

~~[IN CONFIDENCE]~~

DEPARTMENT OF THE
PRIME MINISTER AND CABINET
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

Briefing

COVID-19: RESURGENCE PLANNING

To: Minister for COVID-19 Response (Hon Chris Hipkins)

Date	13/11/2020	Priority	Medium
Deadline	19/11/2020	Briefing Number	DPMC-2020/21-213

Purpose

This briefing attaches a draft paper for you to take to Cabinet Business Committee on 25 November. The draft paper:


- provides an update on the National Resurgence Response Plan, and planning for any resurgence during the summer holiday period;
- seeks Cabinet's endorsement to principles for establishing Alert Level boundaries, and an overall approach to determining what businesses and services can operate at higher Alert Levels – including businesses and services for which travel across Alert Level 2/3 boundaries is permitted;
- informs Cabinet of the service being developed by MBIE and the Ministry of Health that will generate verifiable documentation for businesses, services and individuals permitted to cross an Alert Level boundary;
- seeks Cabinet's agreement to add the Solicitor-General to the membership of the National Response Leadership Team that oversees a response to any resurgence.

Recommendations

- Note** the COVID-19 Group is developing a plan for how the Government will respond to a resurgence of COVID-19, building on the rapid response plan Cabinet agreed to on 10 August 2020 [CAB-20-MIN-0387 refers] and undertaking work specifically on how the Government would respond to a resurgence over the summer holiday period;
- Note** officials have developed draft principles to inform decisions on the location of future boundaries between areas at different Alert Levels that strike a balance between achieving the primary public health objectives, economic and social considerations;


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- 3. **Note** officials from various departments have agreed a list of businesses and services that should in principle be able to operate at different Alert Levels and for which travel across a boundary would be permitted;
- 4. **Agree** that officials continue to engage with iwi Māori, local government, business sector groups and agriculture peak bodies to test the proposed approach to boundaries and the businesses and services lists; YES / NO
- 5. **Agree** to take a paper to Cabinet Business Committee updating it on resurgence planning and seeking its agreement, in the event of a resurgence, to an approach to setting boundaries between areas at different Alert Levels and businesses and services that can operate at different Alert Levels; YES / NO
- 6. **Agree** to seek CBC and Cabinet agreement to add the Solicitor General to the membership of the National Response Leadership Team that oversees a response to any resurgence [CAB-20-MIN-0387 refers]. YES / NO



Nick Brown
COVID-19 Strategy and Policy Lead

13/11/2020



Hon Chris Hipkins
Minister for COVID-19 Response

...../...../2020

Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Nick Brown	COVID-19 Strategy and Policy Lead	s9(2)(a)	✓
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Minister's office comments:

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

Proactively Released

COVID-19: RESURGENCE PLANNING

Executive Summary

1. On 10 August 2020 Cabinet noted officials had developed a rapid response high-level plan to guide the Government's response following the confirmation of a new case of COVID-19 in the community. Cabinet was advised that immediately following a new COVID-19 case being detected in the community, there may be insufficient information to adequately assess risk and that in this situation, rapidly applying short-term local or regional controls may be the best way to manage risk while further information becomes available [CAB-20-MIN-0387 refers]. This approach was followed in the August resurgence in Auckland that involved moving Auckland to Alert Level 3 and the rest of NZ to Alert Level 2.
2. This briefing note provides an overview of policy and operational work undertaken since August on planning for how we would better respond to future outbreaks of COVID-19 in the community and seeks your agreement to take the attached paper to the Cabinet Business Committee on 25 November.
3. Since the August resurgence, work has continued on a National Resurgence Response Plan. The draft Cabinet paper provides an update on this Plan that has been developed to guide our operational response to future resurgences.
4. The paper also covers, in more detail, the issues and risks we will face if we have a significant resurgence during the summer holiday period such as the increased movement of people and health system constraints. It outlines the measures in place to ensure a response is effective.
5. The Auckland resurgence was the first time there were different parts of the country at different Alert Levels. The experience demonstrated the need to take a more nuanced approach to setting boundaries between areas at different Alert Levels. Similarly, it became clear there was a need for certainty as to what businesses and services could operate at different Alert Levels in the future, and what workers would be able to travel between areas at different Alert Levels.
6. However, there were a number of operational difficulties, particularly when at AL3/2, associated with defining and controlling movement across the boundary between the two Alert Level areas. The draft Cabinet paper seeks Cabinet decisions on a range of proposals to improve the definition and operation of any future AL3/2 boundary.
7. In addition, the paper seeks approval for minor changes to the businesses and services that can operate at Alert Levels 4 and 3.
8. Previous Alert Levels Orders were created and put in place rapidly, in response to the emerging outbreak. Experience suggests there are a significant number of additional, minor and detailed amendments to previously used Alert Level Orders that are consistent with the original policy intent, but would improve clarity and operational effectiveness should that same Alert Level be required again in the future. Officials are building these amendments into a "template Order" that would form the basis for any future Alert Order that is required to manage a new outbreak. These proposed changes would be approved at the time an Order is signed by the Minister for COVID-19 Response.

Background

9. On 10 August Cabinet approved a rapid-response plan to guide the All-of-Government response following confirmation of a new case of COVID-19 in the community [CAB-20-MIN-0387]. The plan established the National Response Leadership Team (NRLT) – comprising chief executives from key agencies including the Department of Prime Minister of Cabinet (DPMC) and the Treasury, and the Director-General of Health. The rapid-response plan comprised two stages. The first – up to four days following the identification of cases in the community – involves consideration of immediate temporary local or regional controls to reduce the risk of further transmission while more is learnt about the movement of the index cases and their contacts. Based on information gleaned from contact tracing and testing during the first stage, Ministers will then agree a medium-term response (the second stage). The Director General of Health, the NRLT and technical advisors such as the Prime Minister's Chief Science Advisor will advise Ministers on an appropriate response.
10. On 11 August, four people tested positive for COVID-19 with no link to the border. Following a briefing from the NRLT, COVID-19 Ministers decided to move Auckland to Alert Level 3 and the rest of New Zealand to Alert Level 2 from 11:59am on 12 August. Auckland went to Alert Level 2 on 30 August. The rest of New Zealand returned to Alert Level 1 on 21 September and Auckland on 7 October.
11. For the purpose of the Order under the COVID-19 Public Health Response Act that increased Alert Levels, Auckland was defined using the Auckland Council boundary. In the immediate response the Minister of Health decided to limit the classes of businesses and services that could operate at Alert Level 3 and relatedly what workers would be able to cross the boundary to get to and from work. These decisions were consistent with the rapid-response plan and were intended to limit transmission until such time as testing and contact tracing was completed.
12. However, the location of the boundary restrictions and restrictions on movement across it created problems for people who lived and worked on different sides. This was particularly an issue for workers involved in primary industries (e.g. market gardening in and around Pukekohe), and employees of NZ Steel at the Glenbrook Steel Mill. People who would normally cross the boundary to access supermarkets, places of learning and other services were also disadvantaged.
13. This resulted in the Director-General of Health receiving 12,000 applications for exemptions (both class and individual) for people to cross the boundary (though some of these were for personal reasons such as attending funerals or tangihanga). The Minister of Health also amended the Order giving effect to the Alert Level controls to allow more businesses and services to operate and people to cross the boundary.

Cross government work

14. Since the August resurgence officials have been undertaking a number of concurrent and complementary workstreams, which have involved a wide range of agencies across government, and has included engagement with local and regional groups. These issues are covered in more detail in the attached draft Cabinet paper, but are briefly outlined here:
 - a) Development of the National Resurgence Response Plan;
 - b) how Alert Level boundaries will be set and operationalised;

- c) what services it is proposed will be able to operate at different Alert Levels and for which movement across Alert Level boundaries is permitted; and
- d) the proposed advisory and registration service that will authorise people that are permitted to cross Alert Level boundaries and process exemptions.

National Resurgence Response Plan

- 15. Officials continue to develop and refine the National Resurgence Response Plan (the Plan) to coordinate and operationalise a nationally-led, regionally-delivered response to any further resurgence of COVID-19. The development of the Plan is led by the DPMC COVID-19 Group and is an iterative process based on the Rapid Response plan agreed by Cabinet in August 2020 and informed by lessons from the August resurgence in Auckland.
- 16. Objectives of the Plan include enabling effective decision making (nationally and locally), supporting the health system response, coordinating social and economic support for communities, coordinating public information and communications, and supporting and contributing to intelligence. Any response will comprise an assessment of community transmission, an immediate response to enable further information to be gathered, and a sustained response. The Plan sets out governance and decision-making structures at the national and regional levels and shows when Ministers will be briefed and decisions they will need to take.

Additional member of the National Response Leadership Team

- 17. On 10 August 2020 Cabinet agreed to a rapid response plan to guide the All-of-Government response to new cases of COVID-19 in the community that included a National Response Leadership Team (NRLT) comprised of:
 - a) the Chief Executive of the Department of the Prime Minister and Cabinet;
 - b) the Director-General of Health;
 - c) the Chief Executive of the National Emergency Management Agency;
 - d) the Deputy Chief Executive COVID-19 All-of-Government Response Group, DPMC;
 - e) Secretary to the Treasury; and
 - f) Commissioner of Police [CAB-20-MIN-0387 refers].
- 18. Reflections from the Auckland resurgence suggest that the NRLT would be strengthened by the addition of the Solicitor-General to its membership to ensure key decisions are made with regard to relevant legal considerations. We recommend you seek Cabinet's agreement to this addition.

Alert Level boundaries – principles to underpin boundary decisions

- 19. Working with key agencies officials have identified the following draft principles to inform decisions on the location of future boundaries between areas at different Alert Levels:
 - a) boundaries are appropriate and proportionate to support a public health response to COVID-19 that prevents and limits the spread of COVID-19 (primary consideration);

- b) boundaries minimise the need for people to travel between areas at different Alert Levels to go to work, a place of learning, or to receive medical treatment;
 - c) boundaries are practical to enforce;
 - d) boundaries minimise economic disruption to business and supply chains (e.g. ensuring businesses can continue to operate if possible); and
 - e) boundaries minimise equity impacts – e.g. access to essential services such as food.
20. The principles strike a balance between the primary public health objectives and economic and social considerations.
21. We have considered whether using existing administrative boundaries is better than developing bespoke boundaries. Although bespoke boundaries may mean areas under a higher Alert Level are within the jurisdiction of multiple local authorities, District Health Boards or Civil Defence Emergency Management groups, we have concluded that this is manageable. Another consideration is whether boundaries should align with iwi rohe. There would be practical issues in using iwi rohe as boundaries, including that iwi rohe overlap. Nevertheless, engagement with iwi Māori will be important for decisions to establish boundaries.
22. Using geospatial information systems, DPMC has developed a tool to enable boundaries to be designed in accordance with the draft principles. The tool incorporates the following data:
- a) general boundary and mapping information, including schools, managed isolation and quarantine facilities, and key border entry points;
 - b) Census mobility and commuting data;
 - c) advice from Police on the optimal placement of checkpoints; and
 - d) data from the Ministry of Business, Innovation and Employment (MBIE) and the Ministry for Primary Industries (MPI) on significant businesses, workforce and animal welfare concerns.
23. Using the tool, the COVID-19 Response Group can build boundary maps for designated areas ahead of any resurgence as well as in real time. The latter enables a more responsive and proportionate boundary to any outbreak.
24. A key issue is the need to clearly communicate to the public the location of boundaries. People may be more familiar with their local authority or other administrative boundaries. Therefore, for any bespoke boundary, public communication will be critical to explain not only where the boundary is, but also on what basis it was determined.
25. Future cases of COVID-19 in the community are most likely to result from transmission from people in managed isolation and quarantine, and workers at the border and managed isolation and quarantine facilities. Based on the principles above, the COVID-19 Group are modelling possible boundaries to contain future outbreaks and manage the risk of the spread of COVID-19 for Auckland, Bay of Plenty, Wellington and Canterbury. As part of this work we have to date held workshops with agencies involved with responding to COVID-19 in Auckland, Christchurch and Wellington and intend to hold further workshops with other regions.

Movement across an Alert Level 3/2 boundary

26. Officials have also considered the activity for which movement across an Alert Level 3/2 boundary is needed, given that at Alert Level 3/2, interregional movement is generally prohibited. As reflected in the draft principles for boundaries discussed above, the key objective of a boundary is to contain the virus within a locality. However, there is a need to balance this with social and economic considerations.
27. Officials have reviewed all previous Orders and exemptions and the permissions for movement across regional boundaries in an Alert Level 3/2 environment, and have developed principles for determining those services that should in all cases be permitted to cross such a boundary, and those which should in principle be permitted to do so.
28. When considering the final composition of a future Alert Level 3/2 Order, it will be important to assess the overall cumulative impact of all such permissions on the total flow of people across the boundary, and therefore the risks to public health associated with this flow. In an actual event, the cumulative impacts would be assessed taking into account the location of the boundary and the nature of the outbreak, and a judgement made on which services should be permitted to travel through the Order.

Services that can operate within different Alert Level areas

Essential services and exemptions

29. Only certain services can operate at Alert Level 4. On 23 March 2020, Cabinet agreed to a set of principles to guide the provision of services during the Alert Level 4 as outlined in Table 2 [CAB-20-MIN-0133 refers].
30. During the March and April lockdown, an iterative approach was taken to determining these services, with Cabinet authorising an initial list and creating a mechanism for services to be added through an officials-led process, based on the application of the principles above. Consequently the list of services operating at the end of Alert Level 4 was well-tested and provides a comprehensive list of services that were considered "essential" at the highest level of movement restriction. s9(2)(f)(iv)
[REDACTED] we think this list is an appropriate basis for services that should be able to operate at any Alert Level.
31. Chief Executives of economic agencies recently commissioned additional work to consider any industry-level gaps in the previous list of essential services at Alert Level 4. s9(2)(f)(iv)
[REDACTED]

32. At this stage officials are not proposing any changes to Alert Level 4 settings.

Access to independent wholefood retailers in Alert Level 3

33. Under current rules for Alert Level 3 wholefood retailers (other than supermarkets and dairies) are not permitted to have customers enter their premises. These retailers may only supply goods via remote ordering and contactless delivery or collection. Supermarkets and

dairies are permitted to have customers on premises provided physical distancing is maintained. This delineation between supermarkets and wholefood retailers at Alert Level 3 has raised three issues:

- a) In some locations, such as South Auckland, independent retailers are an important source of fresh produce. Nationwide, approximately 80 percent of fresh fruit and vegetables are provided via supermarkets, and 20 percent through independent retailers. In Auckland, the share of product provided via independent retailers is greater at 60 percent of sales, with significant shares of sales in lower income areas;
 - b) There are supply chain effects when multiple outlets are closed, including more wasted fresh product, and risks to animal welfare from restricting operation of butchers, in particular; and
 - c) There are longer term competition considerations, in that the Alert Level 3 settings restrict one producer to a greater extent than another. These could have longer term implications for competition and consumers if independent retailers close permanently.
34. According to data from the sector, currently in Auckland the number of independent food retailers is as follows:
- a) Fresh meat, fish and poultry – 219 businesses, 820 employees;
 - b) Fruit and vegetable – 213 businesses, 870 employees; and
 - c) Other specialised food retailers – 576 businesses, 1500 employees.
35. Officials propose allowing wholefoods retailers to operate on the same conditions as supermarkets and dairies at Alert Level 3. Officials consider the additional public health risk to be low as:
- a) Workers are already on premise, under Alert Level 3;
 - b) We now have greater contact tracing capacity, and use of contact tracing registers, which means that concerns about minimising the number of places people go are less pressing; and
 - c) Having mitigated to some extent concerns about contact tracing, this approach would reduce queuing/congregation of large groups by providing more options for accessing basic necessities.
36. These issues are covered in the attached draft Cabinet paper, which seeks Cabinet direction to this proposal.

Advisory and registration service for cross-boundary travel

37. Based on experience during the Auckland resurgence and to support the implementation of Alert Level controls in the future, the Director-General of Health has requested the Ministry of Health and the Ministry of Business, Innovation and Employment develop a registration service for businesses and services.
38. The objectives of the system are:
- a) Clear information and process for travel permitted under the Order

- b) An efficient and consistent process to support the Director-General of Health in making decisions on exemptions
 - c) Reducing pressure at checkpoints and supporting Police enforcement activity
39. There will be a single landing page for advice and registration, with two systems sitting beneath that – an MBIE advisory service for businesses and other organisations; and an MoH delivered service for personal movement. The system will:
- a) comprise a user-friendly online platform
 - b) automatically generate documentation for any business or service that is pre-permitted to travel across Alert Level boundaries
 - c) enable business and services to register prior to any increase in Alert Levels coming into effect
 - d) enable businesses and services to request specific exemptions to travel across an Alert Level boundary (these will be assessed by sector-lead agencies, with recommendations being considered for approval by the Director-General of Health)
 - e) generate standardised, verifiable documentation to support Police enforcement and facilitate efficient movement through checkpoints, and assist transport operators (operating inter-regional passenger transport services) to check that the passenger is permitted to travel
40. Regular reporting generated from the system, coupled with traffic data, will enable the Ministry of Health to monitor the level and nature of cross-boundary travel, and therefore the aggregate public health risk, and the proportionality of the response.
41. The system is near completion; with a minimum viable product available and full functionality due to come online late-November. A range of agencies have been involved in development, including the Ministry of Health and Police, who are very supportive.

Ministerial responsibilities and delegations, COVID-19 Response portfolio

42. 9(2)(h)

[REDACTED]

[REDACTED]

43. 9(2)(h)

[REDACTED]

Next Steps

44. We recommend you take the attached paper to Cabinet Business Committee on 25 November to update the Committee on resurgence planning and seeking agreement to the proposed approach to boundaries and different Alert Level services, and the addition of the Solicitor-General to the NRLT. [This paper would respond to Cabinet's direction to report back to COVID-19 Ministers on Alert Level settings [CAB-20-MIN-0387].]
45. As part of developing the proposed Cabinet paper we consider it would be useful to test the proposed approach to boundaries and critical services with key stakeholders and iwi Māori. Subject to your approval officials will continue regional and local engagement with these groups.

Consultation

46. The COVID-19 Group consulted a wide range of agencies on the development of the policy and operational proposals included in the draft Cabinet paper. The Ministry of Business, Innovation and Employment, the Ministry of Transport, the Ministry for Primary Industries, the Ministry of Education and NZ Police were particularly involved in developing the list of services and approach to setting boundaries.

Communications

47. A major reason for agreeing lists of different Alert Level services is to provide certainty for workers and the public in the event there is an increase in Alert Level in the future. Subject to Cabinet's agreement, we therefore propose to communicate this to the public along with, at a high level, the proposed approach to setting boundaries between areas at different Alert Levels. We will work with your office on the communications strategy.

Attachments	
Attachment A:	Draft Cabinet paper <i>COVID-19 resurgence planning: Alert Level boundaries; permitted activities and movement; and Christmas contingency planning</i> <ul style="list-style-type: none">• Appendix 1: Permitted movement across an Alert Level 2/3 boundary• Appendix 2: Permitted activities and permissions at Alert Level 3 and 4• Appendix 3: Readiness for a resurgence over the holiday period
Attachment B:	Draft National Resurgence Response Plan