

20 December 2021

[REDACTED] ailsac@adhb.govt.nz

Re Official Information Request for Ponsonby Fire, Asbestos and Implications

I refer to your official information request dated 24 November 2021 for the following information

1. **RNZ requests a copy of any debrief documents ARPHS has – or if these are in the public record already, a link to them all**
2. **Pls also provide info that is in the public interest that shows the outcome, the result, of any debrief – including any of the improvements Dr Sinclair said might follow Newsroom quote Dr Sinclair saying “FENZ as the lead agency signalled that public health was not required while the fire was being put out.”**
3. **How is it that ARPHS at the time, would say it relies on Fenz as the lead agency, when it has been made clear Fenz is not responsible for monitoring air quality or alerting the public to air quality problems? This is spelled out in the Aug 2020 Sky City convention centre inquiry report (p28).**

- a. **Was ARPHS not aware Fenz is not responsible under its mandate for monitoring and alerting the public?**

Fenz has told RNZ there is a new protocol set up by WorkSafe requiring public health units to do air monitoring for asbestos at a fire, if they choose.

4. **Pls provide details of how ARPHS has operationalised this protocol**
5. **Pls detail how this protocol changes how ARPHS would respond to the Ponsonby fire if it happened today**

Response

The information you have requested is enclosed below. I am responding from Auckland District Health Board (ADHB) as the DHB responsible for Auckland Regional Public Health Service (ARPHS). ARPHS provides public health services to all three metro Auckland district health boards – Waitemata District Health Board, Counties Manukau Health and Auckland District Health Board, and the populations they serve. ARPHS' core role is to protect and promote public health.

- 1) **RNZ requests a copy of any debrief documents ARPHS has – or if these are in the public record already, a link to them all**

ARPHS convened a multi-agency meeting for the purpose of debriefing the process and workshopping response/direction on future instances of fire. The outcome was that the responding agencies Auckland Council; Auckland Regional Public Health Service; Fire and Emergency New Zealand and WorkSafe NZ, agreed that the development of a Liaison

Protocol would best establish future direction on fire responses within Auckland Tamaki Makaurau. No debrief documents exist.

We decline your request for debrief documents under section 18 (e) of the Official Information Act as this information does not exist.

2) Pls also provide info that is in the public interest that shows the outcome, the result, of any debrief – including any of the improvements Dr Sinclair said might follow

As above in our response to Q1, we refuse this part of your request as the information does not exist.

We do note that the purpose, as agreed by agencies, of the Liaison Protocol referred to above is to:

- Spell out the regulatory roles and responsibilities of responding agencies
- Given that various agencies have roles, provide the basis for identifying which agency is to take the role of the lead agency
- Set in place a formal process for inter-agency communication, co-ordination and co-operation
- Provide a mechanism for consistent information and advice

Unfortunately, due to the resurgence of COVID-19 and diversion of resources, together with lockdowns, the agencies have had to delay any further work on the Liaison Protocol. It is hoped to progress work on the protocol when resources become available.

3) How is it that ARPHS at the time, would say it relies on Fenz as the lead agency, when it has been made clear Fenz is not responsible for monitoring air quality or alerting the public to air quality problems? This is spelled out in the Aug 2020 Sky City convention centre inquiry report (p28).

- a. **Was ARPHS not aware Fenz is not responsible under its mandate for monitoring and alerting the public?**

Fenz has told RNZ there is a new protocol set up by WorkSafe requiring public health units to do air monitoring for asbestos at a fire, if they choose.

In the event of a fire FENZ is a 'first responder' and commands the scene until the fire is extinguished. Post FENZ response to putting out the fire, other agencies will assume lead roles dependent on the setting.

If for example the site is a workplace, Worksafe are the lead agency and for non-occupational environments the local council assume the responsibility of lead agency.

ARPHS understands, FENZ as a first responder, has, as part of its functions:

- to provide fire prevention, response, and suppression services; and
- to stabilise or render safe incidents that involve hazardous substances; and
- to provide for the safety of persons and property endangered by incidents involving hazardous substances

ARPHS also relies on FENZ, in the event of a fire, to provide information that would assist ARPHS in assessing the risk to communities in the vicinity of the fire.

What Dr Sinclair said in the press was “FENZ as the lead agency signalled that public health was not required while the fire was being put out. We arranged a meeting with the agencies involved the next morning to offer our support.”

ARPHS delegations arise from the Ministry of Health. Our delegation/remit is to provide advice and support regulatory agencies in their roles and to communicate risk to the public and media. In order to fulfil this role Public Health Units may look to collect samples. Public Health Units do not have a remit to routinely undertake ambient air monitoring on behalf of other agencies or the community.

In the instance of the Ponsonby Intermediate fire, sampling was not deemed necessary as FENZ had raised concerns about the possibility of asbestos being present and MoE had engaged independent consultants who confirmed the presence of asbestos and set up perimeter air monitoring devices.

I trust this information answers your questions.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Auckland DHB website.

Yours sincerely,

A handwritten signature in black ink that reads "Margaret Dotchin". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

Margaret Dotchin
Acting Chief Executive