



Briefing

CONSIDERATIONS FOR FUTURE ALERT LEVEL BOUNDARIES

To: COVID-19 Ministerial Group			
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Purpose

This briefing outlines considerations for a potential Alert Level 4/2 or 4/3/2 boundary to support the Ministerial discussion on 2 September 2021.


Recommendations

- Note** that this briefing contains public health advice from the Ministry of Health and that a public health risk assessment is required to inform any Cabinet decision to change Alert Levels and create Alert Level boundaries as discussed in this briefing.
- Note** that officials have considered two key scenarios for moving down Alert Levels:
 - Scenario A** – Auckland at Alert Level 4 and the rest of the country at Alert Level 2 (an Alert Level 4/2 split).
 - Scenario B** – Auckland at Alert Level 4, the rest of the North Island at Alert Level 3, and the South Island at Alert Level 2 (an Alert Level 4/3/2 split).
- Note** that further advice is required on the appropriate public health risk mitigation measures for each scenario.
- Note** that to implement Scenario B, Police would require support from relevant operational agencies to support compliance checking at the Cook Strait boundary and airports.

5. **Note** that if Cabinet decided to move to an Alert Level 4/3/2 scenario in accordance with current boundary travel permissions, PCO would be able to draft an Order to be in place by 11.59pm Tuesday 7 September. However, if Cabinet decided to alter boundary travel permissions and Alert Level settings significantly, the Order would not be in place for another 48 hours.


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Minister's office comments:

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- Withdrawn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

Proactively Released

CONSIDERATIONS FOR AN ALERT LEVEL 4/2 BOUNDARY

Background

2. On 27 August Cabinet agreed to the permissions for movement across the Alert Level 4/3 boundary for work and non-work purposes [CAB-21-MIN-0344 refers]. Workers who can travel within the current Alert Level 4 area are permitted to move from Alert Level 4 to an Alert Level 3 area. In addition, Cabinet also agreed to a limited number of permissions for individuals to cross the boundary for non-work purposes, for example to provide urgent care for a child or attend a medical appointment.
3. On 30 August Cabinet agreed that Auckland would remain at Alert Level 4 for two weeks while the rest of the country below Auckland would shift to Alert Level 3 at 11.59pm Tuesday 31 August for one week. Cabinet also agreed that Northland would move to Alert Level 3 at 11.59pm Thursday 2 September, subject to further public health advice [CAB-21-MIN-0351].
4. It is possible that Cabinet may decide to move some parts of New Zealand from Alert Level 3 to Alert Level 2 as early as next week. Therefore, consideration needs to be given to the necessary policy and operational settings relevant to an Alert Level 4/2 or 4/3/2 boundary split.

Public health advice from the Ministry of Health about the ongoing risk of COVID-19 transmission between Alert Level boundaries

5. Advice from the Ministry of Health (the Ministry) is that there is an ongoing risk of transmission of COVID-19, including from Auckland at Alert Level 4 to other Alert Level areas where there is movement across boundaries. At Alert Level 4, the Ministry considers it is likely that COVID-19 is not contained and there could be uncontrolled community transmission. At Alert Level 3, active clusters are being managed and the risk is not as high. Conversely, the permissions at Alert Level 2 contemplate that COVID-19 is contained.
6. Since coming into effect on 31 August, the Ministry has not had the opportunity to monitor the public health (and operational) impact of the Alert Level 4/3 boundary, and essential, permitted movements. It is too soon to identify if the Alert Level 4/3 split has resulted in transmission of COVID-19 across Alert Level boundaries. As at 3pm Wednesday 1 September we know:
 - a. There remain 45 cases that have not been epidemiologically linked. This is important as it means that we cannot yet rule out the possibility of uncontrolled community transmission.
 - b. Approximately 16 percent of our cases (114 cases) are Alert Level 4 workers, and there has been transmission in a small number of Alert Level 4 businesses and services. This is important as workers in Alert Level 4 businesses and services are permitted to move across Alert Level boundaries. It also indicates the effectiveness of our Alert Level 4 controls in managing transmission in the Alert Level 4 workforce.

- c. There are 256 COVID-19 cases that involve children and young people under the age of 20 years old. This is important as children under 12 years old cannot be vaccinated, and early learning services, schools, kura and tertiary education facilities are able to open to a greater extent in Alert Level 2.
7. From a public health perspective, under both Alert Level 4 and Alert Level 3, people should stay home, unless it is essential, and they are permitted to do otherwise. The intention of this premise is to restrict movement as much as possible, to limit the potential spread of COVID-19 where uncontrolled community transmission cannot be ruled out.
8. The current Alert Level 2 settings are far less restrictive than Alert Levels 4 and 3. This is one reason the risk of movement across Alert Level 4 and 2 boundaries is different to the risk of movement across Alert Level 4 and 3 boundaries. Under the current Alert Level 2 a wide range of businesses including hospitality venues, early learning services, schools, kura and tertiary education facilities can open to all. Even with physical distancing rules in place, the permissions may be too great to reduce transmission of the Delta variant if it were carried across a boundary from an Alert Level 4 region into a region at Alert Level 2. The Ministry of Health will be providing advice on whether Alert Level 2 settings need to be revised.

Alert Level 4/2 split

9. The Ministry of Health considers that, given the very high transmissibility of the Delta variant, an Alert Level 4/2 split is not recommended at this time, given the public health risk. In particular, the Ministry is concerned that certain people (particularly Alert Level 4 workers) living in Alert Levels 4 and 2 could be travelling in between Alert Level 4 and Alert Level 2 areas, spreading COVID-19 from the former to the latter.
10. To reduce the risk of COVID-19 spreading across an Alert Level 4/2 boundary, the Ministry recommends waiting until the risk of COVID-19 is lower in Auckland (and any other Alert Level 4 region) and instead move to an Alert Level 3 / 2 split. If Cabinet considered that an Alert Level 4/2 split were needed in the near future, while there remain the potential for uncontrolled community transmission in Auckland, there would need to be strict controls of movement across any Alert Level boundary to reduce the potential risk of onward transmission to other parts of New Zealand.

Alert Level 4/3/2 split

11. It is the Ministry of Health's view that, while an Alert Level 4/3/2 split would carry less risk than an Alert Level 4/2 split, an Alert Level 4/3/2 split would not fully address the risk of transmission from Alert Level 4 to Alert Level 2. This is because there will continue to be essential, permitted movement through Alert Level 4, 3 and 2 boundaries, especially by those in the freight and logistics sector, and those in the transport sector. Movement would still occur across land and sea borders.
12. An Alert Level 4/3/2 split has the potential to increase the complexity of boundary movements and would require further consideration of the public health risks and possible controls for Alert Level 4/3/2 boundary movements, along with a review of the advice and controls used for previous Alert Level 3 / 2 settings (considering the Delta variant).

13. Two key concerns associated with a more complex 4/3/2 split would be assessing the risk of permitted non-work movement across boundaries, especially where there is no ability to rely on businesses and employers supporting public health controls. However, these challenges could be partially mitigated through a North and South Island boundary split s9(2)(h) as there would be a reduced opportunity for movement generally, and an ability to work with the transport sector to enforce controls on cross-island movements.

There are several scenarios for moving down Alert Levels

14. There has never been one part of the country at Alert Level 4 and other parts at Alert Level 2 previously. Therefore, consideration needs to be given for how this could be implemented and the relevant controls required to reduce the risk of transmission across boundary lines.
15. Officials are considering two key scenarios for moving down Alert Levels. These include:
- Scenario A** – Auckland at Alert Level 4 and the rest of the country at Alert Level 2 (an Alert Level 4/2 split).
 - Scenario B** – Auckland at Alert Level 4, the rest of the North Island at Alert Level 3, and the South Island at Alert Level 2 (an Alert Level 4/3/2 split).
16. Scenario A would allow the most economic and social activity to resume, however would require tighter boundary controls than those currently in place such as stricter permissions on movement across the boundary to minimise the public health risk of onward transmission. This is because there is a significant difference in the containment of COVID-19 (and therefore permitted movement) between Alert Level 4 and 2. Scenario A is also likely to increase attempts at both lawful and unlawful movement as some people will want to access the more permissive Alert Level 2 environment.
17. Scenario B would maintain restrictions on the rest of the North Island to reduce the risk of transmission and spread of the virus across the Auckland boundary into an Alert Level 2 region in the North Island where there would be few restrictions on movement. This would be a more precautionary approach until the community outbreak in Auckland is under control allowing Auckland to move to Alert Level 3. However, there will still need to be essential, permitted movement across all three boundaries, especially in the freight and logistics sector, and the transport sector. This scenario would be more operationally complex for agencies, and further work would need to be done on appropriate compliance checks for permitted movement at airports and the Cook Strait boundary.
18. We also considered a third scenario which would involve creating an Alert Level 3 'buffer zone' around Auckland, with Auckland at Alert Level 4, northern Waikato and Northland at Alert Level 3, and the rest of the country at Alert Level 2. This option could reduce the risk of transmission between Auckland and the rest of the country, particularly from workers travelling across the boundary daily. The Ministry of Health considers that implementing a buffer zone would be more complex than a North South Island split, especially for those living near the boundaries. Police have advised that this is not an operationally feasible option as they do not have the FTE resource available to create checkpoints across the North Island, given the very long boundary required and number of secondary roads crossing it.

19. While an Alert Level 4/3/2 boundary may have less cumulative risk than an Alert Level 4/2 boundary, it is important that relevant controls and measures adequately mitigate public health risk. This may mean that keeping the country (outside Auckland) at Alert Level 3 is the most proportionate and effective way to mitigate the risk at the boundary until the Auckland outbreak is more contained. The Ministry of Health advise that more time and consideration would be needed to identify the range of scenarios and what the relevant public health controls might be in each scenario.

Additional risk mitigation measures could be implemented to reduce the risk of transmission to Alert Level 2 areas

20. Given the public health risk of the spread of COVID-19 between Alert Level 4 and Alert Level 2 areas as a result of boundary movements, additional risk mitigation measures would need to be put in place. It is important that these additional measures are proportionate to the public health risk. Therefore, pending any further work, any additional measures are likely to be more stringent for an Alert Level 4/2 boundary than for an Alert Level 4/3/2 boundary.
21. If Cabinet were to consider that parts of New Zealand should move to Alert Level 2, the Ministry of Health would propose additional measures be introduced to:
- strengthen Alert Level 2 settings (which would in effect be moving them closer to Alert Level 3 settings); and
 - tighten permitted movement between Alert Level 4 and Alert Level 2 areas.

Strengthening Alert Level 2 settings

22. If an Alert Level 4/2 boundary were created, there are public measures that could be taken to reduce some of the risk of the virus spreading within an Alert Level 2 area.
23. The following changes could be considered to help reduce the risk associated with operating an Alert Level 4/2 boundary, including:
- greater controls on movement than currently exists across an Alert Level 4/3 boundary due to the move from a "lockdown" environment to an AL 2 permissive environment
 - greater public health controls on businesses, organisations, education institutions and social gatherings (including sports) in the Alert Level 2 area, considering that Alert Level 4 people might move through these environments for essential reasons
 - gathering sizes could be reduced from up to 100 people, to a far smaller number to reduce potential super-spreader events
 - mandatory requirements for social distancing and face coverings in a wider range, if not all, public places, not just on public transport
 - the expansion of mandatory record keeping in a wider range, if not all, public places, and in private businesses and organisations.

24. There are trade-offs for imposing additional restrictions, as they are likely to reduce economic activity at Alert Level 2, particularly for sectors such as hospitality, tourism, and retail. Specific attention would also need to be given to the education sector which can operate under Alert Level 2 with few public health restrictions.
25. There is a risk that these additional measures would impact the overall coherence and simplicity of the Alert Levels framework, particularly given changes to Alert Level settings have only recently occurred. A consequence of this could be introducing confusion for the public and undermining social licence and compliance with each Alert Level.
26. Further work is currently underway by the Ministry to consider what the appropriate Alert Level 2 settings would be.

Tightening permissions for movement across an Alert Level 4/2 boundary

27. Under current Alert Level 4 settings, workers at Alert Level 4 businesses or services can travel within the Alert Level 4 area and are permitted to move from Alert Level 4 to Alert Level 3. There is also a limited number of permissions for individuals to cross the boundary for non-work purposes, for example to provide urgent care for a child or attend a medical appointment. It is not known how many people move across the boundaries for these non-work purposes. People self-assess their eligibility but must carry evidence of their right to cross a boundary and show this to Police on request at checkpoints.
28. At 12pm Wednesday 1 September, MBIE had issued 24,280 Business Travel Documents (BTD) for workers from 3,513 businesses to cross the Alert Level 4/3 boundary.¹
29. There are two additional options for reducing the risk of transmission associated with people travelling across an Alert Level 4/2 boundary:
 - a. **Tightening current permissions** – which would involve having a narrower sub-set of permitted movement which is more restrictive than the current 4/3 boundary requirements.
 - b. **Maintaining the current 4/3 permissions** – which would involve adding additional requirements for those moving across the boundary, such as controls for workers and businesses with staff either travelling in or out of an Alert Level 4 area for work outlined below (noting that these would be difficult to enforce).
30. Tightening permissions for movement across an Alert Level 4/2 boundary would reduce the cumulative risk of transmission across the boundary. However, this would be difficult from a communications and social licence perspective, as some workers and individuals who are currently able to move across the boundary would be prevented from doing so. More detailed consideration would have to be given to assessing the public health implications of any sub-set of narrower permissions.
31. Maintaining the current permissions would carry a greater public health risk under an Alert Level 4/2 boundary. However, this approach would be easier from a communications

¹ This number does not include personal travel. Workers crossing the boundary can also use other forms of evidence instead of BTDs.

perspective, as it is more easily understood and consistent with current requirements. Given the increased risk of continuing to allow this level of movement across the boundary, other requirements would be needed to reduce the risk of transmission between Alert Levels including tightening Alert Level 2 settings.

Additional requirements and controls for people moving across an Alert Level 4/2 boundary

32. To minimise the risk of transmission from people traveling from Alert Level 4 into an Alert Level 2 area, additional requirements and controls would be required. These could include:

- a. restrictions on movements and public health controls for people that live in an Alert Level 4 area and need to travel to an Alert Level 2 area for a short period, such as Alert Level 4 workers moving into Alert Level 2 for work purposes, which could include surveillance testing, additional physical distancing in some environments, PPE use or transit requirements
- b. controls for Alert Level 2 businesses, organisations, the education sector and people who come into contact with Alert Level 4 people (businesses and services are currently required to have systems and processes in place for mitigating this risk under Alert Level 3 settings which would likely need to be strengthened)
- c. controls for people who live in Alert Level 2 but work for an Alert Level 4 business or service and need to regularly travel across boundaries (controls may also need to be considered where these people live in households where other members of the household work, study or socials under Alert Level 2)
- d. additional physical distancing requirements on public transport services that are moving across the boundary, considering the concern associated with the transmission of the Delta variant in enclosed and poorly ventilated places
- e. controls enabling people to move from Alert Level 4 to Alert Level 2 for longer periods, such as university students moving from Auckland to Otago to resume study
- f. additional Police scrutiny of documentation at check points, and MBIE scrutiny of applications under the BTM system.²

33. These controls would rely on employers self-identifying that they need to have these systems and processes place in workplaces; and workers and others moving for non-work reasons would also have to understand their scenarios and comply with the relevant controls. Communications would need to be available to support employers, workers and others in implementing these measures.

34. Police currently operate a targeted risk-based approach to compliance within Alert Level areas, however they have advised that these additional measures would need to rely primarily on voluntary compliance as they could not be enforced at scale.

² MBIE advise that sector lead agencies have already increased monitoring of auto-processed categories to 10%. In a 4-2 split, this could be increased to provide additional scrutiny.

35. Police advises that compliance monitoring would need to be undertaken by a range of agencies, in particular those with responsibilities in relation to business operations and workplaces. A range of agencies can support compliance through engagement, education, and encouragement (the first three steps of the graduated response model).

Operational implications of moving some parts of the country to Alert Level 2

36. An Alert Level 4/2 boundary (Scenario A) is likely to increase attempts at both lawful and unlawful movement as some people will want to access the more permissive Alert Level 2 environment. This means that it may no longer be tenable to operate checkpoints on a high trust basis (self-identification of need to travel through the BTM system for businesses and services), which would have significant impacts on Police checkpoint management efficiency or people who need to cross the boundary.

37. An Alert Level 4/3/2 boundary (Scenario B) would be more operationally complex for Police to manage, given the different settings applying at different boundaries and potential public confusion around the rules. For this to be feasible, Police consider that responsibility for compliance checking at the additional boundaries (airports or ferry terminals) would need to be carried out by relevant agencies, with enforcement support from Police.

38. Police consider that implementing an additional Alert Level 3/2 boundary in the North Island would not be operationally feasible due to significant resource requirements.

39. Further work is required around enforcement and compliance, especially if further human resources are needed to support Police at checkpoints. s9(2)(h)
s9(2)(h)

40. The Ministry of Health would need to provide advice about the range of permitted movements that might be allowed across an Alert Level 4/2 boundary, or across Alert Level 4/3/2 boundaries. This would need to consider the public health risks and possible mitigations for different business and services like transport and logistics, manufacturing, food production, construction, hospitality and retail, and events.

41. The Ministry would work across agencies to produce guidance materials to support the implementation of any boundary changes and agreed controls.

MBIE can change the BTM register to support a potential Alert Level 4/3/2 split

42. MBIE have confirmed that the Business Travel Document register can now support multiple boundaries and different settings across boundaries. Businesses applying would be able to select the relevant boundary, or multiple boundaries where appropriate.

43. Businesses applying through the BTM would be able to link individual workers to specific boundaries. For example, freight companies can make one application, but link individual drivers only to those boundaries that they need to cross as part of their normal delivery activity.

The BTDs issued for each worker will only list the boundaries they have been individually linked to in the business application.

There may be supply chain implications in each scenario

44. The boundary scenarios outlined above could further affect supply chains. If Scenario A (a 4/2 boundary) requires stricter boundary controls, freight movements could be slowed further at Police check points. Currently we understand that traffic is moving relatively freely through checkpoints on the Auckland Alert Level 4 boundary.
45. Scenario B with a North Island/South Island split would be preferable as it is likely to be operationally less disruptive and would cause fewer delays. There are generally fewer truck journeys between islands compared to those within the North Island, and those within the South Island, so freight affected would be smaller. We understand the majority of freight stays within the same region or only moves to an adjacent region, and that a very small percentage of trucks cross Cook Strait. This also suggests the public health risk posed by freight movement is lower than if a high percentage of freight was moving from island to island.
46. There may be potential delays if freight must move across two Alert Level boundaries (i.e. from an Alert Level 4 area to an Alert Level 2 area). Although there are freight lanes at most checkpoints currently, and we understand Police are waving trucks through checkpoints, there may be delays if Police resourcing is stretched by having to establish more checkpoints.
47. Any delay in freight could further compound supply chain issues. Given the importance of Auckland as a manufacturing and industrial centre, Government would likely come under increased pressure for relaxation of settings if people and businesses operating in Alert Level 2 area are constrained by not being able to source critical inputs from Auckland.
48. MPI have also advised that tightened boundary controls or operating constraints could also impact essential primary sector businesses, and could have implications for domestic food supply, the sector's ability to meet export commitments, and animal welfare and/or biosecurity outcomes.

Legal implications

49. If Cabinet decided on Monday to move to an Alert Level 4/3/2 scenario in accordance with current boundary travel permissions and Alert Level settings, PCO have advised that an Order could be in place by 11.59pm Tuesday 7 September.
50. If Cabinet decided on Monday to move to an Alert Level 4/2 boundary scenario, or to alter boundary travel permissions and Alert Level settings significantly, an additional 48 hours would be required for implementation. This would mean that Order could not be in place before 11.59pm Thursday 9 September.

BORA implications

s9(2)(h)



Proactively Released