

21 February 2022

**Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) (the Act) – reference: OIR 2122-193**

I refer to your information request we received on 11 February which were follow up questions to our response for 2122-171, as follows:

**1. *What is the difference between a child aged 11 and a child aged 12? In terms specifically relating to the Council covid “risk analysis”?***

Council has not completed a risk analysis on children.

***I have highlighted your response, underlying this section as I have some questions/further information required directly relating to this statement:***

***“There is no vaccine mandate relating to children between the ages of 5 – 11 years old. It is up to parents and caregivers to decide if they want their children vaccinated and there is no need for children in this age group to have a Vaccine Pass.”***

**2. *Please clearly and accurately define the difference in terms of risk between an 11 year old child and a 12/13/14/15/16 year old child?***

Council has been guided by the Government in relation to this matter. The Government determined that a person over the age of 12 years and 3 months may be vaccinated and obtain a Vaccine Pass. Council requires a Vaccine Pass to be shown by all those eligible to hold one, upon entry into many of our facilities. Children under that age do not need and cannot get a Vaccine Pass.

**3. *Is a 12 year a child? This requires a yes or no answer.***

Yes, we consider a 12-year-old to be a child.

**4. *Have council decided that a 12 (and 3 month)-year-old is an adult?***

Council has not determined that a young person of 12 years and 3 months is an adult, but this is the age at which a person can be fully vaccinated and obtain a Vaccine Pass.

5. ***Vaccine mandates for children 12+ have been put in place by choice from KCDC, it is not a law therefore clear analysis of the risk a 12 year old child poses must be clearly shown in order to justify the ostracization of this age group from society, specially council rate payer funded facilities, I do not believe the information you have provided clearly shows this, I would like further information directly and specially relating to children aged 12-17, by age year - the risk you believe they posed specific to public health as your documentation does not define this – it is generalized and nonspecific.***

The operational decision to require people over the age of 12 years and 3 months to show a Vaccine Pass when visiting our pools, libraries, service centres, and halls was made by Council's Senior Leadership Team to protect our staff and communities.

The Senior Leadership Team can make decisions on matters or activities relating to land or buildings under the control, authorisation, or ownership of Council. The COVID-19 Public Health Response Act 2020 empowers measures such as requiring a Vaccine Pass to enter facilities.

There was no requirement for Council to complete a risk analysis on young people between the ages of 12 and 17 years and therefore there is no such documentation.

On that basis I must decline this part of your request as the documents alleged to contain the information requested do not exist, despite reasonable efforts to locate them, cannot be found, section 17(e) of the Act refers.

***The law states you are a child until 16 and a minor until your turn 17. I do not believe that Council has the legal or moral right to exclude children 12+ from facilities if they cannot clearly define the difference between a risk analysis of an 11-year-old child and a 12+ year old child, I therefore request that I am provided with the information and a specific risk analysis from KCDC that clearly defines the difference in risk between an 11 year old child and 12+ child, otherwise your mandate against children 12+ is clear discrimination and unjustified.***

**Council response regarding your request**

As stated above, there was no requirement for Council to complete a risk analysis for children over the age of 12 years when making the decision to require a Vaccine Pass to enter Council facilities.

You have the right to request the Ombudsman to review decisions made in this response. Complaints can be sent by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz), by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



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Te Kaihautū Ratonga Tōpū