



Briefing

LIMITING MOVEMENT TO SECONDARY PLACES OF RESIDENCE BEFORE ALERT LEVEL CHANGES COMMENCE

To: Hon Chris Hipkins
Minister for COVID-19 Response

Date	13/09/2021	Priority	High
Deadline	17/09/2021	Briefing Number	DPMC-2021/22-243

Purpose

This briefing provides advice on people travelling to a secondary place of residence in other districts in the period between Alert Level changes being announced and those changes coming into force.

Recommendations


- Note** that there is evidence of, and community concern about, people travelling to a secondary place of residence between the announcement of Alert Level changes and those changes coming into force, risking the spread of COVID-19.
- Agree** to amend the Alert Level 1 and 2 COVID-19 Public Health Response (Alert Level Requirements) Order templates to make it an offence to travel to a secondary place of residence (subject to exemptions) from a place that has been notified is shifting to a higher Alert Level.
- Note** this amendment would empower Police to require travellers to return to their primary place of residence before the relevant COVID-19 Order comes into force and higher Alert Level restrictions commence.
- Note** that the current permissions for essential personal movement at Alert Level 3 and 4 (e.g. to access health services or permitted places of work) would continue to apply under the proposal outlined in recommendation 2.

YES / NO


- 5. **Agree** an exemption to the proposal in recommendation 2 for those in temporary accommodation to travel to a secondary place of residence. **YES / NO**

- 6. **Agree** that a breach of these requirements constitutes an infringement offence. **YES / NO**

- 7. **Agree** that this briefing is proactively released, with any appropriate redaction where information would have been withheld under the Official Information Act 1982, in November 2021. **YES / NO**


Ruth Fairhall
Head of Strategy & Policy, COVID-19
Group, DPMC

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Hon Chris Hipkins
Minister for COVID-19 Response

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Contact for telephone discussion if required:

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

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Ben White	Policy Manager, Strategy & Policy, COVID-19 Group, DPMC		s9(2)(a)	

Minister's office comments:

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- Withdrawn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

Proactively Released

LIMITING MOVEMENT TO SECONDARY PLACES OF RESIDENCE BEFORE ALERT LEVEL CHANGES COMMENCE

Background

1. When New Zealand (or parts of New Zealand) move to higher Alert Levels in response to community outbreaks of COVID-19, there is a delay between the announcement of this shift in Alert Levels and the associated COVID-19 Public Health Response (Alert Level Requirements) Order being made and coming into effect.
2. Although work on the necessary Alert Level Requirements Order usually commences before the announcement is made (and a template is used), time is required to ensure that detailed policy decisions are taken and for the precise Order to be drafted and signed. Once the Order is signed and has come into effect, the Order can also provide for a transitional period to allow people to return to their primary place of residence.
3. In the period before an Order comes into force which shifts the country (or parts of it) to higher Alert Levels, officials understand some people take the opportunity to travel to a secondary place of residence such as a holiday home. While people travelling before the Order is in force is lawful, this movement goes against the intention of Alert Level restrictions to restrict movement to only essential personal movement and heightens the risk of wider geographical transmission of COVID-19.

Officials propose an amendment to restrict discretionary travel after a lockdown announcement has been made

Some people are travelling in the period between Alert Level changes being announced and Alert Level Orders coming into force

4. Travelling to secondary places of residence (including holiday homes) immediately prior to Alert Level restrictions coming into force heightens the risk of community transmission of COVID-19 and can be problematic for other reasons. For example, by placing pressure on small towns' food and energy supply chains or medical services, which are not calibrated for this excess demand.
5. Under current settings, Police have no powers to require travellers to return to their primary place of residence before the relevant Alert Level Order comes into force and the lockdown commences.
6. With the significant media attention this issue received, there is a risk of social licence being eroded if people perceive that those who put others at risk are not being censured. Northland and the Coromandel residents, including iwi, have previously responded by setting up roadblocks to address the issue themselves. A roadblock of this nature requires immediate Police action to support the community in a safe and legal manner.

It is difficult to quantify the scale of the issue

7. As this behaviour has not been illegal, records have not been kept on the exact number of people who travel from a primary place of residence to a holiday home immediately prior to Alert Level restrictions coming into force.
8. We have estimated the scale of the issue from other metrics, which have included a reported 50 percent boost in traffic in major Auckland arterial routes after the 17 August 2021 Alert Level change was announced, compared to the previous week at the same time. Noting that not all of this travel is the issue this paper deals with, this is still an additional 2,000 vehicles.

We propose an amendment to restrict movement to secondary places of residence during the period between announcement of an Alert Level change and commencement of the Order

9. Officials (from DPMC, Police, Justice and Crown Law) recommend amending the Alert Level 1 and 2 COVID-19 Public Health Response (Alert Level Requirements) Order templates to make it an offence to travel to a secondary place of residence (subject to exemptions) from a place that has been announced is shifting to a higher Alert Level.
10. This amendment would mean anyone attempting to travel to a secondary place of residence once an escalation in Alert Levels has been announced, would be in breach of a COVID-19 Order. Police would consequently be empowered to require the person to return to their primary place of residence, and penalties would also be available under the COVID-19 Public Health Response Act 2020 (the Act).¹
11. Making this amendment would mean that any time there is an announcement of a change to Alert Level 3 or 4, this clause is automatically triggered. This would eliminate the lag between the announcement and commencement of travel restrictions insofar as these prevent travel to a secondary place of residence outside of the alert level area.
12. There is a risk that once people understand these new requirements, they will instead attempt to travel once cases are rumoured to be in the community, and not wait for an announcement. Officials recommend that this is addressed through communications around these new measures and the importance of staying local when an outbreak is found.

Current permitted essential movement will continue, and some exceptions may be necessary

13. In order to ensure that only travel to a secondary place of residence is prevented by this proposal, officials recommend that current permissions for essential movement at Alert Levels 3 and 4 continue as exceptions to the restriction. This includes transitional provisions to enable travel to a primary place of residence, and enduring provisions to enable movement to access appropriate services including medical practitioners, childcare and permitted work.
14. Officials also propose an exception to this proposal for a small subset of people whose primary place of residence is not appropriate for a longer lockdown, including some students at halls of residence. We propose that people in temporary accommodation or accommodation services are not prevented from travelling to a secondary place of residence following an Alert Level announcement.

¹ COVID-19 Public Health Response Act refers, sections 21 and 26 respectively.

Other interventions were considered, but discounted

15. Officials considered whether this issue of travel to a secondary place of residence could be appropriately addressed by relying on a communications strategy following an Alert Level announcement. Unite Against COVID-19 communications are already widely disseminated and widely understood. Solely relying on a communications strategy is therefore unlikely to reduce discretionary travel.
16. Another form of legislative amendment was considered to eliminate the lag, by issuing an Order with all four alert levels' settings contained and 'activating' the required parts of the Order with an immediate amendment order. This amendment would occur at the same time as the alert level change announcement, applying the higher Alert Level requirements to the relevant area.
17. This option was not preferred as it would be likely to impact social licence to have Alert Level 4's strict settings imposed with no prior warning, and requiring further Cabinet approval to determine what parts of the order should be activated immediately would be more complex to administer.

Human rights considerations

s9(2)(h)

Implementation

Police checkpoints

20. Pending your decisions on this briefing, this amendment would make non-permitted travel to a secondary place of residence following an Alert Level announcement an offence. Undertaking this travel would be a breach of a COVID-19 Order and Police would be empowered to direct a person to return to their primary place of residence from the point of announcement of the Alert Level change.
21. Police have advised this is likely to be operationalised through targeted checkpoints at key locations, depending on the particular areas that will be subject to lockdown levels.
22. Setting up checkpoints at these locations will give Police the ability to assess and manage travel in order to achieve the desired risk management. It will likely also cause traffic delays. Officials will continue working with the Ministry of Transport to understand the scale of likely delays and ways to minimise this disruption.

² s9(2)(h)

Enforcement

- 23. Police advise they will take a targeted risk-based approach to enforcement, and the initial response will be to engage, educate and encourage compliance with the provisions of the COVID-19 Order. Police will have the ability to direct people to return to their primary place of residence.
- 24. The penalties provided for in section 26 of the Act will also be available to address non-compliance. These penalties include infringement fees and fines, as well as criminal fines and periods of imprisonment on conviction. Police have reported high levels of compliance with early directions. We would therefore expect a modest increase in the number of infringements issued or prosecutions undertaken as a result of this change.

Next Steps

- 25. If you agree to amend the Alert Level Order templates as outlined in this paper, we will work with Crown Law and the Parliamentary Counsel Office to draft an amendment to the Order and provide this to yourself and other Ministers with Power to Act for consideration.
- 26. If you do not agree to the proposal, the status quo will remain and we will develop communications messaging to support lockdown announcements explaining the risks of travel to secondary places of residence.

Financial Implications

- 27. There are no financial implications of this change, as the work will be undertaken from baseline.

Consultation

- 28. The New Zealand Police, the Ministry of Justice, the Ministry of Health, Crown Law, Customs New Zealand and the Ministry of Transport were consulted on this briefing.

Communications

- 29. If you agree to amend the Alert Level Order templates as outlined in this paper, officials will prepare communications to be published on the United Against COVID-19 website following future Alert Level announcements.

Proactively Released