

Cabinet

COVID-19 RESURGENCE: THIRD REVIEW OF ALERT LEVELS

Proposal

1. This paper reviews our progress against the spread of COVID-19 and proposes options for next steps.

Summary

2. On August 24, Cabinet agreed to move to Alert Level 2 controls in Auckland with tight gathering restrictions from midnight on Sunday August 31, and to maintain Alert Level 2 controls in the remainder of the country. We agreed to check in on these controls after one week to increase our comfort that we had in fact contained the latest outbreak.
3. This paper reviews our situation, provides options for what to do next, and considers some scenarios for how the situation could develop in the coming days and weeks.

Situation report

4. As at 10am on September 3 we have discovered 152 confirmed and probable cases of COVID-19 outside of MIQ, all of whom are isolated. All but two of the cases are confirmed to be part of a single large cluster. Cases are almost all in Auckland. Around 62 per cent of the infected are from the Pacific community. There are no cases in aged care facilities. There are seven cases in hospital.
5. The system we have built over the last few months has responded well. The 18 days at Level 3 controls in Auckland were effective in containing the cluster. Testing volumes have been high. Contact tracing is fast and increasingly brings together epidemiology and genomic testing. Our MIQ arrangements continue to protect us at the border and we are strengthening other border controls. We have added to our safety nets by making masks compulsory on public transport and planes, and imposing increased requirements to display QR codes. Regular usage of the Tracer app is much higher. The removal of the Auckland boundary has eased operational troubles and softened the negative economic impacts. Public sentiment remains broadly positive, with recognition of the challenges we are managing in this volatile and ongoing situation.
6. Overall, our resurgence response plan has worked so far, and the evidence is again that moving quickly and firmly to respond to the outbreak has served us well.

Options

7. There are three options in this paper, all to take effect from 11:59pm on Sunday September 6 for the following 10 days, until 11:59pm on Wednesday September 16:
 - a. Option A: Maintain the status quo of Level 2 controls nationwide with ongoing tighter gathering size limits in Auckland (groups of no more than 10, or up to 50 for approved funerals and tangihanga).
 - b. Option B: Maintain Level 2 controls nationwide and increase the gathering size limits in Auckland to a maximum of 50, an intermediate step between where we

are now and the standard Level 2 definition. This is the preferred option of the Director-General of Health.

- c. Option C: Maintain Level 2 controls nationwide and increase the gathering size limits in Auckland to a maximum of 100, the standard Level 2 definition, making controls the same nationwide.
8. Using the agreed transmission thresholds for Alert Level decisions, this outbreak now best fits the definition of Alert Level 2 in Auckland (with limited community transmission occurring), and Alert Level 1 elsewhere (with sporadic cases captured at MIQ). But concerns remain that the virus could be spread outside of Auckland, especially given the increase in travel associated with the recent move to Level 2 controls there. And if the virus were to be exported to presently disease-free regions, it could spread more quickly there if they were operating under Level 1 controls. An enforced Auckland boundary at Level 2, as an option to protect against the spread of the virus, is not practically achievable given traffic volumes and the likely volume of exemption requests. For these reasons, the paper does not include any options that reduce Alert Levels outside of Auckland yet.
9. Within Auckland, the development of the cluster in the four days since the move to Level 2 has not so far indicated a need to move back to Level 3. But the number of active cases and the ongoing growth in the cluster warrant a careful approach to Alert Level controls, and explain the more cautious tone in this review compared with when we last considered these issues.
10. Further time at Alert Level 2 will also enable good public health practices to embed further. This includes the recently-imposed requirements for face coverings and the display QR codes. Turning these behaviours into habits will improve our resilience to future outbreaks.

Process

11. There is more information on the situation around the transmission of the virus in paragraphs 20 to 27 and the interim view of the Director-General at paragraphs 52 to 56. There is more discussion of the options at paragraphs 57 to 76. The Director-General will provide his final assessment and advice for Cabinet on Friday before Cabinet.
12. If Cabinet prefers Option A, no changes would be required to the existing legal arrangements. If Cabinet prefers Options B or C, any changes would come into effect from 11:59pm on Sunday September 6. This reflects the 48-hour minimum notice period required in legislation.
13. We are moving from the rapid reaction of immediate response to the more measured cadence of regular control. I propose that the next check-in be in ten days at Cabinet on Monday September 14, with any changes to Alert Levels coming into effect from Wednesday September 16. This timing is in line with the views of the Director-General, who recommends a review in one week.

What comes next

14. Leaving aside the unexpected discovery of an as yet undetected outbreak, where our response is now well tested, the best-case scenario from here is a gradual de-escalation of Alert Level controls linked with a tailing off of growth in the cluster. Based on the experience of clusters in the first outbreak, it could take six to eight weeks or more for this cluster to stop generating new cases, and perhaps be three months or longer before the cluster is formally closed. It will be for Cabinet to decide when we

move down Alert Levels, taking into account a range of factors, including the views of the Director-General of Health.

15. Managing a large and still growing cluster while maintaining relatively low Alert Levels is a new position for us that presents new risks. We will need our safety nets to continue to operate effectively, which means maintaining our tight controls at the border, reinforcing the basic hygiene measures with the public, including staying home when sick, and getting tested quickly if you have symptoms, and continuing our extensive testing and rapid contact tracing and isolation efforts.
16. Our aim is to keep this cluster contained and stop it growing, to move back to the freedom with vigilance of Alert Level 1, and to again eliminate COVID-19 from our communities.

Introduction

17. This paper has three main parts:
 - a. A situation report against the eight factors we use to make Alert Level decisions, including the interim views of the Director-General
 - b. The presentation of some options for the next phase, and
 - c. A consideration of how our situation compares now with our last visit to Level 2 and the scenarios for what we might see come next.
18. A reminder of the eight factors is attached in Appendix 1, which also includes the thresholds for virus transmission that inform decisions about moving Alert Levels.

Situation report

19. Our COVID-19 strategy remains elimination, which includes stamping the virus out every time it comes back. We have seen the very significant economic and health benefits available from eliminating the virus, and we must continue to work together to do that again.

Transmission situation

20. As mentioned above, at 10am on September 3, there have been 152 cases of COVID-19 identified beyond MIQ, including probable cases. All but two of these cases can be linked to a single case confirmed on August 11. The earliest date of reported symptoms amongst these cases was July 31. Of the total, 73 have now recovered, leaving 79 active cases outside of MIQ.
 - a. There have been 148 cases in the Auckland region, with four linked cases confirmed in the Waikato. No cases have been confirmed in other regions of New Zealand despite high volumes of testing. A map is attached showing the wide geographic distribution of cases in the Auckland region.
 - b. Since the move to Level 2 settings in Auckland from midnight on Sunday 30 August, we have identified a further nine cases. All are associated with the cluster and have been detected in people who had already been identified as close contacts and isolated.
 - c. The average age of the cases in this outbreak is 33, with the largest age groups those aged 5 to 19 (27 per cent of all cases are in this band) and those aged 35 to 49 (26 per cent). There are equal numbers of women and men. Sixty-two per cent of cases are in the Pacific community and another 20 per cent identify as Māori, both communities that are particularly vulnerable to COVID-19.

- d. Compared with the first outbreak, cases this time are younger, more likely to be women, and much more likely to identify as Pacific or Māori. Cases are also almost entirely limited to the Auckland region, whereas last time all regions had cases.
 - e. Cases this time around are also more severe with higher rates of hospitalisation and, so far, a lower proportion of asymptomatic cases. These could be a result of the virus being spread this time to a population with a higher degree of respiratory illnesses and other co-morbidities. As at September 2, of the 18 hospitalisations of community cases since August 11, 13 were male, 6 were under 50, 7 were in their 50s, and 4 were over 70 years old. Eight of the cases identified as Māori and 10 are Pacific peoples.
21. We are yet to discover the source of the original outbreak. The results of genomic testing do not connect the outbreak to a known case in MIQ. It is most similar to a strain of the virus that has circulated in some European countries. While investigations are continuing, we may never know how the virus was carried through our safety nets.
 22. All cases in the new cluster are in a pattern that is consistent with previous outbreaks: they are contained geographically and have resulted from household and close contacts in workplaces plus some larger gatherings. New cases are being identified primarily amongst contacts that had already been identified and isolated. This gives us confidence that this cluster is under control. There is no evidence of significant spread outside of the known cluster, but given the size of the cluster and the nature of the communities affected, there remains a risk of undetected community transmission in Auckland.
 23. Our early move to Level 3 was central to slowing the spread of this cluster. Recent draft modelling from the experts at Te Punaha Matatini (TPM) estimates that the R0 for the virus fell from around 2 to around 0.6 under Level 3 controls in Auckland. R0 is a measure of the average number of people that each infected person goes on to infect. If that number is below one, then the virus will eventually be eliminated. Without our move to Level 3, TPM estimates that after two weeks we would have had around 26 new cases per day and after three weeks, 44 new cases per day, as compared with the numbers we actually saw, which were between 3 and 10 daily new cases.
 24. We do not yet have estimates of our R0 at Level 2. A first view will be available on Friday September 11, in time to feed into to our next consideration of these issues.
 25. It has also been central to our contact tracing efforts this time around to combine together insights from interviews by contact tracers with insights from genomic testing that can show which strain of the virus a person is infected with. Without genomic testing, this cluster would likely have been considered to be multiple unconnected groups of cases, whereas in fact we know that all cases in the cluster stem from a single index case.
 26. Even as one cluster, of course, it is a large group of cases that presents real risks if it gets out of containment. There are also two cases that are not genomically linked to the cluster.
 - a. One case is a maintenance worker in the Rydges hotel isolation facility who is believed to have been infected via a lift that had recently been used by an individual who had tested positive. Wide testing of contacts suggests that this infection has not led to any further spread. This case has now been closed.
 - b. Further testing of the second unlinked case has not established a link to the cluster either genomically or epidemiologically either. Again, testing of contacts

indicates that no further transmission has occurred and this case has also been closed.

27. We have not identified any spread of the virus outside of Auckland, except for the four cases in Tokoroa that are related to the cluster. There is a low underlying risk of undetected community transmission in other regions because of the small number of cases and the limits on inter-regional travel. Modelling of inter-regional spread under Level 3 controls in Auckland showed that risks were higher in the North Island, and lower in the South Island. The more time that goes by without a case emerging outside of Auckland, the more confident we can be that such cases will not emerge. But the path of caution is continuing to limit population mixing as we have, with Level 2 restrictions across the country.

Other health system factors

28. Testing has remained at high levels with more than 280,000 tests performed since the outbreak was detected and 69,000 in the week to September 2, showing that the public are still seeking and accepting tests. This level of testing is sustainable in the medium term, without putting undue pressure on supplies or laboratory staff.
29. Of the 69,000 tests in the last week, 63,000 were in the community, 3,300 were border workers (including MIQ, port and airport workers) and 2,300 from MIQ guests. About 80 per cent of tests are in Auckland. Compared with the same week a month ago, we have done twice as many tests in the last week, and we did three times as many the week before.
30. Contact tracing capacity remains sufficient to manage 350 cases per day, and meets the WHO's guidelines for responsiveness, testing speed and notification of results. As at September 3, there have been 3,162 close contacts identified since August 11, 2,984 of whom have been successfully contacted.
31. Although we cannot be certain of the source of the new outbreak, investigations have found no evidence of widespread or systematic failure at the border. Demand for voluntary testing, Healthline consultations, downloads of the COVID Tracer app, and high levels of compliance with face covering restrictions on public transport demonstrate that the public continues to take the situation seriously.
32. As at September 2, over two million people have registered their details with the Tracer app, and 350,000 QR Code posters have been created. We are now seeing more than two million scans per day. Based on data from the 30 per cent of users who provided us with a postcode, we can see that there is good regional spread of app registrations across the country, with about a third in Auckland, 78 per cent in the North Island, and 23 per cent in the South Island. The highest take-up is in the 40 to 64 year-old age bracket, with about 48 per cent of people registered.
33. The health system has sufficient capacity, including workforce and ICU capacity, to respond to COVID-19 and has identified surge capacity and contingency plans and there is sufficient PPE capacity for those for whom it is recommended.

Economic and fiscal factors

34. The economic situation has not changed much since we last considered these issues on August 24. Lower Alert Levels mean increased economic activity, with Level 2 generally expected to decrease GDP by around five per cent relative to Level 1, or about \$300 million in lost output per week. While this is a smaller cost than Level 3 controls, each week spent at Level 2 can still be expected to have a weakening effect on employment, confidence, and the underlying strength of the economy.

35. To date 67,000 applications have been approved for the Resurgence Wage Subsidy Scheme that was opened on August 21, at a cost of \$236 million. In total \$13.7 billion has been paid out across the various iterations of the Wage Subsidy Scheme, and these schemes are currently supporting around 240,000 jobs. Between August 14 and 21, there was a net increase of around 1,500 people on the Jobseeker benefit, and 1,200 people on the COVID Income Relief Payment (CIRP). Over the same period around 1,500 people moved off one of those benefits and into employment.
36. Business and consumer confidence both declined during the month of August, although they are still well off their COVID-time low points. Business confidence has fallen significantly further in Auckland than in the rest of the country, and the retail sector is looking hardest hit. Tourism is holding up reasonably well in its off-season (due to more New Zealanders holidaying at home), but border closures will really start to impact as the summer season kicks off.
37. The economic outlook is weak but continuing with our elimination strategy based on strong public health measures should allow economic activity to resume sooner than would otherwise be the case. This has been our experience to date and the experience of other countries that have successfully controlled the spread of COVID-19.

At risk populations

38. Pacific and Māori communities are disproportionately affected by this outbreak. They also have a higher prevalence of long-term conditions and diseases, higher barriers to access to health care and testing, and larger households and a higher prevalence of overcrowding that limit the possibilities for physical distancing, all of which make these communities especially vulnerable to COVID-19.
39. Unsurprisingly, anxiety and concern in the affected communities is an issue, exacerbated by disinformation and messaging on social media that is not always helpful or accurate. We have sought to address this both through our national communications and through community networks and leaders. Ongoing material support is also being delivered including additional funding for foodbanks and community groups. Work is underway on the strategy for providing ongoing support to vulnerable groups to access suitable face coverings.
40. Ministers have been working closely with the community and responding to requests for outreach and testing. Testing volumes in particular have been very high, with just over 90,000 tests in Pacific and Māori communities since August 11.
41. Māori and Pacific community providers have a targeted approach to the delivery of services and goods that accounts for the different levels of need in different parts of the communities they serve. Information from these organisations is being brought together to help us understand their reach and how quickly we can mobilise them.
42. School attendance has been very low in parts of Auckland this week, particularly in South Auckland, Pacific, and Māori communities. This outbreak has been experienced by the communities whose learning is most disadvantaged by not being in school and who were very slow to return to school last time. The Ministry of Education will continue to work with schools and community leaders, and is preparing advice with options to support Auckland learners who have been negatively affected.

Public attitudes and compliance

43. Overall, we are seeing good public support for the Alert Level controls that we have imposed in the latest phase of our long campaign against COVID-19. This is reflected

in good compliance with the basic asks we are making of the public, including the new requirements.

44. Police checkpoints ended at midnight on Sunday 30 August. Over the Alert Level 3 period 310,705 vehicles were stopped, with nearly 12,000 or four per cent turned around. Police reports that behaviour and compliance was generally good throughout the period and progressively improved, as drivers became more familiar with the rules and increasingly held appropriate evidence to justify their travel. The boundary experience has been helpful in understanding the requirements for imposing those kinds of controls again in Auckland or somewhere else, particularly relating to the operational effort required to institute, monitor and enable exemptions.
45. Outside of checkpoints, between Alert Levels increasing on August 12 and September 1 there were 2,082 notifications of breaches, 1,678 in Alert Level 3 areas, and 404 in Alert Level 2 areas. There were 39 "clearances", ie situations that met the evidentiary threshold for a charge, with nine prosecutions, 29 warnings, and one referral to youth services.
46. Data from Google and Apple services shows that population movement was down about 60 per cent in Auckland under Level 3 restrictions, comparable with the last period at Level 3. Domestic flights fell by about a quarter when Auckland entered Level 3 and the remainder of the country entered Level 2. With the transition to Level 2 in Auckland, movement and air travel are expected to tick back up.

Our ability to operationalise the restrictions

47. There are no major operational challenges at Alert Level 2.
48. In line with the new requirements, face coverings are becoming increasingly visible in our communities, and QR Codes are being implemented on public transport. Police reports near one hundred per cent compliance on Monday August 31 with mask requirements. The high level of compliance is also creating significant peer pressure, which is turn reinforcing expectations.
49. By way of example, in Waitematā, patrols at six bus stations and three railway stations on Monday had handed out only 28 masks by 11am. Around 1,900 masks were handed out at Wellington station but this involved handing out additional masks as many people were wearing disposables. This pattern of positive response and compliance is reflected across the country. Feedback on the initial higher-intensity Police education approach has been very positive across the board.
50. Public transport is exempted from formal physical distancing requirements in the Order but the Ministry of Health and Ministry of Transport have worked with operators to develop guidance on seat configurations that provide for it. The longer Alert Level 2 goes on the more challenging these configurations will become, since they reduce capacity on public transport and planes, and create financial difficulties for operators.
51. Police expects to see more non-complying parties and church services in the coming weekend following Auckland returning to Level 2, but expects the volume to manageable within normal operational parameters.

Interim view of the Director-General

52. Based on the available evidence as at September 3, the Director-General's interim view is that on balance we should maintain Alert Level 2 controls across New Zealand for the next 14 days.
 - a. Cases identified in the community are nearly all clearly linked to a single cluster. New cases have continued to be identified, but in a cascade of contacts

who have already been isolated. There is no evidence of significant spread outside of the known cluster, and the Director-General has confidence that the cluster in Auckland continues to be contained.

- b. However, given the size of the cluster and the nature of the communities affected, there remains a risk of undetected community transmission in Auckland. The additional movement associated with Alert Level 2 within Auckland will add further to the risk of transmission. It is too soon to be able to judge the effectiveness of new Level 2 controls in mitigating that risk and the Director-General recommends that more time be allowed to monitor case numbers before a change to Alert Level is considered.
53. Nonetheless, the relatively low risk of undetected community transmission and limited number of new cases in recent days suggest that we are on track to increase the number of people permitted to attend gatherings in Auckland from Monday September 7. The Director-General recommends that gathering sizes be increased to a maximum of 50 people for all purposes then.
 54. The Director-General's interim view is that the rest of New Zealand should also remain at Alert Level 2. We have not identified spread out of Auckland, except for the four cases in Tokoroa, which are related to the cluster, so he has confidence that there is a low underlying risk of undetected community transmission in other regions.
 55. However, it remains prudent to hold at Level 2:
 - a. Firstly, as domestic travel is now permitted in/out of Auckland, there will be a risk – albeit a low risk – that undetected COVID-19 cases may be exported to other regions. Level 2 restrictions help to mitigate this risk.
 - b. Secondly, there is benefit in holding at Level 2 to allow more time for good public health practices to embed – including recent requirements to use face coverings and a continued push to encourage people to keep records to support contact tracing, supported by the obligation on businesses to display QR codes and have back-up registers available. This will help improve our resilience to outbreaks in the longer-term.
 56. The Director-General recommends a review by Cabinet in one week. By then the Alert Level 2 settings will have been in place nationally for a full infection cycle. He will advise further on any new information received before the Cabinet meeting that might bear on the considerations.

Options

57. This paper presents three options, all to take effect from 11:59pm on Sunday September 6 for the following nine days:
 - a. Option A: Maintain the status quo of Level 2 controls nationwide with the tighter gathering size limits in Auckland (groups of no more than 10, or up to 50 for approved funerals and tangihanga).
 - b. Option B: Maintain Level 2 controls nationwide and increase the gathering size limits in Auckland to a maximum of 50, an intermediate step between where we are now and the standard Level 2 definition. This is the preferred option of the Director-General of Health.
 - c. Option C: Maintain Level 2 controls nationwide and increase the gathering size limits in Auckland to a maximum of 100, the standard Level 2 definition.

58. Option A maintains current controls, setting up for a more gradual reduction in Alert Level controls over time. Option B increases gathering size limits in Auckland by one step. Option C increases gathering size limits more quickly, making controls the same across the whole country.
59. Whichever option we choose, the next check-in will be at Cabinet on Monday September 14, with the next change in Alert Levels to take effect from 11:59pm on Wednesday September 16.

Option A (maintain Level 2 and tight gathering size limits in Auckland and Level 2 elsewhere)

60. This option keeps in place our existing restrictions for longer. It means that in Auckland social gatherings are limited to a maximum of 10 people in general and in the home, and a maximum of 50 for approved funerals by exception. Hospitality and event facilities businesses in all parts of the country are limited to a total of 100 (in Auckland hospitality, in groups of 10 per table). Multiple bubbles of 100 are okay in larger facilities, provided they are kept separate. Other controls on gatherings include the three S rules for hospitality (seated, single server, and separated).
61. It has only been four days since we moved to Level 2 in Auckland, bringing significant changes in the rules for workplaces, retail, bars and schools, and additional population movement, and we have not yet had a weekend at the new settings. It takes around 14 days to start to see the impact of a shift in Alert Levels in the case numbers. We can see that Level 3 has worked. It is too soon to know the effects of Level 2.
62. The low gathering limits reduce the chances of spreading the virus. They also provide support for contact tracing by reducing the number of contacts each infected person has. Experience with COVID-19 is that large clusters account for most cases, so limiting gathering sizes can be an effective strategy to reduce the spread. Of the 33 clusters in the first outbreak, the 16 significant clusters of 10 or more cases accounted for 519 or about one third of the total confirmed and probable cases.
63. As mentioned early, modelling of inter-regional travel says that there is still some risk that cases from Auckland will appear in other regions, and the risk is higher in the North Island than the South Island given inter-regional movement patterns. Maintaining Level 2 controls outside of Auckland will help ensure that if cases do show up, they will be in smaller numbers and in a more traceable way.
64. If at all possible, we want to avoid going back up Alert Levels in the future because it will be more disruptive than a longer period spent with firmer gathering restrictions in Auckland now. We need to weigh the potential benefits of a future relaxation in controls against the economic, social and personal costs of taking a more precautionary approach now.

Option B (lift gathering size limits in Auckland to 50) (preferred by the Director-General of Health)

65. This option sets social gatherings limits in Auckland at 50, including in the home, for funerals, and at other private events. The other controls, including the three S rules for hospitality (seated, single server, and separated) remain in place as well as the overall maximum of 100 people at event facilities and large venues, although the limit of 10 per table in hospitality venues would no longer apply. Multiple bubbles of 100 continue to be okay in larger facilities, provided they are kept separate. The limit on numbers for tangihanga and funerals would remain at 50, but these would no longer need to be authorised.
66. Although large and still growing, the cluster is contained and the risks of undetected community transmission in Auckland are low. We have a range of measures other than

very low gathering limits in place, including distancing in workplaces and hospitality and new mask requirements on public transport.

67. This option enables a meaningful easing in the controls on private gatherings in Auckland that pose the greatest risk to public health, but also allows time for more data to come through on the impact of the de-escalation measures we have already taken before we liberalise further. It would reduce the restrictions on activities like weddings, and would enable some community sport and cultural activities to get underway again.
68. There will continue to be some situations where a commercial venue can host larger events than is possible for private gatherings (albeit without mingling between groups), and some potential for gaming the rules. Relative to Option C (the most liberal), there will also be some negative economic impacts for those firms that face ongoing restrictions, but overall this option would be an improvement on the economic status quo.
69. A gathering limit of 50 also brings more coherence to the restrictions in Auckland and makes them easier to communicate. This is because it reduces the number of individual caps on particular activities and aligns the controls on different activities that present similar public health risks.

Option C (lift gathering size limits in Auckland to 100, making controls the same nationwide)

70. This option sets all gathering limits to 100, including in the home, for funerals and at other private events. The three S rules for hospitality rules remain the same, and the total number of people at an event facility continues to be capped at 100 (multiple bubbles of 100 continue to be okay in larger facilities, provided they are kept separate). Tangihanga and funerals would no longer need to be authorised.
71. This path would deliver the fastest possible expansion of economic and social activity, and the quickest move to Level 1 in due course if case numbers support that. For example, it allows more local and community sporting, recreational and cultural activities in Auckland again. A gathering limit of 100 is far more comfortable for sporting administrators, making the management of players and spectators, and the scheduling of games and training much easier. That said, large scale events, like running events and triathlon and a range of significant cultural events, would still be restricted, and the commercial viability of spectator sport and the performing arts will continue to be affected.
72. The strong public support and compliance we are seeing opens up the opportunity to move more quickly on gathering limits, as we can be more confident that people will continue to comply with distancing and hygiene measures at least for a time. It would also acknowledge the public's efforts and support, in Auckland in particular, by permitting larger gatherings. On the other hand, this option does present more significant risks that, if there is undetected transmission in Auckland, we will see case numbers rising in the coming weeks.

Other options

73. Under any of the three options the rules that we have put in place to make the display of QR codes compulsory at all Alert Levels and the requirements to wear masks on public transport at Level 2 would continue. We also continue to roll out MIQ and wider border testing and there is consideration being given to requiring air crew to enter MIQ facilities. The increase we have seen in cases in MIQ recently highlights the importance of our strong border restrictions.
74. We have taken a range of other measures to tighten controls in Auckland, what I have described publicly as Alert Level 2.5. I will ask AOG officials to consider further

measures that might be useful, short of moving back to Level 3, should we need to restrict transmission further. In particular, I am interested in potential options for what a further step up in masking requirements might be, eg, to require face coverings in some more close-contact, indoor environments.

75. One other possibility for a further tightening of controls in Auckland without moving back to Level 3, would be to put back in place the Level 3 enforced boundary to limit inter-regional travel. But, with case numbers and growth as they stand, there would be real risks that it would not be proportionate to the health risk and therefore not be considered an appropriate response to the level of public health risk under the Alert Levels legislation. We would also see a return of the operational issues that we experienced last time. By August 30, 12,000 applications for exemptions to travel into, out of or through the Auckland region had been received. Around 3,000 did not get a decision before the travel restrictions were lifted.
76. For reasons explained earlier in this paper, it is still too soon to consider a move to Alert Level 1 outside of Auckland. With the number of cases that we have in Auckland and the ongoing growth in the cluster, we would risk exporting COVID-19 to disease-free regions, and if that happened it would spread more quickly under Alert Level 1 conditions there. An enforced Auckland boundary at below Level 3 is not practically achievable. Stopping traffic to assess the justification for travel could not be done within a realistic time period with Level 2 or Level 1 inter-regional travel volumes at the boundary of Auckland. The volume of exemption requests would be even higher than the significant volumes we saw at Level 3.

What the future holds

77. The best-case scenario from here is a gradual de-escalation of Alert Level controls linked with a tailing off of growth in the cluster. Even in that best case, it will take some time to get back to Alert Level 1 nationwide, assuming we continue our approach of choosing the speediest safe path available to roll back controls.
78. In the first outbreak, clusters took six to eight weeks to stop producing new cases (noting that some of that time was at Alert Levels 3 and 4, which slowed cluster growth sharply). The Ministry of Health considers a cluster closed 28 days after the last case finishes their isolation period. The longest cluster in the first outbreak took 13 weeks to close, which would take us to early November based on the date that this new cluster started. This cluster is already larger than any of the 33 that we managed in the first outbreak.
79. To shed more light on the potential timetable for the future, below is a table that shows case numbers in the previous 14 days and the Alert Level approach we followed last time around compared with our situation now. You can see that, although we have fewer clusters now than we had when we agreed to move to Level 2 in mid-May, we have more than three times as many recent cases and a higher number of active cases than we had then.

Table 1: Alert Levels, case numbers and active cases April to June 2020 and now

Date	Decision	Open clusters	Cases in previous 14 days	Active cases
April 28	Move to Alert Level 3	15	115	219
May 13	Move to Alert Level 2 Gathering limit: 10	9	22	74

SENSITIVE

May 29	Stay at Alert Level 2 Gathering limit: 100	5	2	1
June 8	Move to Alert Level 1	4	0	0
September 2	Stay at Alert Level 2 Auckland gathering limit: 10, 50, or 100	1	70	94

Note: the case numbers for September 2 exclude MIQ. Including MIQ, cases in the previous 14 days are 99, and active cases are 129. The figures for the earlier dates are also for cases founded in the community, some of whom will have crossed the border.

80. In the first outbreak we spent only four weeks at Alert Level 2 before moving to Level 1, courtesy of a long streak of days with zero cases that gave us very high confidence that we had no remaining community transmission of COVID-19. By coincidence, the day that we agreed to move to Level 1 was when the last case was declared recovered, meaning that we also reached zero active cases that day (although we still had four open clusters because of the way the rules for closing clusters work).
81. It is a decision for Cabinet as to when to move down Alert Levels, taking into a range of factors including the advice of the Director-General of Health. Notwithstanding our previous experience, it is not a requirement for a move to level 1 to have had no cases in the previous 14 days, nor to have no active cases.
82. In the first outbreak, the Director-General's original recommendation was that a move to Level 1 should not happen until at least 28 days after fully implementing Level 2. But new information, in the form of that long run of zero-case days, the positive results from widespread asymptomatic testing, and new modelling showing that New Zealand was highly likely to have eliminated transmission of the virus, made it prudent to reconsider that recommendation.
83. The agreed risk thresholds for Alert Level 1 refer to a situation where "isolated local transmission could be occurring in New Zealand". We could move to Level 1 while still seeing a small number of cases coming through that were close contacts of known cases. We would need to have sufficient testing taking place to be confident that if COVID-19 was being spread around the community, we would find out about it very quickly.

Financial Implications

84. Imposing Alert Level controls reduces economic activity as mentioned above, and this will impact on tax revenues. We have brought in further support for households and businesses affected by the heightened Alert Levels.

Legislative Implications

85. The Minister of Health will consider whether to replace or amend the Order under s11 of the COVID-19 Public Health Response Act 2020 that puts in place the current Alert Level controls.
86. Before making a replacement Order, the Minister of Health must have regard to any advice from the Director-General about the risks of the outbreak or spread of COVID-19, and the nature and extent of any measures that are appropriate to address those risks. The Minister may also have regard to Cabinet's decision on the level of public health measures appropriate to respond to those risks and avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19.

87. The Act requires that there be 48 hours between notifying the Order and its coming into force. This requirement does not apply in the case of urgency, where the Order is made “to prevent or contain the outbreak or spread”, but this condition will not be met where restrictions are relaxed.
88. Officials have set things up to enable any combination of public health measures that we have used before to be included in an Order signed the same day that Cabinet considers this paper. But if Cabinet were to prefer some additional or alternative set of controls that required additional policy development, this could mean implementation of the novel requirements has to be delayed until that policy work can be done.
89. The existing Order does not expire. This means that it can continue in place until any new Order is made.

Impact Analysis

90. In the time available to prepare this paper, it has not been feasible to undertake an Impact Analysis.

Human Rights

91. The human rights implications of the controls in place to slow the spread of COVID-19 are significant and have been set out in detail in previous papers on Alert Level decisions [CAB-20-MIN-0161, CAB-20-MIN-0176].
92. Relevant departments and the Solicitor-General will continue to keep any remaining restrictive measures under review to ensure that they remain necessary and are implemented in a way that is consistent with the New Zealand Bill of Rights Act.

Population impacts

93. Impacts for at risk populations are explored in this paper at paragraphs 38 to 42.

Consultation

94. This paper was prepared by the Department of the Prime Minister and Cabinet (Policy Advisory Group), working with the All of Government COVID-19 unit. The Ministries of Health, Business, Innovation and Employment, Culture and Heritage, Education, Foreign Affairs and Trade, Justice, Pacific Peoples, Primary Industries, Social Development, and Transport, the Departments of Corrections and Internal Affairs, plus Customs, Te Puni Kōkiri, the Treasury, the NZDF, NEMA, PCO, the Public Service Commission, Crown Law, the Police, and my Chief Science Advisor were given a short opportunity to comment on a late draft.
95. The Treasury recommends Ministers consider an option that moves areas of the country that face lower risks of transmission to a lower Alert Level. As a first step, and given concerns about maintaining an inter-regional border, Ministers may want to consider shifting the South Island to Alert Level 1 and relying on clear public messaging about not travelling and getting tested if people show symptoms. A move from Alert Level 2 to Level 1 in the South Island would have the benefit of reducing the expected output loss by about \$70 million per week. While there is a residual risk of undetected cases outside Auckland, and a risk that inter-regional travel from Auckland spreads the virus, public messaging and increased testing would lower these risks. While seasonal factors are likely to play a part in transmission risks (winter travel and greater crowding), the performance of the testing and contact tracing system is much greater than the first outbreak.

Communications

96. I will communicate the decisions set out in this paper after Cabinet agreement. Communications will be co-ordinated with the Government's broader communications around its COVID-19 response.

Proactive Release

97. I intend to proactively release this Cabinet paper following Cabinet consideration.

Recommendations

98. The Prime Minister recommends that Cabinet:

1. **note** that we imposed Alert Level controls at Level 2 nationwide with tight gathering size limits in Auckland until 11:59pm on Sunday September 6 to continue to reduce the potential spread of COVID-19 [CAB-20-MIN-0422];

Situation

2. **note** that our plan to respond to a resurgence of the virus is going well, with high levels of testing, speedy contact tracing, and strong public support for and compliance with the controls we have imposed;
3. **note** that the Director-General of Health is satisfied that:
 - 3.1. the cluster in Auckland continues to be contained;
 - 3.2. there is a low underlying risk of undetected community transmission in other regions;
 - 3.3. testing has remained at high levels and at a level that is sustainable in the medium term, without putting undue pressure on supplies or laboratory staff;
 - 3.4. contact tracing capacity remains sufficient to manage 350 cases per day, and meets the WHO's guidelines for responsiveness, testing speed and notification of results;
 - 3.5. border measures remain robust and investigations of the source of the new outbreak have found no direct evidence of failure, nor of any material to human transfer;
 - 3.6. more broadly, there is still strong support for and compliance with the Government's approach and with control measures;
 - 3.7. the health system has sufficient capacity, including workforce and ICU capacity, to respond to COVID-19 and has identified surge capacity and contingency plans; and there is sufficient PPE capacity for those for whom it is recommended;
4. **note** that the Director-General sees the following risks:
 - 4.1. Given the size of the cluster and the nature of the communities affected, there remains a risk of undetected community transmission in Auckland;
 - 4.2. The additional movement associated with the recent move to Alert Level 2 within Auckland will add further to the risk of transmission;
 - 4.3. It is too soon to be able to judge the effectiveness of Level 2 controls in Auckland in mitigating that risk;
5. **note** that the Director-General is of the view that on balance New Zealand should remain at Alert Level 2 for the next 14 days, but that we are on track to

increase the number of people permitted to attend gatherings in Auckland from Monday September 7 to 50;

6. **note** that Cabinet may decide the appropriate level of public health measures to avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (taking into account the social, economic, or other factors) and to that end;
7. **agree** to maintain Level 2 controls nationwide until 11:59pm on Wednesday September 16;

Options

EITHER (Option A)

8. **agree** to maintain for the same time period the existing gathering size limits in Auckland of 10, except for funeral or tangihanga, which can have up to 50 people if they are registered with the Ministry of Health and meet a range of public health measures;

OR (Option B) (Preferred by the Director-General of Health)

9. **agree** to increase the gathering size limits in Auckland to 50 for all types of gatherings from 11:59pm on Sunday September 6;

OR (Option C)

10. **agree** to increase the gathering size limits in Auckland to 100 for all types of gatherings, in line with the standard definition of Level 2 controls, from 11:59pm on Sunday September 6;

AND (for all options)

11. **agree** that Cabinet will again consider these Alert Level matters not later than Monday September 14, with the expectation that any changes in Alert Levels made subsequent to that discussion would come into effect from 11:59pm on Wednesday September 16;
12. **note** the Minister of Health, in making any changes to the current Order under s11 of the COVID-19 Public Health Response Act 2020, will have regard to Cabinet's decisions and further comments from Ministers arising out of consultation, as well as considering what is appropriate to achieve the purpose of the Act;
13. **note** that we will continue to monitor our situation closely and make adjustments quickly if necessary;

Other matters

14. **agree** that Cabinet's decisions today will be communicated by the Prime Minister.

**Rt. Hon. Jacinda Ardern
Prime Minister**

Appendix 1: How we make Alert Level decisions

1. Cabinet has previously agreed to use eight factors to guide decisions on the appropriate Alert Level settings [CAB-20-MIN-0199; CAB-20-MIN-0387]:
 - a. the Director-General of Health's satisfaction on four health matters:
 - i. trends in the transmission of the virus, including his confidence in the data and having regard to the risk assessment levels agreed by Cabinet;
 - ii. the capacity and capability of our testing and contact tracing systems;
 - iii. the effectiveness of our self-isolation, quarantine and border measures; and
 - iv. the capacity in the health system more generally to move to the new Level
 - b. evidence of the effects of the measures on the economy and society more broadly;
 - c. evidence of the impacts of the measures for at risk populations in particular;
 - d. public attitudes towards the measures and the extent to which people and businesses understand, accept and abide by them; and
 - e. our ability to operationalise the restrictions, including satisfactory implementation planning.
2. On August 10, Cabinet agreed the following risk assessments as being the thresholds to inform decisions on moving between Alert Levels [CAB-20-MIN-0367 refers]:

Alert Level	Risk assessment
	The Director-General of Health is satisfied that there is sufficient data from a range of sources to have reasonable certainty that there is/are:
Level 4	<ul style="list-style-type: none">• Sustained and intensive community transmission• Widespread outbreaks
Level 3	<ul style="list-style-type: none">• Multiple cases of community transmission occurring• Multiple active clusters in multiple regions
Level 2	<ul style="list-style-type: none">• Limited community transmission occurring• Active clusters in more than one region
Level 1	<ul style="list-style-type: none">• COVID-19 is uncontrolled overseas• Sporadic imported cases• Isolated local transmission could be occurring in New Zealand

3. These risk assessments can be applied at a local or national level, with appropriate flexibility and judgement. In general, it will make sense to have a lower risk tolerance when applying Alert Levels at a local level, particularly in the immediate response phase as we ascertain the scope of the situation.
4. In determining what comes after the immediate response phase, we are particularly interested in:
 - a. the connection of the cases to a known source at the border;

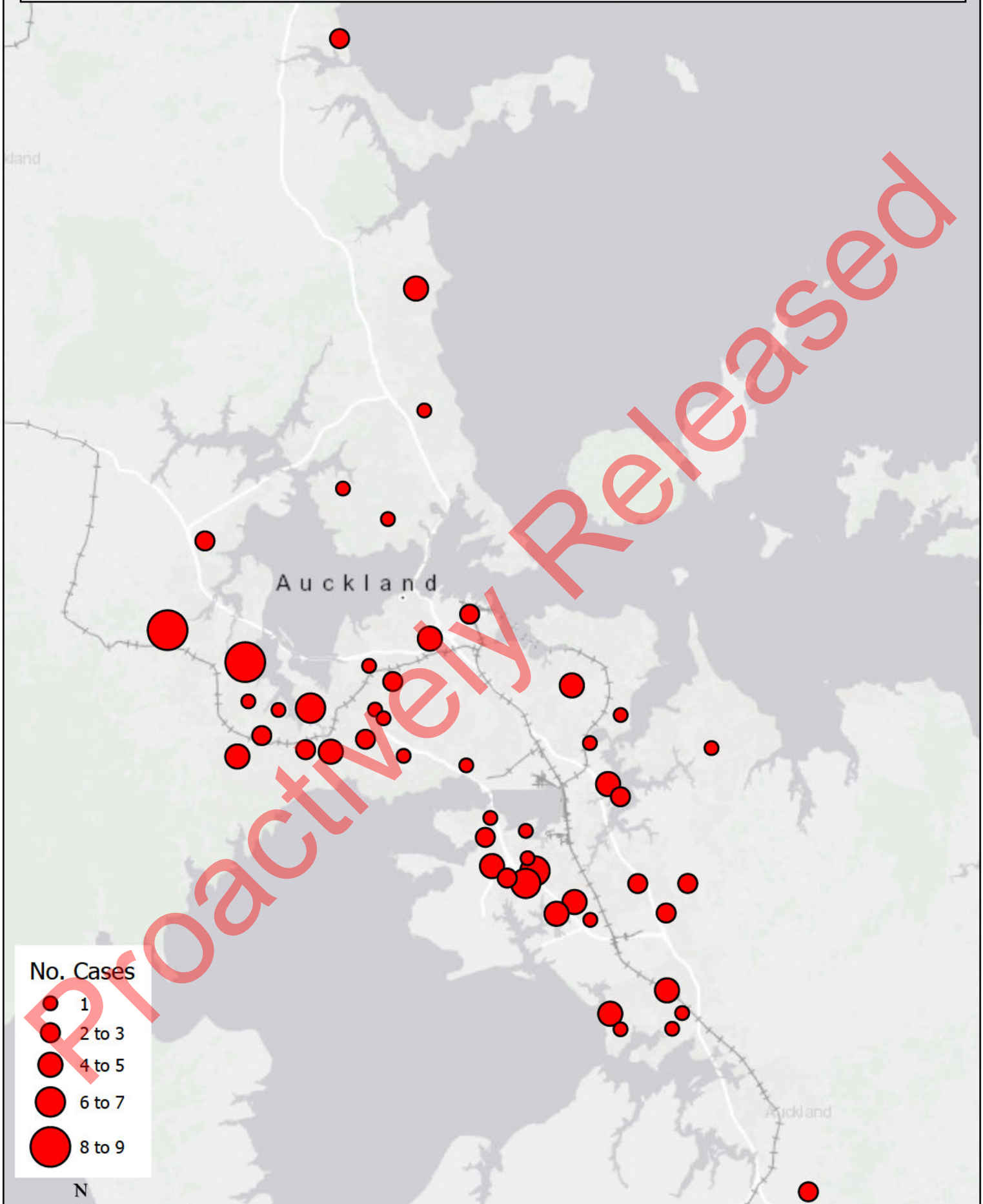
- b. the number of cases and close contacts; and
- c. the geographic spread of cases, including across regions.

Proactively Released

Appendix 2: Geographic distribution of COVID-19 cases in Auckland August cluster
[attached]

Proactively Released

Proportional symbol map showing the distribution of COVID-19 cases within the 'Auckland August Cluster'



No. Cases

- 1
- 2 to 3
- 4 to 5
- 6 to 7
- 8 to 9

N



0 100 200 km

This map displays the location of confirmed and probable cases within the 'Auckland August Cluster'. As at 1 September 2020 there are a total of 146 cases associated with this cluster. 5 cases have been excluded from the map due to a lack of geographic information, with a further 3 omitted for being outside of the Auckland area.

To maintain confidentiality, symbols are positioned in the centre of each neighbourhood and do not represent the specific level location of the case(s).



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

COVID-19 Resurgence: Third Review of Alert Levels

Portfolio Prime Minister

On 4 September 2020, Cabinet:

Background

- 1 **noted** that Alert Level controls at Level 2 nationwide, with tight gathering size limits in Auckland, were extended until 11:59 pm on Sunday, 6 September 2020, to continue to reduce the potential spread of COVID-19 [CAB-20-MIN-0422];

Situation

- 2 **noted** that the plan to respond to a resurgence of the virus is going well, with high levels of testing, speedy contact tracing, and strong public support for and compliance with the controls that have been imposed;
- 3 **noted** that the Director-General of Health is satisfied that:
 - 3.1 the cluster in Auckland continues to be contained;
 - 3.2 there is a low underlying risk of undetected community transmission in other regions;
 - 3.3 testing has remained at high levels and at a level that is sustainable in the medium term, without putting undue pressure on supplies or laboratory staff;
 - 3.4 contact tracing capacity remains sufficient to manage 350 cases per day, and meets the WHO's guidelines for responsiveness, testing speed and notification of results;
 - 3.5 border measures remain robust, and investigations of the source of the new outbreak have found no direct evidence of failure, nor of any material to human transfer;
 - 3.6 more broadly, there is still strong support for and compliance with the government's approach and with control measures;
 - 3.7 the health system has sufficient capacity, including workforce and ICU capacity, to respond to COVID-19 and has identified surge capacity and contingency plans, and there is sufficient PPE capacity for those for whom it is recommended;

- 4 **noted** that the Director-General sees the following risks:
- 4.1 given the size of the cluster and the nature of the communities affected, there remains a risk of undetected community transmission in Auckland;
 - 4.2 the additional movement associated with the recent move to Alert Level 2 within Auckland will add further to the risk of transmission;
 - 4.3 it is too soon to be able to judge the effectiveness of Level 2 controls in Auckland in mitigating that risk;
- 5 **noted** that the Director-General's updated view is that, on balance, New Zealand should remain at Alert Level 2 for the next 14 days, and to maintain the existing gathering size limits in Auckland;
- 6 **noted** that Cabinet may decide the appropriate level of public health measures to avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (taking into account the social, economic, or other factors), and to that end;
- 7 **agreed** to maintain Level 2 controls nationwide until 11:59 pm on Wednesday, 16 September 2020;
- 8 **agreed** to maintain for the same time period the existing gathering size limits in Auckland of 10, except for funeral or tangihanga, which can have up to 50 people if they are registered with the Ministry of Health and meet a range of public health measures;
- 9 **agreed** that Cabinet will again consider these Alert Level matters not later than Monday, 14 September 2020, with the expectation that any changes in Alert Levels made subsequent to that discussion would come into effect from 11:59 pm on Wednesday, 16 September 2020;
- 10 **noted** that the Minister of Health, in making any changes to the current Order under section 11 of the COVID-19 Public Health Response Act 2020, will have regard to Cabinet's decisions and further comments from Ministers arising out of consultation, as well as considering what is appropriate to achieve the purpose of the Act;
- 11 **noted** that the situation will continue to be monitored closely and adjustments made quickly if necessary;

Other matters

- 12 **agreed** that Cabinet's decisions be communicated by the Prime Minister.

Michael Webster
Secretary of the Cabinet