



18 October 2021

Ref: OIA-2021/22-0311

Dear [REDACTED]

**Official Information Act request relating to historic accident rates used to justify excluding boating from Alert Level 3**

Thank you for your Official Information Act 1982 (the Act) request received on 20 September 2021. You requested:

*It appears people can do many "dangerous" activities in level 3; tramping, surfing, paddle boarding, swimming, mountain biking, hunting, driving motor vehicles, construction work, etc. But unlike in Australia, apparently people can't go boating.*

*It was most surprising to us boaters (including the ex-president of Coastguard NZ) to discover that boating is more likely to involve close-quarters accident responses than mountain biking or motor vehicles?!*

*Could you show us the historic accident rates that you used to arrive at that decision please?*

It may help if I first give some background as to why boating was excluded from the list of activities that were allowed under COVID-19 Alert Level 3. As part of the design of the Alert Level framework during the COVID-19 response in 2020, permissions for essential personal movement at Alert Level 3 were designed to allow people to undertake limited sports and recreational activities in a safe way.

The existing permissions in the COVID-19 Order set out that people can undertake exercise or other recreation as long it does not involve:

- scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, or flying manned aircraft; and
- any other activities that expose the participant to danger or may require search and rescue services (clause 21 (6)).

Because boating activities allow people to travel substantial distances from shore, the risk involved with these activities in the event that emergency assistance is needed was deemed higher than those that are land based, or undertaken close to shore (i.e. swimming at safe spots, kayaking, and surfing). On this basis, the recommendation was to prohibit boating activities, alongside recreational flying, at Alert Level 3.

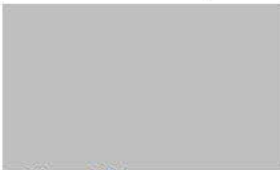
In setting these restrictions, historic accident rates were not used to assess whether boating should be excluded from the list of allowed activities. Accordingly, I am refusing your request under section 18(g)(i) of the Act, as the information you have requested is not held by the department, and I do not believe that it is held by another agency or Minister.

Recently, officials were asked to assess how Auckland might step down controls at Alert Level 3 in a safe way in three stages. As a result of this work, restrictions under Alert Level 3 have been eased so that people can travel throughout the Auckland region for day trips and undertake an expanded range of outdoor recreation activities, including sailing and boating, and recreational flying.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Cheryl Barnes

**Deputy Chief Executive, COVID-19 Response**