



# Briefing

## VIEWING, BURIALS, AND TREATMENT OF THE DECEASED AT ALERT LEVEL 4

To: Hon Chris Hipkins  
Minister for COVID-19 Response

CC: Rt Hon Jacinda Ardern  
Prime Minister

CC: Hon Kris Faafoi  
Minister of Justice

CC: Hon Andrew Little  
Minister of Health

CC: Hon Peeni Henare  
Associate Minister of Health (Māori Health)

Date	1/09/2021	Priority	High
Deadline	2/09/2021	Briefing Number	DPMC-2021/22-247

### Purpose

This briefing responds to a request from the Prime Minister's office for advice regarding possible changes to settings in relation to the deceased at Alert Level 4.

### Recommendations

- Note** that concerns have been expressed about current settings for viewings, burials and treatment of the deceased at Alert Level 4, including by the Federation of Islamic Associations of New Zealand and the Funeral Directors Association of New Zealand.
- Note** that on 30 August 2021, the Director-General of Health granted a limited exemption from the Alert Level Order for viewings of the deceased, but that this does not address many cultural concerns.
- Agree** that, at Alert Level 4, the members of a household or extended bubble may view or accompany the deceased in a funeral home, cemetery, faith-based institution, or other location, provided that:

**YES / NO**


3.1. they maintain physical distancing of 2 metres (to the extent possible) from a funeral director, faith-based leader, or other person providing services for the deceased; **YES / NO**


3.2. face coverings are worn by all in attendance at all times; **YES / NO**

3.3. contact tracing records are kept; and **YES / NO**

3.4. indoor viewings are limited to one hour. **YES / NO**

4. **Agree** to amend the Alert Level Order to clarify that cultural or faith-based institutions (such as marae or mosques), or family members, may provide services (such as washing, dressing or shrouding a body) for deceased persons or tūpāpaku, in addition to funeral homes, crematoria, and cemeteries. **YES / NO**

  
Ruth Fairhall  
Head of Strategy and Policy, COVID-19 Group, DPMC  
1/9/2021

  
Hon Chris Hipkins  
Minister for COVID-19 Response  
2/9/2021

Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Ruth Fairhall	Head of Strategy and Policy, COVID-19 Group, DPMC	s9(2)(a)	✓
Cam Vannisselroy	Special Advisor, COVID-19 Group	s9(2)(a)	

Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

[Empty box for Minister's office comments]

# VIEWINGS, BURIALS, AND TREATMENT OF THE DECEASED AT ALERT LEVEL 4

## Executive summary

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1. Under the default Alert Level 4 settings, funeral homes, crematoria, cemeteries, and others providing services for the deceased may operate. However, no in-person funerals or tangihanga, or viewings of the deceased, are permitted. Concerns about these settings have been expressed by the Federation of Islamic Associations of New Zealand and the Funeral Directors Association of New Zealand.
2. On 30 August 2021, the Director-General of Health granted a limited exemption from the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021 ('the Order') for viewings of the deceased, but this does not address many cultural concerns. In the context of it being likely that Auckland will remain at Alert Level 4 for some time, we propose to:
  - a) Amend the Alert Level 4 settings, so that the members of a household or extended bubble may view or accompany the deceased in a funeral home, cemetery, faith-based institution, or other location, subject to requirements around physical distancing, face coverings, record keeping and a one hour time limit on indoor viewings.
  - b) Amend the Alert Level 4 Order to clarify that cultural or faith-based institutions (such as marae or mosques), or family members, may provide services (such as washing, dressing or shrouding a body) for deceased persons or tūpāpaku, in addition to funeral homes, crematoria, and cemeteries.
3. These proposed settings have been designed with input from the Ministry of Health's public health team, and are broadly supported by the Ministry for Ethnic Communities, Te Puni Kokiri, and the Ministry for Pacific Peoples agencies.

## Introduction

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4. In the context of it being likely that Auckland will remain at Alert Level 4 for some time, this briefing provides you with options regarding settings for viewings, burials, and treatment of the deceased at Alert Level 4.
5. This briefing follows a request for advice on this topic from the Prime Minister's office, and outlines concerns expressed by stakeholders including the Federation of Islamic Associations of New Zealand (FIANZ) and the Funeral Directors Association of New Zealand (FDANZ) about current settings for viewing and treatment of the deceased.

## Current settings for viewings, burials and treatment of the deceased

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6. Alert Level 4 requires individuals to stay at home other than for essential personal movement. One of the permitted reasons for essential personal movement is for individuals to travel to work to provide services for deceased persons or tūpāpaku, including, e.g. funeral homes, crematoria or cemeteries. However, no in-person funerals or tangihanga, or viewings of the deceased, are permitted under the Alert Level Order.

7. This compares to:
  - a) Alert Level 3, at which up to 10 people are allowed to attend funerals, tangihanga, and collect or accompany a tūpāpaku or deceased person.
  - b) Alert Level 2, at which (most recently) gatherings (which would include funerals, tangihanga, and collecting or accompany a tūpāpaku or deceased person) of up to 100 people are allowed. Under New Zealand's initial shift to Alert Level 2 in May last year, funerals and tangihanga of up to 50 were allowed subject to authorisation from the Director-General of Health.
8. Alert Level 4 settings are designed to minimise personal movement and interaction, so as to prevent onward transmission of COVID-19. The prohibition on in-person attendance of funerals and tangihanga, and of viewings or accompanying of the deceased, forms part of this strategy.
9. However, these restrictions can impose a heavy emotional toll on grieving families and communities. Given the concerns expressed by stakeholders (see below), and that it appears that Auckland may remain at Alert Level 4 for some time, it is timely to reconsider these settings.

### **Concerns expressed by stakeholders**

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10. On 24 August 2021, the Funeral Directors Association of New Zealand submitted a proposal to the Director-General of Health, recommending that one viewing of the deceased be allowed on Funeral Director Association Member premises for the deceased's immediate bubble (up to 6 people), subject to attendees wearing face coverings, the viewing being limited to two hours, and the premises being sanitised before and after the viewing. The stated rationale for FDANZ's proposal included to:
  - a) help families manage the grief of losing a loved one, including helping to mitigate negative impacts on mental wellbeing; and
  - b) prevent families from delaying informing funeral directors of a death.
11. Separately, the Federation of Islamic Associations of New Zealand (FIANZ) has requested that:
  - a) where someone has passed away for reasons unrelated to COVID-19, the body of the deceased may be washed and shrouded at mosques by trained practitioners who would all be using full PPE; and
  - b) up to five individuals from within the deceased's bubble be able to attend a burial.
12. FIANZ notes that these requests are driven by:
  - a) costs associated with treatment and preparation of body by funeral directors rather than members of their faith as would usually take place;
  - b) concerns about the deceased family's mental, emotional and spiritual wellbeing; and
  - c) ensuring the specific religious washing and shrouding practices are complied with.

13. s9(2)(g)(i)

### **Limited exemption by the Director-General of Health**

14. In response to the request received from FDANZ, on 30 August, the Director-General of Health granted a limited exemption from the Order for funeral homes to hold viewings of deceased persons or tūpāpaku, provided that viewings are conducted in accordance with a range of conditions, including:
- a) viewings being held outside or in a single room within a funeral home;
  - b) no more than one viewing may take place at a time at a funeral home;
  - c) viewings must be no longer than one hour in duration;
  - d) all attendees must constitute a single bubble (no cap on numbers beyond this);
  - e) the funeral director must ensure that contact tracing records are kept of all attendees;
  - f) physical distancing between the funeral director and others in attendance;
  - g) the funeral director must be fully vaccinated; and
  - h) all people in attendance must wear a face covering.
15. This exemption effectively met the request of FDANZ. However, it does not meet either of the requests of FIANZ, which are likely to be shared by other faith-based institutions.

### **Options for further revising policy settings for viewings, burials and treatment of the deceased**

16. Officials have considered options that would balance the policy objectives of Alert Level 4 to minimise the risk of community transmission of COVID-19, with the need for families to grieve in relation to the recently deceased. Officials have identified two complementary policy changes and/or clarifications that could be made, as set out in the table below. These have been designed with the input of the Ministry of Health's public health team.

s9(2)(g)(i)

Setting	Proposal	Comment
Viewings and accompanying of the deceased	<p>The members of a household or extended bubble may view or accompany the deceased in a funeral home, cemetery, faith-based institution, or other location, provided that:</p> <ul style="list-style-type: none"><li>• they maintain 2 metre physical distancing from funeral director, faith-based leader, or other person providing services for the deceased</li><li>• face coverings are worn by all in attendance at all times</li><li>• contact tracing records are kept</li><li>• indoor viewings are limited to one hour.</li></ul>	<p>This setting is a middle-ground between what is allowed in the exemption granted by the Director-General of Health and the settings provided for at Alert Level 3. Compared to the exemption, it allows viewings outside of a funeral home (for example, in a mosque, or at a cemetery), so as to recognise a broader range of cultural considerations. However, only a single household bubble may view or accompany the deceased, compared to up to 10 people from unrelated bubbles at Alert Level 3.</p>
Preparation and treatment of the deceased	<p>Clarify that cultural or faith-based institutions (such as marae or mosques), or family members, may provide services (such as washing, dressing or shrouding a body) for deceased persons or tūpāpaku, in addition to funeral homes, crematoria, and cemeteries. Guidance will emphasise that these services should be provided by as few people as possible.</p>	<p>This is arguably a clarification rather than a policy change, as the Order does not specify that cultural or faith-based institutions, or family members, may not provide services to the deceased.</p>

17. The proposed settings outlined above do not include all of the restrictions outlined in the Director-General's exemption, such as a requirement for a funeral director to be vaccinated. While vaccination may reduce transmission risk, it may be considered inequitable for a vaccination to be required while the vaccine roll-out is still on-going. Some other conditions provided for in the exemption may be best provided for through guidance rather than inclusion in a revised Order.
18. Compared to the exemption provided by the Director-General, DPMC officials consider that there is likely to be minimal increase in transmission risk of COVID-19. This is because:
  - a) It is unlikely that faith-based institutions providing services to the deceased present more transmission risk compared to funeral homes, crematoria and cemeteries, provided that the number of people involved in preparation and treatment of the body is comparable (FIANZ have indicated that no more than three people would be involved).
  - b) The only increase in transmission risk at viewings, accompanying of the deceased, or burials would be between members of a household bubble and those providing services to the deceased. This should be able to be minimised through requirements for physical distancing and use of face coverings.
19. To the extent that the proposed settings do modestly increase transmission risk, officials consider that this is justified and balanced by the cultural needs of those close to the deceased, and the relatively low number of deaths that occur relative to other reasons for permitted movement at Alert Level 4 (there are likely to be approximately 200 deaths per week in the Auckland region).

## Consultation


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20. The Ministry of Health, Ministry for Ethnic Communities, Te Puni Kokiri (TPK), the Ministry for Pacific Peoples (MPP), and Crown Law have been consulted on this briefing.
21. The Ministry of Health has provided public health advice on the design of these settings, including that face masks should be worn at all times, and that the number of people involved in any preparation and treatment of the deceased should be minimised. It has also recommended that indoor viewings should be limited to one hour, so as to limit transmission risk between the household bubble and the funeral director or other person providing services.
22. The Ministry for Ethnic Communities, MPP, and TPK support the proposals. However, MPP notes that there has not been an opportunity for it to consult with Pacific communities. In addition, TPK and MPP have recommended that viewings of more than one hour be allowed (if necessary, without the funeral director or other person providing services in the room). In response, the Ministry of Health has advised that a one-hour limit is recommended, even if a funeral director or other person is not present the entire time. This is because, if there is poor ventilation, COVID-19 particles may linger in the air even after someone leaves the room, with transmission risk increasing the longer people remain in the space. Officials will look to resolve this matter through the development of guidance and drafting of the revised Order.

## Bill of Rights Act analysis

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s9(2)(h)



## Next steps

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26. If you agree, we recommend that that these policy changes be given effect to through a combination of changes to the Order and revised guidance. Given this, this briefing has also been copied to the Ministers you are required to consult under the COVID-19 Public Health Response Act 2020 prior to making or an amending an Order.
27. We request your feedback by the end of Thursday 2 September so that changes to the Order can be drafted as soon as possible. In the interim, the limited exemption granted by the Director-General of Health will remain in effect.

28. Given the proposed policy change, the apparent confusion around current settings, and the need for infection prevention and control measures to be employed, revised guidance – including in different languages – will be important. Once we have received your feedback on this briefing, agencies will commence work on such guidance, which would be disseminated by relevant agencies and across the Unite Against COVID-19 channels.

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