

Cabinet

COVID-19 RESURGENCE: FIFTH 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 September 14 2020, Cabinet decided to retain the current Alert Level 2 settings in Auckland, with tighter limits on the size of social gatherings, until at least 11:59pm on Wednesday, September 23; but to review the limit on gathering size at Cabinet on Monday September 21. Any changes agreed as a result of that review would come into effect from 11.59pm on Wednesday September 23.
3. Cabinet also retained Alert Level 2 elsewhere, but agreed in principle that the rest of New Zealand move to Alert Level 1 from 11.59pm on Monday, September 21, depending on how cases are tracking and maintaining containment, and subject to confirmation at Cabinet on September 21.
4. This paper reviews the latest course of the community outbreak, and provides options for implementing the decisions and direction signalled by Cabinet above. It also considers possible pathways for Auckland to join the rest of New Zealand at Alert Level 1 in the future.

Situation report

5. Our resurgence response plan continues to go well. Compared with our last review on September 14, both the number of active cases and the number of new cases in the last 14 days have fallen. As at September 18, there have been 25 new cases in the last 14 days, of which just 4 were in the last 7 days. We can remain confident that active cases are limited to a single cluster in Auckland. Testing volumes remain reasonable at just under 44,000 per week in the community and 5,500 a week at the border. Contact tracing is fast. Our Managed Isolation and Quarantine (MIQ) arrangements continue to protect us from imported cases and we are seeing high compliance with the requirements for face coverings on public transport and other public health measures. Public sentiment remains broadly positive. Together, these trends build our confidence that we can consider further easing the restrictions in Auckland, and confirm the move to Level 1 agreed in-principle by Cabinet for the rest of New Zealand.
6. Last week we noted concerns about sub-clusters of cases in Auckland, including those associated with the Mount Roskill evangelical church. The non-compliance demonstrated by gatherings associated with this church, and the fact that some close contacts were not at first disclosed to our contact tracers, raised the possibility of additional exposure events and undetected chains of transmission. Although this sub-cluster may still present cases, high levels of testing and reducing case numbers over the week have increased our confidence that the sub-cluster has been contained.
7. The recent example of a confirmed case that attended a North Shore gymnasium, leading to 483 contacts being identified, of which 85 were close contacts, has re-

emphasised the need for continued vigilance and fast contact tracing and testing when new cases arise.

8. Using the agreed transmission thresholds for Alert Level decisions, this outbreak continues to best fit the definition of Alert Level 2 in Auckland (with limited community transmission occurring), and Alert Level 1 elsewhere (with a low risk of cases spreading from Auckland, and no evidence yet that spread has in fact happened).

Options

9. For Auckland, the paper presents the same three options we had last week:
 - a. Option A: Maintain the status quo in Auckland – ie, Level 2 controls, with social gathering size limits that are tighter than the standard Level 2 definition (groups of no more than 10, or up to 50 for approved funerals and tangihanga).
 - b. Option B: Maintain Level 2 controls in Auckland and increase the social gathering size limit to a maximum of 50, an intermediate step between where we are now and the standard Level 2 definition. The same limit of 50 would apply to funerals and tangihanga which would no longer need to be authorised.
 - c. Option C: Maintain Level 2 controls in Auckland and increase the social gathering size limit to a maximum of 100, the standard Level 2 definition. Funerals and tangihanga would no longer need to be authorised. This is the interim recommendation of the Director-General of Health.
10. The paper also seeks Cabinet's confirmation of its in-principle decision to move New Zealand outside Auckland to Alert Level 1 with effect from 11.59pm on Monday September 21.

Process

11. There is more information on the situation around the transmission of the virus in paragraphs 20 to 27 and the view of the Director-General at paragraphs 45 to 56. There is more discussion of the options at paragraphs 58 to 75. The Director-General will provide his final assessment and advice on Monday September 21 before Cabinet.
12. To meet the 48-hour minimum notice period required in legislation, I have already signed and gazetted an amended Order that would implement a clean move to Alert Level 1 for New Zealand outside Auckland. An Order revoking this decision has also been prepared, which will be signed and gazetted under urgency if Cabinet decides not to confirm this decision and instead delay the move to Alert Level 1.
13. Any decision by Cabinet to change settings for Auckland, including an increase to gathering size limits, would be implemented in an additional amended Order. This Order will come into effect from 11:59pm on Wednesday September 23, again reflecting the 48-hour minimum notice period required in legislation.
14. 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 and the associated Order drafted and signed.

Next steps

15. Our aim continues to be to gradually reduce Alert Level controls as we maintain control of this community outbreak and stop growth in the cluster. However, it is essential that

in doing so, we pay close attention to the progression of the outbreak, and the risks of undetected spread.

16. In particular, in an Alert Level 1 environment where there are no domestic travel or gathering size restrictions, or physical distancing requirements, we will rely primarily on surveillance testing, and the public seeking a test if they have COVID-19 symptoms, to ensure we detect and control any new outbreaks as fast as possible. Continuing to do so (supported by rapid contact tracing and effective isolation) will be critical if we are to minimise the public health and economic impacts of a new outbreak, and once again return the country to the position of having no community transmission.

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 options for gathering size limits in Auckland, and a recommendation to confirm the in-principle decision to move the rest of New Zealand to Alert Level 1 on Monday September 21; and
 - c. A consideration of future steps for Auckland.
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, which is why we are working together to do that again. We have indicated that, wherever possible, we want to achieve elimination without resorting to blunt and costly lockdowns, but instead to control the spread of COVID-19 with a flexible mix of restrictions that best reflects our situation.

Transmission situation

Auckland

20. As at 10am on September 18, there have been 180 cases of COVID-19 identified beyond MIQ, including probable cases. The earliest date of reported symptoms was July 31. All known active cases can be linked to a single case confirmed on August 11. Of the total, 140 have now recovered and there have been three fatalities, leaving 37 active cases.
21. 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 more severe, with higher rates of hospitalisation. Almost all cases are in Auckland. A map is attached that shows the geographic distribution of community cases there.
22. New cases in the community outbreak continue to be identified, but in the 14 days to September 17 there have only been 25 such cases, and only 4 in the last 7 days. The rate of new case identification has slowed, and these have primarily been amongst contacts that had already been identified and isolated. Together with the continuing reasonable levels of testing, and rapid contact tracing, this increases our confidence that this cluster is contained. We are confident that significant sub-clusters, including the one associated with the Mount Roskill evangelical church, are under control.

23. In one case this week, a worker at the Jet Park Managed Quarantine Facility tested positive in a routine border worker test, having contracted the virus from a community case being quarantined at that facility. The worker attended classes at a North Shore gymnasium on 9 and 10 September before testing positive, resulting in three exposure events. A total of 483 contacts have been identified as a consequence, of which 85 are defined as close contacts. Subsequent testing of contacts has not so far led to any further positive cases. The numbers of close contacts in this case illustrates the importance of rapid and effective contact tracing and testing. These are critical tools if we are to stamp out the Auckland community outbreak.
24. Researchers at Te Punaha Matatini (TPM) have estimated that in August, the Alert Level 3 response was successful in reducing R_0 to below 1, and containing the outbreak. At this stage, it appears that highly effective contact tracing is continuing to keep R_0 below 1 in Alert Level 2.5. This is important, as R_0 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. This result reinforces that the cluster appears to be under control. However TPM has also indicated that due to the small case numbers the estimate is still subject to change.
25. As noted in previous Cabinet papers, the low gathering limits in Auckland will have limited cluster growth. International evidence is that limiting event or gathering sizes can limit the number of super-spreading events, where one case infects many others. Unfortunately, modelling cannot yet tell us much that is useful about the impact of particular gathering limits, eg 10 as compared with 50 or 100. Nevertheless, contact tracing shows that church gatherings have been an important source of spread in Auckland.

Outside Auckland

26. We have not seen any cases outside Auckland, other than four cases in Tokoroa, since the start of the outbreak on August 11. However, there remains a small underlying risk of undetected community transmission in other regions. This risk remains because there is free movement of people between Auckland and the rest of New Zealand, and because active cases are still being found in the community in Auckland.
27. Since last week, TPM has not updated its estimate of the likelihood of an undetected case of the virus outside Auckland. The probability of there being a case outside of Auckland will be slowly decreasing over time. Last week's estimates were between 5 per cent and 30 per cent, dependent on assumed length of stay and whether North or South Island.

Other health system factors

28. Testing capacity remains consistent at just under 26,000 tests per day. Testing volumes have fallen from their peak in the early part of the resurgence, but 50,000 were performed in the week of September 11 to 17. Of those tests, about 45,000 were in the community, 3,000 were of border workers (including MIQ, port and airport workers) and 2,000 were of MIQ guests.
29. Since Auckland moved to Level 2 on August 31, there have been 71,400 tests in Auckland and 59,200 elsewhere in the country. Of those, there have been 38,800 in Māori and Pacific communities. Testing rates for Māori are in line with their proportion of the population. The Pacific community is strongly over-represented in testing, accounting for about 15 per cent of tests versus eight per cent of the population. Outside of Auckland, where testing rates are higher, testing rates are consistent in all regions except the West Coast.

30. Contact tracing capacity remains sufficient to manage 350 cases per day. As at September 18, there have been 3,912 close contacts identified since August 11, 3,908 of whom have been successfully contacted. In the week to September 15, 78 per cent identified close contacts of cases in the community were contacted within 48 hours of being identified, just under the 80 per cent standard.
31. As at September 17, around 2.2 million people have registered their details with the Tracer app, and 376,000 QR Code posters have been created. Daily use of the app is somewhat volatile, but has decreased slightly from over 2 million to about 1.7 million scans over the last week. This possibly suggests a degree of complacency, and public messaging over the next 1-2 weeks will include a focus on app use, and the reasons why this is important.

Economic and fiscal factors

32. Alert Level 2 controls are generally expected to decrease GDP by around five per cent relative to Level 1. This represents about \$300 million of output loss per week, one third of which is in Auckland. Each week spent at Level 2 will have a weakening effect on employment, confidence, and the underlying strength of the economy.
33. We are seeing some early positive responses in the aviation sector to the removal of physical distancing requirements on planes that we announced last week. Jetstar is restarting operations from September 17 at about 60 per cent of its pre-pandemic capacity, and a lot more seats have been released for sale across both major airlines, in time for travel in the school holidays that start on September 26.
34. Between September 4 and 11, there was a net increase of 1,847 people on the Jobseeker benefit, and a net decrease of 2,372 people on the COVID Income Relief Payment (CIRP). Over the same period around 1,400 people moved off one of those benefits and into employment. Applications for the 12-week CIRP payment will close on November 13. In the week ending September 11, the Wage Subsidy Scheme in its various forms was supporting around 217,000 jobs. In total \$13.9 billion has been paid out across the various iterations of the Wage Subsidy Scheme.
35. In the Pre-Election Economic and Fiscal Update last week, the Treasury concludes that the economy came through the early stages of the pandemic response in better shape than initially expected. The GDP figures for the June quarter out last week also paint a more positive picture than some commentators had expected. But the road to economic recovery will be long, with the Treasury forecasting lower growth over the next four years, influenced in part by the ongoing growth of the COVID-19 pandemic around the world.
36. The outlook is weak but continuing with our firm control of this cluster 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

37. Pacific and Māori communities are disproportionately affected by this outbreak. These communities also have a higher prevalence of long-term conditions and diseases, higher barriers to access 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. There is also awareness in these communities of differences in infection rates and fatalities by ethnicity, which makes their communities more 'at risk' of poorer outcomes than other groups.

38. The decline in new infections over the last week may be contributing to growing confidence that the outbreak is under control and a reduction in anxiety levels for the Pacific community. Conversely, the recent news about the second death from COVID-19 within one whanau may have reinforced the seriousness of COVID-19 for many Māori. The Whanau Ora wrap-around services have provided support and reassurance in these communities, and more recently for those facing either quarantine, or uncertainty as to what support they may be eligible for.
39. Concerns are increasingly focused on employment and maintaining income within households. Attendance remains lower in South and West Auckland schools and with only one week left of term, children and young people may not return until after the holidays.

Public attitudes and compliance

40. Overall, enforcement efforts are suggesting there remains, on the whole, a good level of general buy-in and compliance. Police is anecdotally seeing good compliance with face covering requirements, and is continuing with its graduated enforcement approach, starting with a strong emphasis on education. There have been protests related to restrictions such as face coverings, and some issues around gatherings which have attracted media attention. Police is maintaining an emphasis on building and retaining social buy-in to restrictions including around social gatherings, as social licence is key to general compliance. Police advice suggests that an approach that starts with education rather than vilification will be more successful in avoiding escalating non-compliance.
41. For the seven days up to 14 September, there were 227 notifications of breach. 155 related to Auckland, and the balance to the rest of the country. These notifications mostly related to businesses and gatherings, and were at a generally similar level and mix to the preceding 7 days. Since the beginning of the recent restrictions:
 - a. 46 (no change from last week) "clearances" were recorded, comprising 12 prosecutions, 33 warnings, and one referral to youth services.
 - b. A total of 2,641 (up from 2,414) "105" breach notifications have been submitted across all districts. 2,052 (up from 1,892) relate to breaches in Auckland.

Our ability to operationalise the restrictions

42. If Cabinet confirms the in-principle decision to move New Zealand outside of Auckland to Alert Level 1, there are likely to be operational issues associated with Auckland and the rest of New Zealand being at different Alert Levels. Specifically, there would be requirements on physical distancing, limits on gathering sizes and mandatory face coverings on public transport in Auckland, but none elsewhere. There are no travel restrictions preventing travel between Auckland and the rest of the country. Indeed, we have seen in the last week a high level of demand for inter-regional flights between Auckland and the rest of New Zealand, associated with the recent removal of physical distancing requirements on public transport including aircraft at Alert Level 2.
43. Because of the small, residual risk of Aucklanders infected with the virus travelling outside New Zealand, we would rely on public messaging to encourage Aucklanders to travel safely outside Auckland, and to follow the requirements that apply in Auckland even when outside it. This type of messaging has been employed since August 31, when Auckland moved to (a strict form of) Alert Level 2, and could travel freely to the rest of New Zealand where gathering limits were greater. However, the move of the rest of New Zealand to Alert Level 1 would augment the need for this public messaging, due to the greater difference in controls applying in each area.

44. In practice, we may see some confusion in the public about what rules apply to Aucklanders visiting the rest of New Zealand, and even some antipathy from others to Aucklanders who may appear not to be complying with Auckland requirements when outside Auckland. The incentives for such views are strong, given that new cases outside Auckland could at worst lead to tighter controls and significant economic and social impacts for that region. We intend to put even greater emphasis on clear, consistent public messaging that tackles complacency and emphasises the economic and social benefits of finally stamping out this community outbreak.

Interim view of the Director-General

45. Having reviewed the public health factors agreed by Cabinet to be considered in relation to Alert Level decisions, based on evidence at 9.30am on Friday September 18, the Director-General's current assessment is as follows:
- a. All but two of the 180 cases in the current outbreak (of which 37 are currently active) have been linked epidemiologically and/or genomically as part of one cluster. The two unlinked cases were reported more than two weeks ago, and after extensive testing of contacts have not shown any wider spread, suggesting that these have not led to additional clusters.
 - b. Of the 178 linked cases, four have been linked genomically but do not yet have an epidemiological link. This means that, while the cases are part of a single incursion, the precise link is unknown, raising the possibility that there are additional as-yet undetected cases in the community. Having said that, wide community and casual contact testing has not identified significant community spread.
 - c. The two most significant recent sub-clusters are associated with Mt Roskill Evangelical Church and a number of bereavement events which took place contrary to public health guidelines. Together these account for 48 cases. Wider testing of contacts including in a school has not identified further new cases.
 - d. Testing has remained at high levels with more than 50,000 tests in the past week, showing that members of the public are still seeking and accepting tests. Testing guidance is clear that all people presenting with relevant symptoms should be tested, regardless of region; and that in Auckland additional at-risk communities should be offered a test even if asymptomatic. Contact tracing capacity remains able to manage 350 cases per day, and meets the WHO's guidelines for responsiveness, testing speed and notification of results.
 - e. Although we cannot yet be certain of the source of the new outbreak, investigations have found no direct evidence of failure at the border, nor of any material to human transfer. More widely, there is still strong support for and compliance with the Government's approach and control measures.
 - f. The health system has sufficient capacity, including workforce and ICU capacity, to respond to COVID-19 and has identified surge capacity and contingency plans; there is sufficient PPE capacity for those for whom it is recommended.
46. Based on the available evidence at 9.30am on September 18, the Director-General's interim advice is that on balance we are on track for Auckland to move to the standard Alert Level 2 arrangements. That includes easing restrictions on gatherings to the Alert Level 2 maximum of 100 attendees, and removing the need for an exemption for funerals/tangihanga.

47. Cases identified in the community are nearly all clearly linked to a single incursion and outbreak. Declining numbers of new cases in recent days, including some days with no new community cases, give confidence that the outbreak is currently contained.
48. However, the identification of new cases in the past two weeks that are linked to the cluster as a result of infected people visiting others, contrary to clear public health advice and expectations, raises the possibility of additional exposure events and undetected chains of transmission. The size of the cluster and the nature of the communities affected in Auckland adds to this risk. The three deaths associated with this outbreak also underscores the importance of maintaining caution and vigilance.
49. Auckland has currently been at Alert Level 2 plus for 18 days. In the Director-General's view, it would be prudent to continue to monitor case numbers for 28 days (i.e. two infection cycles) from the date of adopting Level 2 plus before we can have confidence that significant further spread has not occurred within Auckland.
50. However, given the evidence that the outbreak is contained and the relatively low risk to other communities in Auckland, the Director-General recommends that that Auckland should remain at Alert Level 2, but that temporary restrictions on gathering sizes could be relaxed to permit up to 100 people maximum. In addition the case for moving Auckland to Alert Level 1 should be considered in two weeks' time, should no significant cases of community transmission be identified in that time.
51. We remain on track for the rest of New Zealand to move to Alert Level 1 on Monday 21 September. We have not identified spread out of Auckland, except for the four cases in Tokoroa which are related to the cluster. The Director-General has confidence that there is a low underlying risk of undetected community transmission in other regions.
52. It is right to be cautious about moving towards Alert Level 1 too soon. We cannot yet have full confidence that inter-regional travel at Alert Level 2 has not led to undetected cases of COVID-19 being exported from Auckland to other areas.
53. However, on Monday 21 September it will have been 21 days since Auckland moved to Alert Level 2 plus, and 40 days since other regions moved to Alert Level 2. In that period we have not detected cases outside of Auckland (excepting the four above), in spite of carrying out over 100,000 tests in other regions since August 12.
54. A move to Alert Level 1 must be accompanied by steps to avoid complacency in the general public and to build resilience for future outbreaks. Recent changes to Alert Level 1 settings, including mandatory display of QR Codes in workplaces and public transport services, should be used to strengthen our approach to public communications and promote greater vigilance and good public health behaviours.
55. There is also a case to consider temporary additional measures which would help smooth the transition to Alert Level 1, and provide further assurance in managing the most significant remaining public health risks whilst Auckland remains at Alert Level 2.
56. Gatherings which are closed, crowded and close-contact present the greatest public health risk. In order to mitigate this risk, the Director-General recommends that Cabinet consider a temporary restriction in other regions on the size of indoor gatherings up to 500 people, for as long as Auckland remains at Alert Level 2. This would create transitional Alert Level "1 plus" to manage the move down the alert levels whilst balancing the areas of greatest public health risk.
57. The Director-General will provide his final assessment and advice on Monday September 21 before Cabinet.

Options

58. For Auckland, the paper presents three options:
- Option A: Maintain the status quo – ie, Level 2 controls, with social gathering size limits that are tighter than the standard Level 2 definition (groups of no more than 10, or up to 50 for approved funerals and tangihanga).
 - Option B: Maintain Level 2 controls and increase the social gathering size limit to a maximum of 50 an intermediate step between where we are now and the standard Level 2 definition. The same limit of 50 would apply to funerals and tangihanga which would no longer need to be authorised.
 - Option C: Maintain Level 2 controls and increase the social gathering size limit to a maximum of 100, the standard Level 2 definition. Funerals and tangihanga would no longer need to be authorised.
59. Any changes to settings agreed by Cabinet would take effect from 11:59pm on Wednesday September 23.
60. For the rest of New Zealand, the paper seeks confirmation by Cabinet of the in-principle decision to move to Alert Level 1 from 11.59pm on Monday September 21.

Options for Auckland

61. The following three options are as presented in the previous paper considered by Cabinet on September 14.

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

62. 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.
63. As at Monday September 21, Auckland has been at Level 2 with tight gathering size limits for 21 days. Daily numbers of new cases are now slowly falling, most cases are identified close contacts of existing cases, and the new cases we are seeing are contained within the cluster. These are all encouraging signs, although we cannot be perfectly confident that all close contacts are being revealed to our contact tracers.
64. The economic and social impacts of tight gathering size limits are meaningful. Retaining the current settings also indicates that a move of Auckland to Level 1 is further away than previously might have been thought.

Option B (maintain Level 2 and lift gathering size limits in Auckland to 50)

65. This option keeps Level 2 in place for Auckland but sets social gathering limits to 50, including in the home, for funerals, and at other events. The limit on numbers for tangihanga and funerals would remain at 50, but these would no longer need to be authorised.
66. Easing controls on social gatherings in Auckland would enable a helpful increase in economic and social activity, with weddings, community sport and cultural activities all more likely to be able to proceed. Harmonising the gathering size limits for funerals and tangihanga with those for other social gatherings makes the controls more coherent and easier to communicate. The removal of the requirement for funerals and tangihanga to be authorised would reduce the administrative burden for funeral organisers and the Ministry of Health.

67. Raising the limits on gathering sizes does increase the risk of spreading the virus in the community. It can also increase the work required of the contact tracing teams by lifting the potential number of close contacts for each case. Unfortunately, there is no straightforward way to quantify the impact of a larger gathering size limit on the risk of spread. But we can observe that gatherings, including some that were not in line with public health requirements, have been important to the growth of the cluster of cases we are now managing.

Option C (maintain Level 2 and lift gathering size limits in Auckland to 100) (recommended by the Director-General of Health)

68. This option retains Level 2 controls in Auckland and sets all social gathering limits to 100, including in the home, for funerals and at other events. Tangihanga and funerals would no longer need to be authorised.
69. This option represents the fastest possible expansion of economic and social activity, and would pave the way for the quickest move to Alert Level 1 if case numbers support that in due course. As for Option B, there is also benefit from a communications perspective in harmonising the limit on all social gatherings at a single number.
70. There is also a higher risk of future growth in case numbers if there is undetected community transmission continuing in Auckland. Compared with the last time that we were at Alert Level 2 and facing this question of increasing gathering limits, we have fewer open clusters but many more active cases, and we have reported more cases in the last 14 days.

Confirmation of the in-principle decision to move the rest of New Zealand to Alert Level 1 on Monday September 21 (conditionally supported by the Director-General of Health)

71. Cabinet is asked in this paper to confirm its in-principle decision to move all of New Zealand outside Auckland to Alert Level 1. Under Alert Level 1 settings, businesses and public transport operators are required to display QR codes but there are no other legal obligations or restrictions (other than at the New Zealand border). We would continue to encourage people to follow basic public health advice, to keep track of their movements using the app or manual methods, and for businesses and event organisers to follow the Events Sector Voluntary Code. This “COVID Code” outlines what event organisers can do to safely hold events and reduce COVID-19 related risks under the Alert Level system, and has recently been revised by the Ministry of Business, Innovation and Employment on behalf of the Event Sector Voluntary Code Working Group.
72. Given that there have been no recent cases outside Auckland, that case numbers in Auckland continue to reduce, and informed by TPM’s modelling, there is no evidence from the last week to suggest that Cabinet should not confirm its decision of September 14.
73. We would continue to encourage people from Auckland to travel safely and follow the requirements that apply in Auckland even when outside it (for example, by not attending large social gatherings).
74. It should be noted that in supporting this option, the Director-General is of the view that moving to Alert Level 1 must be accompanied by steps to avoid complacency in the general public and to build resilience for future outbreak. I agree that public communications should place strong focus on promoting greater vigilance and good public health measures.
75. In addition, if we confirm the move outside Auckland to Alert Level 1, I note that the Director-General has recommended that Cabinet consider a temporary restriction in

other regions on the size of indoor gatherings up to 500 people, described as Alert Level “1 plus”, for as long as Auckland remains at Alert Level 2. At last week’s consideration of Alert Level matters, there was some discussion of interim steps down to Alert Level 1 involving temporary extensions of Level 2 gathering limits. Cabinet did not support those interim measures last week, instead opting in-principle for a clean move to Alert Level 1 with no gathering restrictions. That view of Cabinet is reflected in the Order that has been signed in preparation for a clean move to Alert Level 1 at 11.59pm Monday 21 September. On balance, taking into account both this discussion and the Director General’s views, I have concluded Alert Level 1 should be reserved for a set of legal restrictions that are as close as possible to normal life.

Future steps for Auckland

76. We have taken a considered approach to moving down Alert Levels both in this outbreak and in our first. In line with that approach, our objective now is to take the fastest available safe path to return Auckland to Alert Level 1 controls. The shape of that path depends on our decision today, on future case numbers, and on our view of the various uncertainties involved.
77. If Cabinet decides today to lift gathering size limits in Auckland to 100, there are two options for Cabinet to consider a possible move down to Alert Level 1. Cabinet could next consider the Alert Level settings at a special meeting on Monday September 28, at which point Auckland will have had five days with the increased gathering size limits. Alternatively, we could maintain these arrangements for 14 days, ie one transmission cycle for the virus. This is enough time to start seeing the impact of any change in the case numbers. This would mean that we would be a position to consider moving Auckland to Alert Level 1 controls at our meeting on Monday October 5. Any move would be subject to how case numbers are tracking and our confidence in containment of the cluster. We will also commission additional modelling from TPM of the probability that the virus has been eliminated to inform this decision.

Other matters

78. There are two further changes to the Order that will be made to implement policy decisions. These are:
 - a. For inter-regional travel between Auckland and other regions on public transport, including flights, a requirement to wear face coverings for the whole journey in either direction (if Cabinet confirms the move to Alert Level 1 outside Auckland).
 - b. An exemption for supermarkets and petrol stations from the requirement to maintain paper-based contact records (in addition to displaying QR codes).
79. My officials are working on advice about increasing the number of situations in which face coverings would be mandatory at Alert Levels 2 and above. At present, at Level 2, face coverings are compulsory only on public transport and on planes. At Alert Level 1, there will be no legal requirement to wear face coverings, although we will continue to encourage it in those situations where it might help most, ie, where people are in crowded indoor environments for sustained periods.

Financial Implications

80. 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

81. I 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.
82. Before making a replacement Order, I 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. I 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.
83. 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.
84. As mentioned above, 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 and the associated Order drafted and signed.
85. The existing Order does not expire. This means that it can continue in place until any new Order is drafted. However, technical amendments may be needed to clarify the current rules.
86. As noted above, I have already signed and gazetted an amended Order that would implement a clean move to Alert Level 1 for New Zealand outside Auckland. This Order would also implement the requirement to wear face coverings on all inter-regional public transport journeys to, from and through, the Auckland region. This Order will come into effect at 11.59pm on Monday September 21, if Cabinet today confirms the in-principle decision.
87. I will sign a further Order amendment after Cabinet to implement the removal of obligations to maintain paper-based contact tracing records on supermarkets and petrol stations. This Order amendment will also be the vehicle for any changes to gathering size limits in Auckland agreed by Cabinet today. This Order will come into effect at 11.59pm on Wednesday September 23.

Impact Analysis

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

Human Rights

89. 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].
90. 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

91. Impacts for at risk populations are explored in this paper at paragraphs 37 to 39.

Consultation

92. This paper was prepared by the All of Government COVID-19 unit in the Department of the Prime Minister and Cabinet. 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 the Prime Minister's Chief Science Advisor were given a short opportunity to comment on a late draft.
93. In addition, the Ministry of Health has provided specific input and text, including advice on the course of the outbreak, the public health response, and the views and recommendations of the Director-General of Health.

Communications

94. The Prime Minister 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

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

Recommendations

96. The Minister of Health recommends that Cabinet:
1. **note** that at Cabinet on September 14 [CAB-20-MIN-0441], we:
 - 1.1. agreed to maintain existing Alert Level controls in Auckland until at least 11:59pm on Wednesday, September 23, with a review of gathering size limits at Cabinet on September 21;
 - 1.2. agreed to maintain the rest of New Zealand at Alert Level 2 until at least 11:59pm on Monday, September 21;
 - 1.3. agreed in principle that the rest of New Zealand then move to Alert Level 1, subject to confirmation at Cabinet on September 21;

Situation

2. **note** that our plan to respond to a resurgence of the virus is going well, with reasonable levels of testing, speedy contact tracing, and good public support for and compliance with the controls we have imposed;
3. **note** that the Director-General of Health is satisfied that:
 - 3.1. declining numbers of new cases in recent days gives confidence that the cluster in Auckland continues to be contained and likely controlled;
 - 3.2. there is a low underlying risk of undetected community transmission in other regions;
 - 3.3. testing has remained at high levels;
 - 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. The identification of new cases in the past two weeks that are linked to the cluster as a result of infected people visiting others, contrary to clear public health advice and expectations, raises the possibility of additional exposure events and undetected chains of transmission;
 - 4.2. The size of the cluster and the nature of the communities affected in Auckland adds to the risk of undetected community transmission;
 - 4.3. We cannot yet have complete confidence that inter-regional travel at Alert Level 2 has not led to undetected cases of COVID-19 being exported from Auckland to other areas;
 - 4.4. Gatherings which are closed, crowded and close-contact continue to present the greatest public health risk;
5. **note** that the Director-General is of the view that, on balance, Cabinet should:
 - 5.1. move Auckland to standard Alert Level 2 arrangements, with gathering sizes up to 100, as of 11:59pm on Wednesday September 23;
 - 5.2. consider the case for moving Auckland to Alert Level 1 in two weeks' time, should no new significant cases of community transmission be identified in that time;
 - 5.3. move the rest of New Zealand into Alert Level 1 as of 11:59pm on Monday September 21, provided this is accompanied by steps to avoid complacency in the general public and to build resilience for future outbreak; and
 - 5.4. consider a temporary restriction in other regions on the size of indoor gatherings up to 500 people, for as long as Auckland remains at Alert Level 2;
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;

Options for Auckland

7. **agree** to maintain Auckland at Alert Level 2;
AND EITHER (Option A)
8. **agree** to maintain 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)

9. **agree** to increase the gathering size limits in Auckland to 50 for all types of gatherings from 11:59pm on Wednesday September 23;

OR (Option C) *(recommended by the Director-General of Health)*

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 Wednesday September 23;

AND (for all options)

Confirmation of decision to move the rest of New Zealand to Alert Level 1

11. **agree** to confirm Cabinet's in-principle decision on Monday September 14 to move the rest of New Zealand outside Auckland to Alert Level 1 with effect from 11.59pm on Monday September 21 *(supported by the Director-General of Health, provided this is accompanied by steps to avoid complacency in the general public and to build resilience for future outbreaks, and noting recommendation 5.4 above)*;

Next decision

EITHER

12. **agree** that Cabinet will meet on Monday September 28, with a view to consider moving Auckland to Alert Level 1 should the situation allow it;

OR

13. **agree** that Cabinet will next consider Alert Levels at Cabinet on Monday October 5, with a view to considering moving Auckland to Alert Level 1 should the situation allow it;

AND (for either option)

Other matters

14. **note** that the Order implementing Alert Level 1 for the rest of New Zealand incorporates a requirement for a face covering to be worn on inter-regional public transport including aircraft to, from and through Auckland, in either direction and for the whole journey;
15. **note** that a revised Order to be signed after Cabinet will incorporate the policy decision to include an exemption for supermarkets and petrol stations from the requirement to maintain paper-based contact records (in addition to displaying QR codes);
16. **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;
17. **note** that we will continue to monitor our situation closely and make adjustments quickly if necessary;
18. **agree** that Cabinet's decisions today will be communicated by the Prime Minister.

Hon. Chris Hipkins

Minister of Health

Proactively Released

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:

~~SENSITIVE~~

- 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.

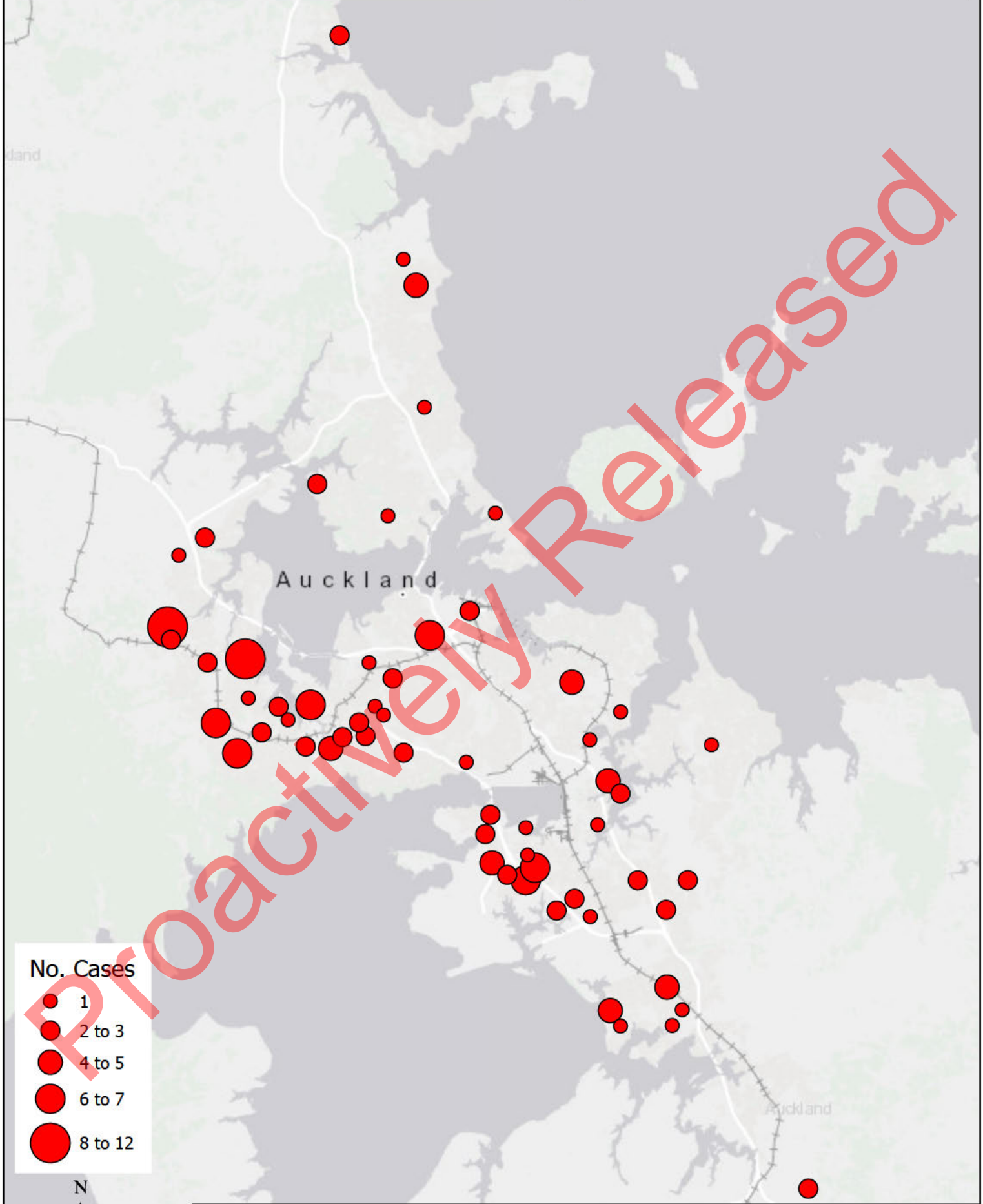
Proactively Released

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

[to be attached]

Proactively Released

Graduated 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 12

N



0 100 200 km

This map displays the location of confirmed and probable cases within the 'Auckland August Cluster'. As at 16 September 2020 there are a total of 178 cases associated with this cluster. A total of 9 cases have been excluded from the map due to a lack of up-to-date geographic information.

To maintain confidentiality, symbols are positioned in the centre of each neighbourhood and do not represent the specific street-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: Fifth Review of Alert Levels

Portfolio Health

On 21 September 2020, Cabinet:

Background

1 **noted** that on 14 September 2020, Cabinet:

- 1.1 agreed to maintain existing Alert Level controls in Auckland until at least 11:59 pm on Wednesday, 23 September 2020, with a review of gathering size limits at Cabinet on Monday, 21 September 2020;
- 1.2 agreed to maintain the rest of New Zealand at Alert Level 2 until at least 11:59 pm on Monday, 21 September 2020;
- 1.3 agreed in principle that the rest of New Zealand then move to Alert Level 1, subject to confirmation at Cabinet on Monday, 21 September 2020;

[CAB-20-MIN-0441]

Situation

2 **noted** that the plan to respond to a resurgence of the virus is going well, with reasonable levels of testing, speedy contact tracing, and good public support for and compliance with the controls that have been imposed;

3 **noted** that the Director-General of Health (the Director-General) is satisfied that:

- 3.1 declining numbers of new cases in recent days gives confidence that the cluster in Auckland continues to be contained and likely controlled;
- 3.2 there is a low underlying risk of undetected community transmission in other regions;
- 3.3 testing has remained at high levels;
- 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 the identification of new cases in the past two weeks that are linked to the cluster as a result of infected people visiting others, contrary to clear public health advice and expectations, raises the possibility of additional exposure events and undetected chains of transmission;
 - 4.2 the size of the cluster and the nature of the communities affected in Auckland adds to the risk of undetected community transmission;
 - 4.3 the government cannot yet have complete confidence that inter-regional travel at Alert Level 2 has not led to undetected cases of COVID-19 being exported from Auckland to other areas;
 - 4.4 gatherings which are closed, crowded and close-contact continue to present the greatest public health risk;
- 5 **noted** that the Director-General is of the view that, on balance, Cabinet should:
 - 5.1 move Auckland to standard Alert Level 2 arrangements, with gathering sizes up to 100, as of 11:59pm on Wednesday, 23 September 2020;
 - 5.2 consider the case for moving Auckland to Alert Level 1 in two weeks' time, should no new significant cases of community transmission be identified in that time;
 - 5.3 move the rest of New Zealand into Alert Level 1 as of 11:59 pm on Monday, 21 September 2020, provided this is accompanied by steps to avoid complacency in the general public and to build resilience for future outbreaks;
 - 5.4 consider a temporary restriction in other regions on the size of indoor gatherings up to 500 people, for as long as Auckland remains at Alert Level 2;
- 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:

Options for Auckland

- 7 **agreed** to maintain Auckland at Alert Level 2;
- 8 **agreed** to increase the gathering size limits in Auckland to 100 for all types of gatherings, in line with the standard definition of Alert Level 2 controls, from 11:59 pm on Wednesday, 23 September 2020;

Confirmation of decision to move the rest of New Zealand to Alert Level 1

- 9 **confirmed** Cabinet's in-principle decision (paragraph 1.3 above) to move the rest of New Zealand outside Auckland to Alert Level 1 with effect from 11.59 pm on Monday, 21 September 2020;

- 10 **noted** that the Ministry of Business, Innovation, and Employment on behalf of the Event Sector Voluntary Code Working Group has revised the Events Sector Voluntary Code (the “COVID Code”), which outlines what event organisers can do to safely hold events and reduce COVID-19 related risks under the Alert Level system;

Next decision

- 11 **agreed** that Cabinet will next consider Alert Levels at Cabinet on Monday, 5 October 2020, with a view to considering moving Auckland to Alert Level 1 should the situation allow it;

Other matters

- 12 **noted** that the Order implementing Alert Level 1 for the rest of New Zealand incorporates a requirement for a face covering to be worn on inter-regional public transport, including aircraft to, from and through Auckland, in either direction and for the whole journey;
- 13 **noted** that a revised Order to be signed after Cabinet on 21 September 2020 will incorporate the policy decision to include an exemption for supermarkets and petrol stations from the requirement to maintain paper-based contact records (in addition to displaying QR codes);
- 14 **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;
- 15 **noted** that the situation will continued to be monitored closely and adjustments made quickly if necessary;
- 16 **agreed** that Cabinet’s decisions be communicated by the Prime Minister.

Michael Webster
Secretary of the Cabinet