I'll just make sure—I'll come to Mark—

Media: So you don't see a divergence between public health experts outside Government and public health experts inside Government? You don't see a divergence between public health experts inside and outside Government.

Dr Ashley Bloomfield: What I would say is that right through the pandemic, there has been a range of public health voices recommending a range of things.

Media: These are the ones that usually support what the Government's doing.

PM: Well, that's where I would say—just it is worth going back and checking in again. Look, I'm not expecting, at all, for necessarily broad consensus across the land from business, public health, epidemiologists to necessarily have broken out on what is an area where no country in the world has produced a hard and fast playbook. But what we've done here is different to many other countries. It combines high vaccination rates with ongoing public health protections with measures at our border to provide progress and a way forward, but safely. That is something that was uncharted territory.

Media: Notwithstanding the 2050 net zero target that Australia has announced, it said that they're not going to revise their 2030 NDC despite the Paris Agreement—expecting that to be increased ambition every five years. Is that disappointing to see?

PM: I can only speak to New Zealand's view, which is, you know, we have an obligation under the Paris Agreement to do everything we can to follow through on our commitment around 1.5 degrees. And so that means aligning what we're doing domestically, but also our domestic commitments to the international community via the NDC. So that's a commitment we've made, and you'll hear us updating that commitment in the lead up to COP.

Media: Back on COVID, can either of you supply the current estimate of the R number in Auckland?

PM: So I have Rodney's R—you probably have another R. Should we chuck both Rs out and see what happens?

Dr Ashley Bloomfield: So Dr Gary Jackson updates the model every day, and the R value is still, in his model, between 1.2 and 1.3. One of the things you would have seen over the weekend, and it's clear in the figures today, is that drop in hospitalisations. The team walked us through that today: that the number of those hospitalisations, which went up quite sharply at the end of the last week, were actually people who were in short stay assessment units, but weren't actually—administratively they're counted as admissions, but they hadn't actually been admitted to a ward. So there was quite a spike in hospitalisations. You didn't see that increase in ICU use at the same time, so there's today only four people in ICU or HDU. So that hospitalisation number has come down—fits more with the pattern of the actual case numbers. And so his model today suggests that's it's between 1.2 and 1.3 still, which it's been for the last couple of weeks.

PM: Rodney's, on the five-day rolling average, is more between 1.1 and 1.2.

Media: Prime Minister, Cabinet's clearly made decisions on what's happening next with MIQ, and it's also made decisions around—from what you said before—about what's happening with schoolkids—

PM: I didn't confirm that, Jason.

Media: Well, we can assume, right?

PM: Not necessarily.

Media: Why not just make these calls when they're made? Why wait for the rest of the week—

PM: Because I've not necessarily said that Cabinet has made decisions. Just, and maybe this is helpful—there's multiple places where we make COVID-19 decisions. And in part that's because, of course, you know, with the outbreak, particularly when making public health assessments around alert levels, we do need flexibility beyond Cabinet. So we will, in those circumstances, either use Cabinet on a weekly basis, we can give power to act to Cabinet committees who meet throughout the week, and we throughout the entirety of COVID-19—for over a year now—have had COVID Ministers who can meet on an ad hoc basis to consider papers out of cycle.

Media: So when can you confirm telling Kiwis when schoolkids can go back to school?

PM: This week we will give greater clarity on those decisions. We will also discuss MIQ this week, as well. I'm pretty sure I already gave an indication of that, though.

Media: Sir David Skegg also suggested that we needed to strengthen contact tracing capacity. You said last week, Dr Bloomfield, that they were focusing more on close contacts and less the casual because of the positivity rate there. But you also said that they concurrently cover hundreds of cases a day; the previous recommendation was a thousand a day. Do you agree with Professor Skegg? Do we need more capacity there?

Dr Ashley Bloomfield: Not only agree, but that's why we have been building capacity right from the start of the outbreak—and continue to, and continue to evolve the way we use the contact tracing system. What we're working on now is—and we've got some new categories worked up, which are just being finalised, around how we will use the contact tracing system depending on the vaccination status of both cases and contacts as well. So we're adapting the system really to fit with the new protection framework.

Media: What's the cases-per-day search capacity that you want the ministry to be able to handle—or the national contact tracing system to be able to handle?

Dr Ashley Bloomfield: It's more an issue of where you focus the contact tracing capacity. So where you've got a case who is vaccinated, there are not very many exposure events, then the notification in that case may not require the sort of full interview that we have been doing to date. But we would be using that more thorough interview process for cases that are more complex or where they may be in large households, or households that can't isolate safely. So it's a matter of adapting the contact tracing system to this next phase, really, of the response.

Media: [*Inaudible*] more wider use of other alternative testing—saliva and rapid antigen testing. Saliva is trying to be used more broadly. Where are we with rapid antigen testing?

Dr Ashley Bloomfield: So there's a pilot that's being rolled out with our MBIE colleagues, amongst the number of businesses. And I know that there are also some businesses who have inputted several hundred thousand of the tests that they're quite keen to use. So we're encouraging and facilitating the use of rapid antigen testing. I should say that's, again, an area that we're watching closely what other countries are doing, because the timing and the way that rapid antigen testing is used is changing. We've seen Germany change its approach. Denmark has, likewise, used rapid antigen testing; is now winding down the use of that. So we'll keep a close eye on what other countries are doing.

Media: Given it's been a few weeks now since it was first asked, I'm just wondering if you've given any further consideration to expediting the release of public health advice.

PM: Of course, that is often managed—it would be great if you could ask the COVID-19 Minister, because most of the papers come through the Minister for COVID-19 and through his team. So I'll remind myself before my next stand up, but maybe you want to ask him on Wednesday as well.

Media: Minister Robertson said last week that he was going to go away and talk to you about it, so did you have a conversation about it?

PM: That has not been the thing that's been on the top of my mind of the conversations that I've had with him in recent times has not been bringing forward proactive release, because, of course, we do have the proactive release process. But I will try and remember next time in amongst numerous other things. OK. Thank you, everyone.

conclusion of press conference