



Proactive Release

The following items have been proactively released by the Rt Hon Jacinda Ardern, Prime Minister:

Paper: Preparing for Alert Level 2

Minute of Decision: Preparing for Alert Level 2

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction code:

- 9(2)(h), to maintain legal professional privilege

Sensitive

Office of the Prime Minister

Chair, Social Wellbeing Committee

Preparing for Alert Level 2

Proposal

1. This paper seeks final agreement to the overall guidance and restrictions that will apply at Alert Level 2, to support public release of a revised Alert Level table on 7 May.

Executive summary

2. On 11 May 2020, Cabinet will review and make a decision regarding our Alert Level settings.
3. Prior to making any decisions around Alert Levels, it is important to make sure that our Alert Level framework remains fit-for-purpose, and reflects our growing experience operating under the Alert Level framework, an up-to-date understanding of COVID-19, and best-practice responses from a public health perspective.
4. We can expect a significant further opening of activity during Alert Level 2, particularly in terms of travel, education, sport and recreational activity, retail and hospitality, and personal movement. However, while Alert Level 2 is about trying to allow more business and social life to resume, we also don't want people to take unnecessary risks. Physical distancing and building good hygiene practices into our daily lives remain our key defences against the virus re-emerging.
5. On 15 April 2020, prior to the shift down to Level 3, the Cabinet Business Committee reviewed the Alert Level framework, including for Level 2. This places us in a good position ahead of considering any further changes to Alert Levels.
6. However, based on our experience to date and public health advice, this paper proposes a number of further revisions to our settings for Alert Level 2.
7. I propose amendments to and/or confirmation of the following aspects of the Alert Level 2 framework:
 - a) encouraging people to remain two metres apart in public, rather than one metre;
 - b) telling people that it is okay to leave home to reconnect with friends and family, rather than encouraging them to stay home if possible;
 - c) telling people that they can travel in a safe way, rather than encouraging them to minimise non-essential travel;
 - d) updating guidelines for hospitality;
 - e) re-enabling team and contact sport; and
 - f) a stricter approach to gatherings.

8. Following final decisions, I will publicly release the overall changes to the Alert Level framework on 7 May.
9. We know from our time at Level 4, and in preparing for Level 3, that a wide range of questions will arise from businesses, communities, and public service providers regarding the application of public health measures to particular activities. This means that one of the most critical things we can have ready for Level 2 is clear guidance.
10. Significant guidance is being prepared by agencies and industry bodies in conjunction with the National Crisis Management Centre and WorkSafe where relevant. These guidelines will continue to be finalised in the coming days, following public release of the revised published Alert Level table.
11. Public services are also gearing up to prepare themselves for Level 2, including local government services, education, transport and the justice sector. For many public sector bodies, the return to Level 2 will not be business as usual; it will require a phasing in of return of services to the public.
12. Our proposed approach to Level 2 relies heavily on guidance, self-compliance and good public messaging. This reflects that Alert Level 2 allows for a stronger degree of personal freedom and decision-making by individuals, communities and businesses. However, a new legislative framework (the COVID-19 Response Bill) for managing the risks of COVID-19 will be introduced shortly. This will be an important timing consideration in terms of how quickly we move to Level 2.

Background

13. On 11 May 2020, Cabinet will review and make a decision regarding our Alert Level.
14. Prior to making any decisions around Alert Levels, it is important to make sure that our Alert Level framework remains fit-for-purpose, and reflects our growing experience operating under the Alert Level framework, an up-to-date understanding of COVID-19, and best-practice responses from a public health perspective.
15. On 15 April 2020, prior to the shift down to Level 3, the Cabinet Business Committee reviewed the entire Alert Level framework, not just settings for Level 3. This places us in a good position ahead of considering any further changes to Alert Levels. However, this paper proposes a number of further revisions to our settings for Alert Level 2, building on discussions held at Cabinet on 4 May 2020.

The overall public health narrative for Alert Level 2

16. Our approach to any revisions to the Alert Level framework needs to be based on solid public health principles. Below, an overall public health 'narrative' for Level 2 is presented. This is followed by discussion of the key areas of proposed change to the Alert Level 2 settings, and more detailed tables which break down proposed settings and messaging for Level 2 by class of activity.
17. From a public health perspective, Alert Level 2 means there is lower public health risk from COVID-19 than under Alert Levels 3 and 4. We should only be at Alert Level 2 if we are confident that we have the virus under control. However, under Level 2, there is still likely to be new cases which may be the result of household transmission or associated with cluster outbreaks that are contained. The disease remains in New Zealand, so we need to remain vigilant and take appropriate steps to avoid transmission.

18. At Alert Level 2, we are trying to allow more of normal life to resume, while ensuring we can quickly detect and contain COVID-19 should any more clusters of COVID-19 emerge unexpectedly. We can expect a significant further opening of activity during Alert Level 2, particularly in terms of travel, education, sport and recreational activity, retail and hospitality, and personal movement.
19. But it is not business as usual. Public health and border measures remain largely unchanged from Level 3, to ensure our approach to contact tracing, testing, isolation and quarantine is maintained.
20. While Alert Level 2 is about trying to allow more business and social life to resume, we also don't want people to take unnecessary risks. Physical distancing and building good hygiene practices into our daily lives remain our key defences against the virus re-emerging.
21. For obvious reasons, it is harder to trace how a virus spreads when strangers mingle with each other. This is why physical distancing remains important, particularly when people are interacting with people they don't know and who couldn't be easily traced. While most economic and social activities can start operating again, it's important that those who deal with the public help to prevent COVID-19 spreading again by keeping good records, to enable contact tracing where required; and putting good hygiene practices into place.
22. Below, I discuss the main areas of proposed change to the high-level settings for Alert Level 2, or where I am seeking re-confirmation of the proposed settings. This is followed by an overview table which provides a comparison of the current and proposed settings for Level 2. Appendix 1 contains a more detailed summary by type of activity.

Physical distancing

23. The high-level settings for Alert Level 2 previously agreed by the Cabinet Business Committee on 15 April were that people should keep 1 metre apart (especially on public transport).
24. I am proposing that we encourage people to maintain two metres of physical distancing from people they don't know, rather than one metre. As noted above, this is because we want the general public to continue to take extra care when interacting with people they don't know and wouldn't be able to easily trace. These situations include a playground, a park, a shopping mall or walking along the street.
25. In other situations, provided there is good hygiene and good record-keeping in place, then the general rule is to try and maintain one metre of separation. Without being exhaustive, this applies to businesses, workplaces, church groups, gatherings, restaurants and retail stores. At Level 2, we are trying to allow more of everyday life to resume, albeit with some basic safety and hygiene measures.
26. I want to note that the risks are relatively lower at Alert Level 2, and it's now safe for individuals to be physically close to their good friends and family.
27. There will be some exceptions to these general principles at Level 2 where it won't be practicable to maintain strong physical distancing, there are economic and social benefits in these activities resuming, and other public health measures can be put in place to manage the public health risks. Examples include hairdressing,

physiotherapists, home help, and public transport. However, there aren't many of these.

Personal movement

28. Cabinet has previously agreed that, at Level 2, there will be few restrictions on personal movement. There are no proposed legal restrictions regarding the ability of people to leave home, go shopping, or meet up with their friends, although people are still asked to maintain physical distancing and other public health measures. However, Cabinet previously agreed that the overall guidance at Level 2 be 'stay home where possible'.
29. I now propose that we amend this overall message to be 'leave home but in a safe way'. In particular, the guidance will emphasise that people can now leave home to reconnect with friends, family and loved ones, but that they should do so conscientiously, as there is still a risk that COVID-19 may spread further.
30. This proposed change in messaging is based on the assumption that, by the time we reach Level 2, COVID-19 should be relatively under control. The public health advice is generally that, by this point, it is safe for people to reconnect with friends and family, go on holiday or go shopping, provided that other precautions are followed. It therefore feels appropriate to me that we loosen the messaging slightly to reflect this.
31. It is also important that our messaging is credible with the public, and consistent with other settings at Level 2. Given that – for example – restaurants and retail stores will be allowed to open at Level 2 (subject to public health measures), the public may view it as inconsistent if they are still told to stay home where possible.

Travel and transport

32. The high-level settings for Alert Level 2 previously agreed by Cabinet on 15 April were that people should minimise non-essential travel. The intent of this advisory was to limit people's travel between regions, so if there was an outbreak in one region it would not be moved across the country to other regions, making it more difficult to trace and manage. This advisory discouraged travel for recreation and tourism.
33. However, since we were last in Alert Level 2, the overall public health risks have reduced. We have said publically that there is no widespread, undetected community transmission in New Zealand. Improvements have been made in tracking and tracing by Government and businesses have a much better understanding of health measures and the need to contact trace, including the measures for their relevant sector.
34. There are significant economic impacts of continuing to discourage recreation and tourism travel. For the year ended March 2019, total tourism expenditure was \$40.9 billion, of which domestic tourism expenditure made up \$23.7 billion. As a whole, tourism contributed \$16.2 billion, or 5.8 per cent of GDP. The tourism and aviation sectors have been some of the hardest hit as a result of COVID-19. Air passenger volumes have reduced by around 97 per cent.
35. I am proposing that we remove the 'minimise non-essential travel' advisory and instead advise people to 'travel safely'. This means that people can travel inter-regionally, but are encouraged to make sure they take good personal hygiene measures and track who they have been in contact with.

36. There is a connection between inter-regional travel and gatherings (see below) and the public messaging around these will need to be aligned. For example, people should be encouraged not to travel inter-regionally to events which do not meet the requirements for gatherings.

Team and contact sport

37. Settings for sport and recreation at Level 2, particularly team and contact sport, are likely to be of particular interest to the public. Therefore, while no specific departure from what was previously agreed at Level 2 is proposed, I want to reconfirm our approach with Ministers.
38. It is recommended that contact sports (both community and professional), where participants come within 1 metre of each other on the field of play, be allowed at Alert Level 2 subject to suitable contact tracing and personal hygiene requirements being in place. Attendance at these sports would be legally restricted through rules around gatherings at Alert Level 2.
39. The Ministry of Health has indicated that personal hygiene is a key public health measure that will reduce the risk of transmission of the virus through contact sport. Each participant would need to wash their hands with soap, and dry them before and after play, or to use hand sanitiser if this was not possible. There would also need to be regular sanitation of shared equipment such as balls, sticks etc. Access to good hand washing facilities and the ability to adequately contact trace is likely to vary depending on the sport and the facilities that they are accessing, so I would anticipate that some sports or activities may not be able to meet these requirements immediately. I anticipate that some sports will need time to ensure that they can commence safely. I would expect the National Sports Organisation to show leadership in determining the speed with which their sport can commence safely, in consultation with WorkSafe.
40. It is likely that initially spectator numbers, social events around sports activities, and inter-regional competitions would be restricted until these could be shown to be able to be conducted safely. This will be determined by Alert Level 2 guidance on these requirements.
41. I expect that contact sport can commence at a professional level as soon as possible. In the first instance, we will be working with the New Zealand-based Super Rugby franchises, the Netball ANZ Premiership, and High Performance Sport New Zealand operations. Initially these leagues would take place behind closed doors for broadcast only. Preparations for these workplaces to resume operation would be made in conjunction with WorkSafe. Following this it is likely that other leagues will look to recommence, for example a modified Mitre 10 Cup, and I expect them to follow a similar model for safe recommencement.

Gatherings

42. Current public guidance on parameters for gatherings at Alert Level 2 allows gatherings of up to 100 people indoors and 500 people outdoors while maintaining physical distancing and contact tracing requirements. These parameters were initially set on 18 March 2020, when New Zealand had only 20 confirmed cases of COVID-19. The situation in New Zealand and knowledge of the epidemiology of the disease has evolved significantly since then.
43. Gatherings continue to pose a high risk for community transmission of COVID-19. Some of the significant clusters of COVID-19 in New Zealand have been associated

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with gatherings. For example; the Bluff wedding, the Matamata hospitality venue, and the World Hereford Conference in Queenstown. While the source of infection causing these clusters was overseas exposure, the gatherings here in New Zealand exposed a large number of people to COVID-19 as a result.

44. From a public health perspective, gatherings are a high-risk activity, however we currently have low levels of COVID-19 nationally so some carefully controlled gatherings can be a manageable risk.
45. An event where people are at allocated seating, maintaining physical distance, and attending for less than two hours with no sharing of objects/surfaces, and no mingling allowed would be considered low risk, such as a movie theatre, faith or culturally based event, funeral or show.
46. Events that would be considered high-risk include those where people become intoxicated, as this creates an increasing risk that people's physical distancing practices are impaired; where background noise such as music is loud, and people are required to be closer together to talk; with people unknown to each other in a confined space; where people are in a confined space for a prolonged period (2 hours or longer); and where people come into close contact or there is congested movement – e.g. queueing for a facility, to enter or exit etc. Some examples of high-risk events based on their traditional operation are: nightclubs, pubs/bars, conferences, functions/celebrations, concerts, and after-match drinks. These venues would require modification in practices in order to significantly reduce risk before operating.
47. Given the above, I propose that we tighten our rules around gatherings from what was previously agreed. Officials note that, in considering any tightened restrictions on gatherings, a concrete rule for capacity is not the most important criterion. Physical distancing, ability to contact trace, and appropriate hygiene measures are the most important requirements.
48. I propose that we place certain restrictions on the sorts of allowable activity at gatherings. In particular, indoor gatherings would need to be seated (preferably allocated/known seating), for less than 2 hours, with a headcount cap (see below), and subject to physical distancing requirements. Outdoor events would need set seating or standing areas, and have a fixed headcount cap (see below).
49. Both indoor and outdoor events should have a contact tracing register, hygiene measures, and physical distancing throughout the event including at entry/exit. All public health guidance would need to be strictly adhered to.
50. In terms of the allowable headcount, public health advice would support taking a conservative approach to this issue given the risks gatherings present. There is not necessarily a 'right' answer so I propose that we take a conservative position with the view that this can be relaxed if the containment of the virus continues to track well and we see good levels of public compliance. I propose that the limit for indoor and outdoor venues be both set at a maximum of 100.
51. Given that this is a high risk component of Level 2, I seek input on whether lower settings such as 50 for internal venues and 100 for external venues is the preferred approach.

Events in private dwellings

52. Clear guidance on private gatherings will also be necessary under Alert Level 2, to assist compliance and encourage people to practice good public health measures.
53. In the same manner as gatherings in public venues, any private gatherings should be required to minimise physical contact, have a register which enables rapid contact tracing and have appropriate hygiene measures in place. People should be encouraged to gather with people known to them and avoid inviting strangers.
54. Given the generally smaller space of private dwellings and lack of staffing to ensure public health measures are adhered to, a smaller capacity limit for private gatherings is appropriate. Officials suggest a maximum of 20 people. This should apply for any venue where people are resident, regardless of the occasion. The legal powers currently available do not allow restrictions to be placed on domestic dwellings. The ability to impose and enforce this measure will require the COVID-19 Response Bill to be in place.

Phasing our approach to gatherings

55. In future, we could consider longer duration events and/or extended capacity. I propose that we decide on an initial approach to gatherings today, and make subsequent decisions regarding any loosening of gathering restrictions at a later date based on up to date evidence.

An alternative approach based around fire regulations under the Building Code is not recommended

56. Officials have considered, but do not recommend, an alternative approach to gatherings based around fire-related regulations under the Building Code, which set maximum numbers of people for buildings. These are for the purposes of ensuring safe evacuations in the case of fire. They do not apply to anything outdoors. The calculations under the Building Code in terms of allowable capacity are complex, and are mostly related to the number and the widths of exits.
57. The calculations under the Building Code could be used as a basis for setting maximum allowable capacity in a building for an event. For example, event holders might only be allowed to have 80 per cent of the maximum allowable capacity under the Building Code. However, because the Building Code formula is based on evacuations, not social distancing, the results could bear no relation to public health risk. For example, a small building with many exits would be allowed a large number of people present, potentially creating a very crowded space. This approach could also not be used for outdoor gatherings, and is not recommended.

Hospitality

58. Under Level 2, hospitality businesses such as bars, cafes and restaurants will be able to open to customers, provided that they can do so safely.
59. I am comfortable that the majority of cafes and restaurants will be able to implement measures to ensure that the risk of transmission remains low within these settings. The Ministry of Business, Innovation and Employment and WorkSafe are working with the hospitality sector to ensure that appropriate guidelines are developed.
60. However, certain types of hospitality businesses are higher risk than others. In particular, bars and nightclubs pose a greater risk of the virus being transmitted due to the presence of alcohol and the likelihood of mingling and close contact. Given this, I

have asked agencies to pay particular attention to the guidelines for these businesses around operation at Level 2.

61. The type of guidelines I would be looking for would involve the following types of characteristics:
- a) patrons are seated - standing and mingling should not be allowed;
 - b) each group is physically separated from other groups; and
 - c) each group has a single server.
62. If businesses do not consider that they can comply with these guidelines, then they should not open at Level 2. This means that, for example, many nightclubs may not open at Level 2, if they are not willing or able to operate under a seated model.

Overall framework for Level 2

63. Below I set out what the overall framework for Alert Level 2 would look like, following the changes discussed above. Further detailed information on different categories of activity is included as Appendix 1. Significant proposed changes from what has previously been agreed are underlined.

	Alert Level 2 (As agreed on 15 April)	Alert Level 2 (Proposed)
Outcome	Physical distancing and restrictions on leisure and social activities to address sporadic cases or a cluster in New Zealand.	
Summary	Businesses open, but physical distancing applies. People advised to avoid non-essential travel.	Businesses open, but physical distancing applies. Limits on gathering size, opening up over time.
Public health measures	<p>People should keep 1 metre apart (especially on public transport).</p> <p>General public health advice:</p> <ul style="list-style-type: none"> • Regularly disinfect surfaces; wash and dry hands, cough into elbow, don't touch your face; stay home if you're sick, report flu-like symptoms. <p>Contact tracing:</p> <ul style="list-style-type: none"> • Ongoing contact tracing for all confirmed and probable new cases of COVID-19, with appropriate isolation measures put in place. <p>Testing:</p> <ul style="list-style-type: none"> • Testing of all potential cases of COVID-19 for people who meet the case definition (ie are displaying relevant symptoms). Tests will take place at dedicated Community-Based Assessment Centres (CBACs) or designated practices. 	<p><u>People should keep their distance from people they don't know (ideally two metres) when out and about, with one metre physical distancing in other environments unless other mitigating measures are in place.</u></p> <p>General public health advice:</p> <ul style="list-style-type: none"> • Regularly disinfect surfaces; wash and dry hands, cough and sneeze into elbow, don't touch your face; if you have cold or flu symptoms self-isolate at home and get tested immediately. <p>Contact tracing:</p> <ul style="list-style-type: none"> • Ongoing contact tracing for all confirmed and probable new cases of COVID-19, with appropriate isolation measures put in place. <p>Testing:</p> <ul style="list-style-type: none"> • Testing of all potential cases of COVID-19 for people who meet the case definition (i.e. are displaying relevant symptoms). Tests will take

	<ul style="list-style-type: none"> • Random testing within communities (including for people who are asymptomatic) may be carried out locally to inform understanding on the spread of the virus in certain areas. <p>Isolation and quarantine:</p> <ul style="list-style-type: none"> • Stringent self-isolation of those who display relevant symptoms of COVID-19, test positive for COVID-19, have been in close contact with someone who tests positive for COVID-19, or mandatory quarantine/managed isolation for those who have been overseas in the last 14 days. Quarantine facilities mandated for those who do not have sufficient capacity to self-isolate effectively. <p>Border: Robust border measures in place which safeguard against the risk of COVID-19 being transmitted into New Zealand. Currently, isolation on arrival for 14 days before onward domestic travel (subject to regular review).</p>	<p>place at dedicated Community-Based Assessment Centres or designated practices.</p> <ul style="list-style-type: none"> • Random testing within communities (including for people who are asymptomatic) may be carried out locally to inform understanding on the spread of the virus in certain areas. <p>Isolation and quarantine:</p> <ul style="list-style-type: none"> • Stringent self-isolation of those who display relevant symptoms of COVID-19, test positive for COVID-19, have been in close contact with someone who tests positive for COVID-19, including quarantine/ managed isolation for those who have been overseas in the last 14 days. Quarantine facilities mandated for those who do not have sufficient capacity to self-isolate effectively. <p>Border: Robust border measures in place which safeguard against the risk of COVID-19 being transmitted into New Zealand. Currently, managed isolation or quarantine on arrival for 14 days before onward domestic travel.</p>
Personal movement	<p>People asked to stay at home where possible. People at higher-risk of severe illness from COVID-19 (eg those with underlying medical conditions, especially if not well-controlled) are encouraged to take additional precautions when leaving home. They may work, if they agree with their employer that they can do so safely.</p>	<p><u>Leave home but in a safe way</u> People at higher-risk of severe illness from COVID-19 (e.g. those with underlying medical conditions, especially if not well-controlled, and seniors) are encouraged to take additional precautions when leaving home. They may work, if they agree with their employer that they can do so safely.</p>
Sport and recreation	<p>Participating in sports and recreational activities is allowed subject to conditions on gatherings.</p>	<p>Participating in sports and recreational activities is allowed subject to conditions on gatherings, contact tracing, and – where practical – physical distancing</p>
Travel and transport	<p>No restrictions on freight. All freight can be distributed and received. All freight can enter and leave the country.</p> <p>People advised to minimise non-essential travel. Do not use mass transport if required to self-isolate/quarantine, experiencing symptoms of COVID-19, awaiting a result from a COVID-19 test, suspected/probable/confirmed to have COVID-19, or if subject to an individual notice issued under section 70(1)(f) of the Health Act.</p>	<p>No restrictions on freight. All freight can be distributed and received. All freight can enter and leave the country.</p> <p><u>You can travel, but do it in a safe way.</u> Do not use mass transport if required to self-isolate/quarantine, experiencing symptoms of COVID-19, awaiting a result from a COVID-19 test, suspected/probable/confirmed to have COVID-19, or if subject to an individual notice issued under section 70(1)(f) of the Health Act.</p>

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Gatherings	<p>Gatherings only allowed for up to 100 people indoors, and up to 500 outdoors. These are total permitted numbers.</p> <p>This includes funerals and tangihanga up to same number as permitted at this level for gatherings.</p> <p>Additional conditions on gatherings:</p> <ul style="list-style-type: none"> • Physical distancing and infection prevention and control requirements must be met. • All gatherings must record attendees to ensure contact tracing may be conducted if necessary. <p>No participants allowed who have COVID-19 symptoms or who need to be in isolation/quarantine for any reason.</p>	<p><u>Gatherings only allowed for up to 100 people indoors or outdoors.</u> <u>Gatherings in private dwellings may only have a maximum of 20 attendees.</u></p> <p><u>Indoor gatherings would need to be seated, and last for less than 2 hours.</u> <u>Outdoor events will need set seating or standing areas.</u></p> <p>Additional conditions on gatherings:</p> <ul style="list-style-type: none"> • Physical distancing and infection prevention and control requirements must be met. • All gatherings must record attendees to ensure contact tracing may be conducted if necessary. • Hospitality guidelines regarding alcohol consumption need to be strictly adhered to. <p>No participants allowed who have COVID-19 symptoms or who need to be in isolation/quarantine for any reason.</p>
Public venues	<p>Public venues are open, but must comply with conditions on gatherings.</p>	<p>Public venues (e.g. museums, libraries, cinemas, food courts, gyms, pools, amusement parks, playgrounds, and farmers' markets) are open, but must comply with public health controls.</p>
Health and disability care services	<ul style="list-style-type: none"> • Health and disability care services operate normally as far as possible. • Hospitals will operate in line with the National Hospital Response Framework. • Physical distance and infection control guidelines followed. • Remote consultations used wherever possible. 	<ul style="list-style-type: none"> • Health and disability care services operate normally as far as possible. • Hospitals will operate in line with the National Hospital Response Framework. • Physical distance and infection control guidelines followed. • Remote consultations used wherever possible.
Workplaces	<p>Businesses must operate safely. This means:</p> <ul style="list-style-type: none"> • Complying with Alert Level 2 settings in this table, <u>and</u> • Meeting appropriate public health requirements for their workplace (eg having contact tracing systems), <u>and</u> • Fulfilling all other health and safety obligations. <p>All businesses are encouraged to use alternative ways of working if possible. Business premises can open for staff and customers. Services can also be provided on customers' premises (eg in homes).</p>	<p>Businesses must operate safely. This means:</p> <ul style="list-style-type: none"> • complying with general Alert Level 2 settings; • meeting appropriate public health requirements for their workplace (e.g. having contact tracing systems and physical distancing); and • fulfilling all other health and safety obligations. <p>All businesses are encouraged to use alternative ways of working if possible. Business premises can open for staff and customers. Services can also be provided on customers' premises (e.g. in homes).</p>
Education	<p>Schools and early learning centres can open.</p>	<p>Tertiary education facilities, schools and early learning centres will open.</p>

	<ul style="list-style-type: none"> • Early learning centres and schools are open for all children. Distance learning is available for those unable to attend school (eg self-isolating). • Tertiary education facilities open, with arrangements made for vulnerable students for distance learning. <p>Any educational facilities connected to a confirmed or probable case of COVID-19 must close on an individual or group basis for 72 hours to allow contact tracing, and then potentially for a further 14 days.</p>	<ul style="list-style-type: none"> • Early learning centres and schools are all physically open including years 11-13. Distance learning is available for those unable to attend school (e.g. where people self-isolating). • Tertiary education facilities are open, and will maintain the core capability to deliver comprehensive distance learning to students. <p>Any educational facilities connected to a confirmed or probable case of COVID-19 must close on an individual or group basis for 72 hours to allow contact tracing, and then potentially for a further 14 days.</p>
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Implementation of Level 2

- 64. Following final decisions, I will publicly announce the overall changes to the Alert Level rules for Level 2 on 7 May.
- 65. We know from our time at Level 4, and in preparing for Level 3, that a wide range of questions will arise from businesses, communities, and public service providers regarding the application of public health measures to particular activities. This means that one of the most critical things we can have ready for Level 2 is clear guidance.
- 66. Significant guidance is being prepared by agencies and industry bodies in conjunction with the National Crisis Management Centre and WorkSafe where relevant. These guidelines will continue to be finalised in the coming days, following public release of the revised published Alert Level table.
- 67. Public services are also gearing up to prepare themselves for Level 2, including local government services, education, transport and the justice sector. For many public sector bodies, the return to Level 2 will not be business as usual; it will require a phasing in of return of services to the public.

Financial implications

- 68. This paper has no direct financial implications.

Legislative implications

- 69. The Cabinet Social Wellbeing Committee has agreed to progress a bespoke COVID-19 Response Bill. Depending on when the move to Level 2 is to occur and the anticipated passage of the COVID-19 Response Bill, different powers will be available.
- 70. The legal power to make isolation and quarantine orders used for Levels 4 and 3 (section 70(1)(f) of the Health Act 1956) is not available to impose the finer distinctions (absent isolation and quarantine) that Level 2 will bring.
- 71. Unlike Levels 3 and 4, at present, it is proposed that most of the measures at Level 2 rely on guidelines and voluntary compliance, with the backing of the HSWA in workplaces. The intended exceptions are in relation to rules for gatherings, border restrictions, and isolation and quarantine of probable or confirmed cases of COVID-19.

72. s9(2)(h)



73. The COVID-19 Response Bill will give decision-makers the necessary powers and flexibility to respond to the epidemic at both a regional and national level over the longer-term. This will ensure greater transparency for the public and clearer guidance for those who enforce the Alert Level framework. It will also provide legal powers for all of the Level 2 measures that are intended to be legal restrictions, s9(2)(h) [redacted]. It follows that if New Zealand moves to Level 2 before the COVID-19 Response Bill is passed, not all aspects of Level 2 would be able to be imposed and enforced.

74. Accordingly, the following timing options are available:
- a) Partial de-escalation from Level 3 until the Bill is passed:
 - i) An amended Alert Level 3 order under the Health Act (e.g. lessening the controls on premises).
 - ii) Full move to Level 2 only when the powers necessary to impose the intended measures are enacted.
 - b) Move to Level 2 before the Bill is enacted:
 - i) Measures that can be addressed under current legal powers will be imposed and enforced, with some attracting additional legal risk (referred to above).
 - ii) Some measures will not be legal requirements, but recommendations only. On enactment of the Bill they could be imposed as legal requirements.
 - c) No move to Level 2 until the Bill is enacted, then Level 2 will be imposed only under the new legislation and not under the Health Act.

75. The earliest a COVID-19 Response Bill could be in force would be 15 May.

Impact analysis

76. The impact analysis requirements do not apply to this paper.

Implications for priority communities

77. The health impact of COVID-19 on priority groups such as the elderly, Māori, Pacific people, and ethnic communities is clear. We know that some groups are more at risk of severe illness from COVID-19 due to age or underlying health conditions. Modelling from the University of Auckland shows a high risk of severe COVID-19 disease from age 60 for Māori and Pacific people. Similarly, a proportion of the disability community is at greater risk of COVID-19, either due to underlying conditions and/or because they are exposed to more people as a result of requiring support for everyday living.
78. We are just starting to see the economic and social impact on these groups as well as others such as those who are newly unemployed, our tamariki, and hard-to-reach whanau. Current indicators are telling us that the true extent of the impact on our communities from COVID-19 and the response will be high. The restrictions are affecting the decisions they make about accessing food and services. The communication of the restrictions in a way that is clear for these groups is paramount, particularly as we move down to Level 2.
79. It will also be important leading into any transition to Level 2 that these priority communities – particularly rural and remote ones – feel reassured around issues such as testing, contact tracing and the provision of ongoing support like food, accommodation and financial assistance.
80. Shifting too early to Level 2 without the right systems in place could have significant equity implications for priority communities. Any shift down to Alert Level 2 needs to be accompanied by surveillance and monitoring of real-time outcomes for vulnerable and at-risk population groups.

Human rights

81. As Cabinet has previously been advised, Alert Level 4 and 3 measures are imposing significant limitations on the New Zealanders' human rights. The loosening of restrictions under Alert Level 2 will be positive from a human rights perspective, but where the limitations imposed at Level 2 continue to restrict human rights, they will require justification as necessary and proportionate interferences.
82. The most significant human rights limitations will continue to be on:
 - a) the rights of persons arriving into New Zealand to freedom from unreasonable searches and freedom of movement, peaceful assembly and association (through mandatory health screening and testing and compulsory placement in managed quarantine or isolation); and
 - b) the rights of all people in the country to freedom of assembly, association and potentially movement (which will be limited by the gatherings restrictions). This restriction could also limit the rights of ethnic, religious or linguistic minorities to enjoy the culture, to profess or practice the religion or to use the language of that minority and the right to manifest a person's religion or belief, individually or in community with others
83. These limitations may be able to be justified by the seriousness of the health emergency New Zealand and the world faces, and proportionate to the important public policy objective of mitigating the public health, social and economic impacts of the Covid-19 pandemic.

84. The measures also have the potential to limit the right to be free from discrimination, in that the same treatment could have differential and disadvantageous effects on some groups.
85. Should the COVID-19 Response Bill propose new legislative powers to enforce restrictions at Level 2, those new powers will be subjected to careful scrutiny to ensure compliance with the New Zealand Bill of Rights Act and international human rights conventions.

Consultation

86. This paper was prepared by National Crisis Management Centre officials. The Ministry of Health, Ministry of Education, Ministry of Transport, Crown Law, and Sport NZ have been consulted. A wider list of agencies was consulted on an early draft of this paper.

Communications

87. Advice on communications will be provided as part of preparation for the decision on 11 May. Communications will need to be customised for certain population groups.

Proactive release

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

Recommendations

The Prime Minister recommends that the Committee:

1. **Note** that, on 11 May 2020, Cabinet will review and make a decision regarding our Alert Level settings;
2. **Note** that the settings for Alert Level 2 were previously agreed by the Cabinet Business Committee on 15 April 2020;
3. **Note** that clear guidance for individuals, communities and businesses is one of the most important things we can do to prepare for Level 2;
4. **Note** that a wide range of specific guidance for Level 2 is being prepared by agencies and industry bodies in conjunction with the National Crisis Management Centre and WorkSafe;

Physical distancing

5. **Note** that the previously-agreed Level 2 guidance asks people to keep one metre apart (especially on public transport);
6. **Agree** that at Alert Level 2, people should continue to keep two metre physical distancing from those they do not know, with one metre physical distancing encouraged in other environments unless other mitigating measures are in place;
7. **Note** that it will not be practicable to maintain the recommended physical distancing in all situations, with examples including hairdressing, physiotherapists, home help, and public transport;

Personal movement

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8. **Note** that the previously-agreed Level 2 guidance asks people to stay home where possible;
9. **Agree** to communicate publicly at Alert Level 2 that people are able to leave home but are asked to do so in a safe and conscientious way;

Travel and transport

10. **Note** that previously there was a “no non-essential travel” advisory in relation to inter-regional travel at Alert Level 2. The intent of this advisory was to limit people’s travel between regions, so if there was an outbreak in one region it would not be moved across the country to other regions, making it more difficult to trace and manage. This advisory discouraged travel for recreation and tourism;
11. **Note** there are immediate and significant economic, social and regional connectivity issues with discouraging recreational and tourism travel at Alert Level 2, which will impact now, as well as impede, and slow, recovery;
12. **Agree** to:
 - a) remove the no non-essential travel advisory with its discouragement of travel for recreation and tourism at Alert Level 2; and
 - b) instead advise people to “travel safely”, so that people can travel inter-regionally, but are encouraged to make sure they take good personal health measures, and track who they have been in contact with; and
 - c) officials working with the tourism and aviation sectors to support public messaging around travelling safely;
13. **Note** that there is a connection between inter-regional travel and gatherings, and that public messaging around these will be aligned, i.e. people should not be travelling inter-regionally to events which do not meet the requirements for gatherings;
14. **Note** regardless of whether this option is chosen, given there is significant interest in this area, careful communication will be needed around inter-regional travel as part of any announcement to move to Alert Level 2.

Sport and recreation

15. **Note** that the ability to meet requirements regarding personal hygiene, contact tracing and gatherings will vary between sports;
16. **Agree** that contact sport, where participants come within 1 metre of each other, be allowed to commence at Alert Level 2 subject to guidance on hygiene and contact tracing and complying with rules regarding gatherings as required;
17. **Note** that the details for Super Rugby and ANZ Premiership Netball commencing will be developed between these organisations and Sport New Zealand and WorkSafe;

Gatherings

18. **Note** that the existing Alert Level 2 guidance allows for gatherings of up to 100 people indoors, and up to 500 outdoors, provided physical distancing, contact tracing and infection prevention and other controls are in place;

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19. **Note** that gatherings is considered a higher risk component of Level 2 and that from a public health perspective reducing the maximum headcount from the current level 2 settings would be an appropriate risk mitigation;
20. **Agree** that indoor gatherings would need to be seated, for less than 2 hours, with a fixed headcount cap of 100, and that outdoor events would need set seating or standing areas, and have a fixed headcount cap of 100. Contact tracing and physical distancing would be required for both;
21. **Agree** that gatherings in private homes be limited to no more than 20 people, regardless of the occasion;

Hospitality

22. **Note** that certain hospitality businesses such as bars and nightclubs pose a relatively high public health risk and that, along with other sectors, agencies are working with the sector to develop appropriate guidance;

Authorised for lodgement

Rt Hon Jacinda Ardern
Prime Minister

Proactively Released

Appendix 1

1. The below tables set out proposed settings at Level 2 in more detail, by class of activity. Significant proposed changes from what has previously been agreed by Cabinet are underlined.

Public health measures

Overview of Level 2	<p><u>People should keep their distance from people they don't know (ideally two metres) when out and about, with one metre physical distancing in other environments unless other mitigating measures are in place.</u></p> <p>General public health advice:</p> <ul style="list-style-type: none"> • Regularly disinfect surfaces; wash and dry hands, cough and sneeze into elbow, don't touch your face; if you have cold or flu symptoms self-isolate at home and get tested immediately. <p>Contact tracing:</p> <ul style="list-style-type: none"> • Ongoing contact tracing for all confirmed and probable new cases of COVID-19, with appropriate isolation measures put in place. <p>Testing:</p> <ul style="list-style-type: none"> • Testing of all potential cases of COVID-19 for people who meet the case definition (i.e. are displaying relevant symptoms). Tests will take place at dedicated Community-Based Assessment Centres or designated practices. • Random testing within communities (including for people who are asymptomatic) may be carried out locally to inform understanding on the spread of the virus in certain areas. <p>Isolation and quarantine:</p> <ul style="list-style-type: none"> • Stringent self-isolation of those who display relevant symptoms of COVID-19, test positive for COVID-19, have been in close contact with someone who tests positive for COVID-19, including quarantine/ managed isolation for those who have been overseas in the last 14 days. Quarantine facilities mandated for those who do not have sufficient capacity to self-isolate effectively. <p>Border:</p> <ul style="list-style-type: none"> • Robust border measures in place which safeguard against the risk of COVID-19 being transmitted into New Zealand. Currently, managed isolation or quarantine on arrival for 14 days before onward domestic travel.
Main changes from Level 3	<p>At Level 3, people were generally advised to stay two metres apart (other than in controlled environments). The initial proposal for Level 2 was that people be encouraged to stay one metre apart. I now recommend that we adopt an approach to physical distancing that remains more like Level 3. All other public health measures remain the same as Level 3.</p>
Key public messages	<p>Keep washing your hands, cough safely, and keep surfaces clean, just as you have been at Levels 3 and 4.</p> <p>At Level 3, we asked you to keep two metres away from other people, other than those in your bubble. At Level 2, we're asking you to continue to keep your distance (ideally two metres) from people in public that you wouldn't be able to easily trace. This is because if you spread the virus to someone you don't know, it will be difficult to track them down. Physical distancing is the best tool we have to prevent the spread of the virus. Situations where we're asking you to stay two metres away from people include a playground, a park, a shopping mall, or walking along a street.</p>

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	<p>Because the risks are relatively low at Level 2, it's now safe to be physically close to your good friends and family. Still exercise common sense and judgment and remember that the virus is spread by close physical proximity.</p> <p>In other situations, provided there is good hygiene and record-keeping in place, then the general rule is to try to maintain one metre of separation. This applies to businesses, workplaces, church groups, public transport, gatherings, restaurants and retail stores. There are some exceptions to this requirement – such as where close contact can't be avoided and the public health risks are low – but there aren't many.</p> <p>If you're sick with cold or flu-like symptoms, stay at home. You must not go to work, social gatherings, or public venues.</p>
Comment	<p>As noted above, the Level 2 guidance as previously agreed by Ministers states that people should keep one metre apart (especially on public transport). Given the importance of physical distancing as a tool to stop the spread of COVID-19, I now recommend that we adopt a more nuanced approach, as set out above. Further clarification regarding physical distancing for different activities is set out in the below tables where relevant.</p>

Personal movement

Overview of Level 2	<p><u>Leave home but in a safe way.</u></p> <p>People at higher-risk of severe illness from COVID-19 (e.g. those with underlying medical conditions, especially if not well-controlled, and seniors) are encouraged to take additional precautions when leaving home. They may work, if they agree with their employer that they can do so safely.</p>
Main changes from Level 3	<p>At Level 3, people needed to stay within their immediate household bubble, with limited exceptions. At Level 2, bubbles are no longer required and people may go out and about, and have friends and family around to their house. The initial proposal for Level 2 was an overall message of 'stay home where possible'. It is now proposed that this be amended to 'Leave home but in a safe way'.</p>
Key public messages	<p>You can now leave home to reconnect with friends, family and loved ones, but do so conscientiously – there is still a risk that COVID-19 may spread further.</p> <p>When socialising, you should follow public health guidelines. If you are having friends or family over to your house, take extra care on cleaning surfaces and when preparing food. Think about how to minimise the risks and keep a list of attendees. Generally keeping a record of where you've been and who you've met will be helpful for contact tracing. Try to keep two metres away from people when you're out and about in public.</p> <p>You should not be leaving home or socialising if you are displaying symptoms of COVID-19, awaiting a test, or if you are required to self-isolate.</p>
Comment	<p>I propose that we replace the previously agreed message 'stay home where possible' with 'leave home but in a safe way'. This is because, with use of good public health measures such as contact tracing, it is now considered sufficiently low-risk to go out at Level 2, provided that people do so conscientiously. In addition, the public may view it as inconsistent for bars, restaurants and shops to be open, but to be told to stay home.</p>

Sport and recreation

Overview of Level 2	<p>Participation in sports and recreational activities is allowed, subject to conditions on gatherings, contact tracing, and – where practical – physical distancing.</p>
Main changes from Level 3	<p>At Level 3, generally only low-risk solo sport and recreation was allowed, and only within a local area. Playgrounds were shut. At Level 2, most playgrounds are expected to reopen, and most sporting activities will be possible, subject to restrictions on gathering numbers, contact tracing, and – where practical – physical</p>

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	<p>distancing. A phased approach to the reintroduction of contact and team sports is proposed.</p>
Key public messages	<p>You can do your usual recreation activities where you can do these safely. Public conservation land is open to the public for walking, biking, and hunting but there are guidelines on the use of DOC huts and campgrounds. The duck shooting season will open in Level 2. You can go to a swimming pool or to the gym too where they're open, but there will be restrictions.</p> <p>You can play sports that involve close contact, but only if good contact tracing is possible. Make sure you know who you're playing with, and against, in case someone gets sick. To start with, you'll only be able to play within your club or school, but this will be opened up over time.</p> <p>For sports where it is possible to maintain physical distancing (such as for running events), you should try your best to keep two metres from other people.</p>
Comment	<p>It is recommended that contact sports (both community and professional), where participants come within 1 metre of each other on the field of play, be allowed at Alert Level 2, subject to suitable contact tracing and personal hygiene requirements being in place. These sports would also need to comply with gathering restrictions at Alert Level 2.</p> <p>The Ministry of Health has indicated that personal hygiene is a key public health measure that will reduce the risk of transmission of the virus through contact sport. I would anticipate that some sports or activities may not be able to meet all public health requirements immediately, so some sports will need time to ensure that they can commence safely. I would expect the National Sports Organisation to show leadership in determining the speed with which their sport can commence safely, in consultation with WorkSafe.</p> <p>It is likely that initially spectator numbers, social events around sports activities, and inter-regional competitions would be restricted until these could be shown to be able to be conducted safely. This will be determined by Alert Level 2 guidance on these requirements.</p> <p>Where a controlled workplace can be established, I recommend that contact sport can commence at a professional level as soon as possible. In the first instance this would apply to the New Zealand based Super Rugby franchises, the Netball ANZ Premiership, and High Performance Sport New Zealand operations. Initially these leagues would take place behind closed doors for broadcast only. Preparations for these workplaces to resume operation would be made in conjunction with WorkSafe. Following this it is likely that other leagues will look to recommence, for example a modified Mitre 10 Cup, and I expect them to follow a similar model for safe commencement.</p>

Travel and transport

Overview of Level 2	<p>No restrictions on freight. All freight can be distributed and received. All freight can enter and leave the country.</p> <p><u>You can travel, but do it in a safe way</u></p> <p>Do not use mass transport if required to self-isolate/quarantine, experiencing symptoms of COVID-19, awaiting a result from a COVID-19 test, suspected/probable/confirmed to have COVID-19, or if subject to an individual notice issued under section 70(1)(f) of the Health Act.</p>
Main changes from Level 3	<p>The core distinction between Levels 2 and 3 is that at Level 3, travel is only permitted for certain reasons (such as attending school and work), with additional restrictions on travel between regions.</p> <p>At Level 2, there are no longer hard restrictions on travel. The initial proposal for Level 2 was that people be allowed to travel, but discouraged from non-essential travel. I now recommend that we refrain from discouraging people from travelling, but encourage them to travel safely.</p>

Key public messages	<p>You can travel, but do it in a safe way. Remember, COVID-19 is a disease you can spread without knowing you have it. What this means is that you can travel around the country, but think about what measures you can do to keep the risk down, such as by keeping away from large groups of people, and minimising the number of places you stop on the way to your destination. You must not travel if you are displaying symptoms of COVID-19, awaiting a test, or if you are required to self-isolate.</p> <p>Try to limit taking the public transport, or use at off-peak times. Avoid sitting next to someone you don't know. If you're flying or taking other forms of transport that involve bookings, transport operators will have some physical distancing measures in place.</p>
Comment	<p>It was initially proposed that for Level 2, people still be encouraged to avoid non-essential travel. However, there are potential economic benefits from re-starting domestic tourism and increasing domestic air passenger volumes.</p> <p>Since we were last at Alert Level 2, the overall public health risks have reduced. From a public health perspective, the greatest risk with inter-regional travel does not attach to the travel per se, but with the event or activities that someone is travelling to attend or undertake (for example, gatherings), or the inability to contact trace someone who is moving rapidly through new areas. These risks can be mitigated through public messaging and continuing controls on gatherings.</p> <p>Given this, a more permissive approach is proposed, and a decision from Ministers is sought in this area.</p> <p>In relation to public transport, it should be noted that proposed seating plans being worked through between transport agencies and transport operators involves around 0.8 metres of physical distancing between rows. This is needed to increase public transport capacity from around 15-20 per cent of normal capacity currently, to around 40 per cent. Officials consider that this is a pragmatic decision and that associated public health risks can be managed through encouraging people to avoid public transport if they can, although it is possible that there will still be capacity issues with public transport under the proposed approach.</p> <p>School transport and on-demand public transport services will continue to not be subject to any distancing requirements as these services have complete registers of who is using them and when and are considered controlled environments.</p>

Gatherings

Overview of Level 2	<p><u>Gatherings only allowed for up to 100 people indoors or outdoors. Gatherings in private dwellings may only have a maximum of 20 attendees.</u></p> <p><u>Indoor gatherings would need to be seated, and last for less than 2 hours. Outdoor events will need set seating or standing areas.</u></p> <p>Additional conditions on gatherings:</p> <ul style="list-style-type: none"> • Physical distancing and infection prevention and control requirements must be met. • All gatherings must record attendees to ensure contact tracing may be conducted if necessary. • Hospitality guidelines regarding alcohol consumption need to be strictly adhered to. <p>No participants allowed who have COVID-19 symptoms or who need to be in isolation/quarantine for any reason.</p>
Main changes from Level 3	<p>Under the previously agreed framework for Level 2, there is a significant change between Level 2 and Level 3. At Level 3, gatherings are only allowed for a maximum of 10 people at a time, and only for wedding services, funerals and tangihanga. Wedding receptions and other celebrations are not permitted, and consumption of food or drink at gatherings is not allowed. It was initially proposed that indoor gatherings of up to 100, and outdoor gatherings of up to 500, be</p>

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	allowed. I now propose that we be tighter on what gatherings we allow at Level 2, in line with the above.
Key public messages	<p>You can attend gatherings such as weddings, funerals, family events, sport, concerts, religious services and public meetings, provided public health measures can be maintained. You can't have more than 100 people at a gathering, indoors or outdoors.</p> <p>Food and drink consumption is fine at gatherings, so wedding receptions or food after a funeral or tangi is fine. However, strict requirements must be adhered to. This includes physical distancing and keeping a record of attendees. If you're at an indoor event, then it needs to be seated and last for less than two hours. If you're at an outdoor event, there will need to be set seating and standing areas.</p> <p>It's okay to have friends and family over for events in your home, but you shouldn't have more than 20 people in any circumstance.</p> <p>Try to keep two metres away from anyone you don't know at gatherings.</p>
Comment	<p>The change from Alert Level 3 to Alert Level 2 for gatherings is significant, both in terms of the numbers of people able to attend, and for the types of gatherings.</p> <p>I propose that we adopt a tighter system for gatherings than what was initially agreed for Level 2. There are real risks around the transmission of COVID-19 at large gatherings, particularly those that involve mingling. A decision from Ministers is sought in relation to the above options. It is important to note that workplaces, educational facilities, and public transport are not considered gatherings.</p>

Public venues

Overview of Level 2	Public venues (e.g. museums, libraries, cinemas, food courts, gyms, pools, amusement parks, playgrounds, and farmers' markets) are open, but must comply with public health controls.
Main changes from Level 3	The change from Alert Level 3 to Alert Level 2 is significant, as at Alert Level 3, all public venues – except for public open spaces – are closed.
Key public messages	Many public venues – such as museums, food courts and markets – will be open again, but there will be restrictions such as how many people can be there at one time. Some venues might stay shut if they can't open safely or effectively.
Comment	<p>Further guidance on the application of public health measures is required as to how certain types of public venues – such as amusement parks or playgrounds – could safely open at Alert Level 2.</p> <p>Any venues which are also workplaces, or where there are work activities, will also need to be able to operate safely under health and safety legislation. Some venues will likely not be economic to operate at Level 2.</p>

Health and disability care services

Overview of Level 2	<p>Health and disability care services operate normally as far as possible, but continue to comply with public health protection measures including:</p> <ul style="list-style-type: none"> • physical distance and infection control guidelines followed; • telephone risk screening of patients; • remote consultations used wherever possible; • PPE used as per most current guidelines; and • ongoing tight management of aged care facilities, including in relation to visitors and other people movement. <p>The following services can operate if appropriate COVID-19 risk screening is in place and public health protection measures are utilised:</p>
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	<ul style="list-style-type: none"> • all primary and community health services (including GPs; pharmacy; emergency ambulance services; midwifery; Well Child Tamariki Ora; dental services; physiotherapy, podiatry, and optometry); • disability and aged care services (including residential care, supported living, home-based support, and respite services); • mental health and addiction services; and • national screening programmes (e.g. BreastScreen Aotearoa). <p>Hospitals remain open for the acute and emergency health needs of the population at all levels, and will operate in line with the National Hospital Response Framework.</p>
Main changes from Level 3	More health and disability services will resume operating. More in-home visits or delivery services will be delivered where needed (such as where a patient does not have reliable internet/IT access). Non-urgent/preventative care can be provided (subject to capacity).
Key public messages	If you feel unwell, don't delay getting treatment, but call before you do. Non-urgent care can now be provided – contact your health provider.
Comment	There is a need for equitable distribution of resources to Māori and Pacific providers (particularly PPE and/or support for undertaking remote consultations). Māori and Pacific providers predominantly service high-deprivation communities with an enrolled population with greater levels of health need (often complex health needs). These providers already operate within a tight-fiscal environment - increased public health protection measures, such as those described, will add further pressure on services.

Workplaces

Overview of Level 2	<p>Businesses must operate safely. This means:</p> <ul style="list-style-type: none"> • complying with general Alert Level 2 settings; • meeting appropriate public health requirements for their workplace (e.g. having contact tracing systems and physical distancing); and • fulfilling all other health and safety obligations. <p>All businesses are encouraged to use alternative ways of working if possible. Business premises can open for staff and customers. Services can also be provided on customers' premises (e.g. in homes).</p>
Main changes from Level 3	Customers are now allowed on the premises of all businesses, not just supermarkets, dairies, petrol stations and pharmacies. People are no longer required to work from home if they can. More workers are likely to return to workplaces, but businesses are still encouraged to use alternative ways of working where practicable.
Key public messages	<p>Businesses can now have customers on their premises. This means that business premises such as bars and cafes; hardware, gardening, and clothing retailers; and butchers, bakeries, and fishmongers will be open to the public. Businesses must still meet health and safety obligations. Customers should try to keep two metres apart from people they don't know on these premises.</p> <p>In a general workplace where contact tracing is possible, then look to maintain at least one metre of separation where you can. But take a common-sense approach where this isn't practical. Follow the workplace guidelines that have been agreed for your sector with WorkSafe, where these exist.</p> <p>Work activities like hairdressers and physiotherapists that involve close personal contact are allowed, provided that robust contact tracing is possible, and other public health measures are taken. Apply common sense, judgement, and good</p>

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	<p>hygiene practices, and minimise contact to the extent possible. Follow sector guidelines where these exist.</p> <p>Alternative ways of working are still encouraged. If workers are sick, they must stay home.</p>
Comment	<p>Under Level 2, businesses will need to continue to apply effective risk management under the Health and Safety at Work Act 2015 (HSWA). This is a framework that businesses are familiar with, but will need to apply within a changed context. There are a new set of risks which are either specific to COVID-19 or arise out of changes in business activity driven by the disruption caused by COVID and its response.</p> <p>It is critical that businesses continue to apply good risk management in this dynamic environment, and that this is supplemented by good information and advice, particularly as it relates to COVID-19-specific risks. The risk management framework under the HSWA applies, but a range of agencies will need to continue to be involved in the compliance response.</p> <p>While the restrictions on workplaces are significantly reduced at Level 2, some workplaces may choose to continue not to operate because it is not practical or economic to implement necessary public health measures. For example, large venue with significant fixed costs of opening may not be economic with a gathering limit of 100.</p> <p>Implementing appropriate public health measures may be most difficult for those that involve close personal contact between staff and/or customers. For example, given proposed contact tracing and physical distancing guidelines, it may not be practical or appropriate for nightclubs to open at Level 2. Hospitality, bars and restaurants are a higher-risk setting as people tend to spend more time in these settings, and intoxication may impact people's ability to follow public health controls. Guidance is being prepared by industry in relation to these sectors.</p>

Education

Overview of Level 2	<p>Tertiary education facilities, schools and early learning centres will open.</p> <ul style="list-style-type: none"> • Early learning centres and schools are all physically open including years 11-13. Distance learning is available for those unable to attend school (e.g. where people are self-isolating). • Tertiary education facilities are open, and will maintain the core capability to deliver comprehensive distance learning to students. • On the advice of public health officials, any educational facilities connected to a confirmed or probable case of COVID-19 must close on an individual or group basis for 72 hours to allow contact tracing, and then potentially for a further 14 days.
Main changes from Level 3	<p>At Level 3, schools could only open up to year 10, and students were asked to only come to school if they could not distance learn. All tertiary education teaching and activities had to be done remotely wherever possible.</p> <p>There was a strong message at Alert level 3 'If there is a parent or caregiver available to look after children at home, stay at home. At Alert level 2, the message is anyone can return.</p>
Key public messages	<p>Early learning services, schools and tertiary education facilities are all open.</p> <p>Schools and early learning services are safe environments for children, young people and staff. Additional public health control measures are in place to prevent the spread of disease and to support contact tracing.</p> <p>Schools and early learning services will engage with parents about children returning at Alert level 2.</p> <p>Tertiary Education is a safe environment for students and staff to return to at Alert level 2. Tertiary education facilities will implement public health requirements and</p>

	<p>physical distancing as appropriate for the context, and will work closely to ensure a safe environment where students can continue their learning. They will need to maintain distance learning capability to help manage within these constraints, and ensure safety of 'at risk' staff and students.</p> <p>Workplace-based learning will be conducted within the specific rules applicable to the relevant industry.</p>
Comment	<p>At Alert Level 3, a very small proportion of children and young people returned to early learning services and schools. While the message has changed, parents may still choose not to send them due to perceptions that there continues to be a risk that they will catch COVID-19. This will be reinforced by physical distancing requirements in other controlled environments such as workplaces.</p> <p>It is also possible that a large number of staff who are considered high risk of severe illness from COVID may choose not to return to work, although they can do so at Level 2. In these cases, schools and tertiary providers will need to work through how they manage onsite and distance learning within available staffing levels. This may also affect school transport provision.</p> <p>The Ministry of Education and schools have put in a huge amount of effort to implement distance learning and this will need to be maintained. Despite this, learning outcomes are likely to be variable and any impact will be worse for children who are already at risk of poor education outcomes (including Maori, Pacific peoples, lower socio-economic status and disabled learners). There are also increased risks of poorer wellbeing for children and younger people including family violence and child abuse, mental health and/or going without food or urgent health care.</p> <p>Tertiary education facilities have only reopened in a very limited way at level 3. The sector needs to reopen for large-scale teaching and learning at level 2, with students returning to on-campus and workplace-based education. They will be able to do so but physical distancing create capacity constraints and they may only be able to achieve a partial reopening for many students, backed by continued use of online learning. Students and staff may also be reluctant to return in some cases and we will need to provide assurance that the campus environment is safe for them.</p>

Proactive Research



Cabinet Social Wellbeing Committee

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.

Preparing for Alert Level 2

Portfolio **Prime Minister**

On 6 May 2020, the Cabinet Social Wellbeing Committee, having been authorised by Cabinet to have Power to Act [CAB-20-MIN-0200]:

- 1 **noted** that, on 11 May 2020, Cabinet will review and make a decision regarding our Alert Level settings;
- 2 **noted** that the settings for Alert Level 2 were previously agreed by the Cabinet Business Committee on 15 April 2020 [CBC-20-MIN-0041];
- 3 **noted** that clear guidance for individuals, communities and businesses is one of the most important things we can do to prepare for Level 2;
- 4 **noted** that a wide range of specific guidance for Level 2 is being prepared by agencies and industry bodies in conjunction with the National Crisis Management Centre and WorkSafe;

Physical distancing

- 5 **noted** that the previously-agreed Level 2 guidance asks people to keep one metre apart (especially on public transport);
- 6 **agreed** that at Alert Level 2, people should continue to keep two metre physical distancing from those they do not know, with one metre physical distancing encouraged in other environments unless other mitigating measures are in place;
- 7 **noted** that it will not be practicable to maintain the recommended physical distancing in all situations, with examples including hairdressing, physiotherapists, home help, and public transport;

Personal movement

- 8 **noted** that the previously-agreed Level 2 guidance asks people to stay home where possible;
- 9 **agreed** to communicate publicly at Alert Level 2 that people are able to leave home but are asked to do so in a safe and conscientious way;

Travel and transport

- 10 **noted** that previously there was a “no non-essential travel” advisory in relation to inter-regional travel at Alert Level 2, and that:
- 10.1 the intent of this advisory was to limit people’s travel between regions, so if there was an outbreak in one region it would not be moved across the country to other regions, making it more difficult to trace and manage;
 - 10.2 this advisory discouraged travel for recreation and tourism;
- 11 **noted** there are immediate and significant economic, social and regional connectivity issues with discouraging recreational and tourism travel at Alert Level 2, which will impact now, as well as impede, and slow, recovery;
- 12 **agreed** to:
- 12.1 remove the no non-essential travel advisory with its discouragement of travel for recreation and tourism at Alert Level 2;
 - 12.2 instead advise people to “travel safely”, so that people can travel inter-regionally, but are encouraged to make sure they take good personal health measures, and track who they have been in contact with; and
 - 12.3 officials working with the tourism and aviation sectors to support public messaging around travelling safely;
- 13 **noted** that there is a connection between inter-regional travel and gatherings, and that public messaging around these will be aligned, i.e. people should not be travelling inter-regionally to events which do not meet the requirements for gatherings;
- 14 **noted** that regardless of whether this option is chosen, given there is significant interest in this area, careful communication will be needed around inter-regional travel as part of any announcement to move to Alert Level 2;

Sport and recreation

- 15 **noted** that the ability to meet requirements regarding personal hygiene, contact tracing and gatherings will vary between sports;
- 16 **agreed** that contact sport, where participants come within 1 metre of each other, be allowed to commence at Alert Level 2 subject to guidance on hygiene and contact tracing and complying with rules regarding gatherings as required;
- 17 **noted** that the details for Super Rugby and ANZ Premiership Netball commencing will be developed between these organisations, Sport New Zealand, and WorkSafe;

Gatherings

- 18 **noted** that the existing Alert Level 2 guidance allows for gatherings of up to 100 people indoors, and up to 500 outdoors, provided physical distancing, contact tracing and infection prevention and other controls are in place;

- 19 **noted** that gatherings are considered a higher risk component of Level 2 and that from a public health perspective reducing the maximum headcount from the current level 2 settings would be an appropriate risk mitigation;
- 20 **agreed** that:
- 20.1 indoor gatherings would need to be seated, for less than 2 hours, with a fixed headcount cap of 100;
 - 20.2 outdoor events would need set seating or standing areas, and have a fixed headcount cap of 100; and
 - 20.3 contact tracing and physical distancing would be required for both indoor and outdoor gatherings;
- 21 **agreed** that gatherings in private homes be limited to no more than 20 people, regardless of the occasion;

Hospitality

- 22 **noted** that certain hospitality businesses such as bars and nightclubs pose a relatively high public health risk and that, along with other sectors, agencies are working with the sector to develop appropriate guidance;

Next Steps

- 23 **authorised** the Prime Minister, the Deputy Prime Minister, the Minister for Sport and Recreation, the Minister of Education, the Minister of Commerce and Consumer Affairs, and the Minister of Health to finalise the Alert Level 2 framework;
- 24 **noted** that the Prime Minister will announce the framework on 7 May 2020.

Vivien Meek
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni
Hon Nanaia Mahuta
Hon David Parker
Hon Stuart Nash
Hon Jenny Salesa
Hon Kris Faafoi
Hon Dr David Clark
Hon Tracey Martin
Hon Peeni Henare
Hon Willie Jackson
Hon Aupito William Sio
Hon Poto Williams
Hon Julie Anne Genter
Jan Logie, MP

Officials present from:

Office of the Prime Minister
Officials Committee for SWC
Office of the SWC Chair
Director-General of Health
Solicitor-General

Proactively Released