



Cabinet

Minute of Decision

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

COVID-19: Auckland Community Cases

Portfolio COVID-19 Response

On 14 February 2021, Cabinet:

- 1 **noted** that three community cases of COVID-19 within one household have been identified in South Auckland over the last 48 hours, with the source of infection unknown at this stage;
- 2 **noted** the briefing from the Director-General of Health on the situation and the next steps to be undertaken;
- 3 **noted** that over the next 24 – 48 hours the results of whole genomic sequencing testing will be known and the testing of close contacts, worksites and sites of interest will continue;
- 4 **agreed** that, until further information is known and due to the risk of more transmissible strains, a precautionary approach be taken;
- 5 **agreed** therefore that:
 - 5.1 the Auckland region (as defined by the legal Order) move to Alert Level 3 from 11.59 pm on 14 February 2021 for a period of 72 hours;
 - 5.2 the rest of New Zealand move to Alert Level 2 for the same period;
 - 5.3 these Alert Level settings be reviewed on a 24 hours basis as further information becomes available, with further public updates proposed for 4.00 pm on 15 February and 2.00 pm on 16 February 2021;
- 6 **invited** the Minister for COVID-19 Response to issue new or updated Orders as appropriate to give effect to changes in Alert Level settings;
- 7 **noted** that the Prime Minister will announce the change in Alert Level settings at 7.00 pm on the evening of 14 February 2021.

Michael Webster
Secretary of the Cabinet



Cabinet

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COVID-19 Resurgence: Review of Alert Levels in Response to February Auckland Community Cases

Portfolio COVID-19 Response

On 17 February 2021, Cabinet:

Situation update

- 1 **noted** that on the evening of 13 February 2021, the Ministry of Health was alerted to two confirmed cases of COVID-19 transmission in the community (Cases A and B) and one household contact subsequently tested positive (Case C);
- 2 **noted** that one classroom contact of Case A and their sibling returned positive results on 17 February 2021 (Cases D and E) and contact tracing for these cases is currently underway;
- 3 **noted** that contact tracing has identified 129 close contacts of Cases A, B and C and that so far there are three positive tests (Cases A, C and D), 75 negative tests, and 51 results are pending;
- 4 **noted** on 16 February 2021, 17,439 tests were undertaken, bringing the weekly total of tests to more than 45,000;
- 5 **noted** that source investigation is continuing, however, no scenarios have yet been ruled out regarding source, with the possibility that a definitive source may not be found;
- 6 **noted** that based on the evidence available thus far, the Ministry of Health considers that while the risk of transmission from cases was initially considered high, the high number of tests across Auckland has provided a strong sense of reassurance that no extensive community transmission has occurred;
- 7 **noted** the Director-General of Health's advice that the Auckland Region move to Alert Level 2, but with additional measures applied to the wider Papatoetoe High School community until we have more certainty about any further spread, and the remainder of New Zealand move to Alert Level 1;
- 8 **noted** that the additional measures in regards to the wider Papatoetoe High School community would be given effect through under section 70 of the Health Act;
- 9 **noted** the briefing from the Director-General of Health on the latest situation and the progress of testing;

Review of Alert Levels

- 10 **agreed** that Auckland move to Alert Level 2 until 11.59 pm on 22 February 2021 and the rest of the country move to Alert Level 1, with additional measures to contain the risk associated with the wider Papatoetoe High School community from 11:59 pm Wednesday 17 February 2021, to be reviewed on 22 February 2021;
- 11 **agreed** that Cabinet will next review the Alert Level settings on Monday, 22 February 2021;
- 12 **agreed** that the use of face coverings should be mandatory on all public transportation services at Alert Level 1, to be reviewed by Cabinet on 22 February 2021;
- 13 **noted** a face covering requirement would be given effect through an Order under the COVID-19 Public Health Response Act;
- 14 **noted** that the Minister for COVID-19 Response has asked officials to provide him with advice on increasing contact tracing record keeping, including through use of the NZ COVID Tracer App, and that this advice will include consideration of making record keeping compulsory;

Other matters

- 15 **noted** that the decision that Auckland move to Alert Level 2 until 22 February 2021 means that the Resurgence Support Payment will be activated from Sunday, 21 February 2021 (subject to a final Cabinet decision to appropriate the relevant funds, and an Order in Council);
- 16 **agreed** that the pre-Cabinet consultation and consideration at Cabinet fulfils the requirements of consultation with the Ministers of Justice and Health and the Prime Minister, as required under section 9 for the making of Orders under section 11 of the COVID-19 Public Response Act 2020;
- 17 **agreed** that Cabinet's decision today be communicated by the Prime Minister.

Michael Webster
Secretary of the Cabinet

Office of the Minister for COVID-19 Response

Cabinet

COVID-19 RESURGENCE: REVIEW OF ALERT LEVELS IN RESPONSE TO FEBRUARY AUCKLAND COMMUNITY CASES

Proposal

1. This paper reviews the Alert Level settings introduced in response to the community COVID-19 cases in Auckland following the move up Alert Levels on 14 February. The paper seeks agreement that one of the following two options is an appropriate level of public health measures to respond to the risks of the outbreak or spread of COVID-19:
 - 1.1 Option A: Move Auckland to Alert Level 2 and move the rest of country to Alert Level 1 with additional measures to contain the risk associated with the wider Papatoetoe High School community from 11:59pm Wednesday 17 February 2021, to be reviewed on 22 February 2021 (recommended).
 - 1.2 Option B: Maintain current settings of Alert Level 3 in Auckland until 11:59pm 19 February 2021 and move the rest of the country to, Level 1 from 11:59pm 17 February 2021.

Situation report

2. On the evening of 13 February, the Ministry of Health was alerted to two confirmed cases of transmission in the community (Cases A and B), with a household contact (Case C) subsequently testing positive.
3. As of the morning of 17 February, two additional positive cases from Papatoetoe High School were reported, one of which was a close contact of Case A, and the other was a close contact of the first case:
 - 3.1 Case D s9(2)(a) who was tested on 15 February, was asymptomatic and returned a Ct value of s9(2)(a). The person lives with four people including Case E and it is estimated she was infectious from 13 February.
 - 3.2 Case E is s9(2)(a) asymptomatic, is a casual worker at McDonalds and was tested on 15 February. Work is underway to confirm which site he was working at and whether he worked during the infection period. It is estimated the infection period began from 13 February and he returned a Ct value of s9(2)(a), which indicates acute infection.
4. Work is underway to identify close contacts of Cases D and E. Testing for the school community continues. All close contacts in the school are in selfisolation and must return two negative tests and be isolated for 14 days from the last day of exposure, before isolation can end. All those in the rest of the

school are self-isolating and must have a negative test result before returning. The school will remain closed until further notice.

5. Interviews with cases D and E indicate that the exposure events during the potential infectious periods for these cases are minimal, with no attendance at large events over the period of interest.
6. Contact tracing has identified 129 close contacts associated with Cases A, B and C. So far one has tested positive (Case D), and one casual contact (Case E) who is the brother of Case D. Of the school close contacts, 30 of 31 results have been received. Of these results, 29 are negative, one positive and one is pending. There are 1523 casual plus contacts. Of these contacts, 1160 results have been received. There are 1159 negative results, one positive (Case E), and 363 are pending.
7. The genomes of Cases A and B are identical, and are the B1.1.7 variant first identified in the United Kingdom. Source investigation is continuing with genome sequencing results supporting targeted investigations. However, no scenarios have yet been ruled out regarding source, with the possibility that a definitive source may not be found.
8. Based on the evidence available thus far, the Ministry of Health considers that while the risk of transmission from cases was initially considered high, the high number of tests across Auckland has provided reassurance that no extensive community transmission has occurred, despite the notification of cases D and E.

Response

9. At 11.59pm on Sunday 14 February Auckland was moved to Alert Level 3 and the rest of the country was moved to Alert Level 2. Boundaries have been established to restrict movement in and out of Auckland. Initial evidence suggests that these reduced movement across the Alert Level boundary in both directions to 50-60% below normal levels on Monday 15 February, the first day they were in force.
10. National testing guidance has been updated for the current cases and is clear that all people presenting with relevant symptoms should be tested, regardless of region. In Auckland, at-risk communities (including Māori, Pacific communities, older people and those with pre-existing conditions) should be offered a test when presenting to primary or secondary care services, even if asymptomatic.
11. The existing testing sites in Auckland and Taranaki have extended hours and increased staffing. Additional pop-up testing centres have been stood up at Papatoetoe High School and Sky Chefs for targeted testing.
12. Testing has continued at a high level. Over 20,000 people have been tested in the community between 14 February and 16 February.

13. Of contacts at the workplace of Case B, 126 negative results have been returned (86 are pending), and at the medical clinic where Cases A and B were tested 37 negative results have been returned with 47 pending.
14. Daily wastewater testing has been undertaken for passive surveillance at sites across the Auckland region since July 2020. With the exception of the site near Jet Park (and the August cluster outbreak), all sites have typically returned negative results.
15. As at 9am on Wednesday 17 February the Auckland (excluding Jet Park area) and New Plymouth wastewater testing sites returned negative test results. Results for testing sites in Hamilton, Rotorua, Christchurch and a site in close proximity to Papatoetoe High School will be returned later on Wednesday 17 February.

How we make Alert Level decisions

16. Cabinet has previously agreed to use eight factors to guide decisions on the appropriate Alert Level settings for New Zealand [CAB-20-MIN-0199; CAB-20-MIN-0387]:
 - 16.1 the Director-General of Health's satisfaction on four health matters:
 - trends in the transmission of the virus, including his confidence in the data and having regard to the risk assessment levels agreed by Cabinet;
 - the capacity and capability of our testing and contact tracing systems;
 - the effectiveness of our self-isolation, quarantine and border measures; and
 - the capacity in the health system more generally to move to the new Level;
 - 16.2 evidence of the effects of the measures on the economy and society more broadly;
 - 16.3 evidence of the impacts of the measures for at risk populations in particular;
 - 16.4 public attitudes towards the measures and the extent to which people and businesses understand, accept, and abide by them; and
 - 16.5 our ability to operationalise the restrictions, including satisfactory implementation planning.
17. In line with our resurgence plan, in determining what comes after this immediate response phase, we are particularly interested in:
 - 17.1 the connection of cases to a known source at the border;
 - 17.2 the number of cases and close contacts; and

17.3 the geographic spread of cases, including across regions.

Interim view of the Director-General

18. Having reviewed the public health factors agreed by Cabinet to be considered in relation to Alert Level decisions and based on evidence as at 12:00pm Wednesday 17 February, the Director-General's current assessment is outlined as follows.
19. Based on the evidence available thus far, while the risk of transmission from cases was initially considered high, the high number of tests across Auckland has provided a strong sense of reassurance that no extensive community transmission has occurred, despite the notification of cases D and E.
20. When recommending moving Alert Levels, the Director-General has taken account of:
 - 20.1 any evidence of onward spread transmission outside beyond known cases;
 - 20.2 any concerning information arising from interviews with Case D and E following interviews today; and/or
 - 20.3 confirmation that Case D and E did not go to any exposure events in weekend when they were infectious; and
 - 20.4 any positive cases outside Auckland.
21. If the available information on these key considerations show that the resurgence is contained within the known cases, I recommend that:
 - 21.1 Auckland Region moves to Alert Level 2 but with additional measures applied to the wider Papatoetoe School community until we have more certainty about any further spread.
 - 21.2 A Medical Officer of Health would require Papatoetoe school students, teachers, volunteers and households to remain at home (under S70 Health Act 1956). Staff, volunteers, students and anyone with symptoms will be asked to get tested over the weekend. Welfare and financial support will be provided. The powers available under S70 Health Act are sufficient to give effect to these additional measures.
 - 21.3 Papatoetoe school students, teachers and households to remain at home (under S70 Health Act 1956) until Monday and get tested over the weekend.
 - 21.4 Papatoetoe catchment area and possibly beyond to work from home where possible.
 - 21.5 Schools within a catchment area still to be defined to close under s70. The catchment area would be determined in consultation with the Ministry of Education.

22. I recommend the rest of the country move to Alert Level 1.
23. Although there is not evidence of community transmission outside of Auckland currently, there may be value in requiring the use of face coverings on public transport at Alert Level 1, as a temporary, and precautionary measure only, while Auckland remains at Alert Level 2. My advice is that this measure, across the whole of New Zealand automatically ends once Auckland returns to Alert Level 1.
24. If testing results and outcomes of Case D and E interviews trigger any of the key considerations above reveals any potential significant exposure events within Auckland, and there are no positive tests outside of Auckland, I recommend:
- 24.1 Auckland to stay at Level 3 with interregional movement restrictions; and
 - 24.2 the rest of country will move Level 1.
25. If positive cases are found outside of Auckland, then I recommend;
- 25.1 Auckland remains Level 3;
 - 25.2 the rest of country to be determined depending on location of outbreak.
26. This view will be updated at Cabinet.

Effect of the measures on the economy

27. The Treasury updated their view of the economic costs to reflect the HYEPU, revising down some of the estimated impact since PREPU. These are the short-term costs, and need to be weighed against the risk of not stamping this resurgence out quickly, which would in all likelihood require longer periods at higher alert levels, with significantly higher economic, fiscal and social costs. Indicative short-term impacts of three options are as follows, relative to the entire country being at Alert Level 1:
- 27.1 Option A: Alert Level 2 in Auckland, Level 1 elsewhere - \$100 million in reduced economic activity per week (2% of weekly national GDP); and
 - 27.2 Option B: Alert Level 3 in Auckland, Level 1 elsewhere - \$300 million in reduced economic activity per week (6% of weekly national GDP).
28. The current short period of heightened Alert Levels would likely mean that a proportion of the lost activity could be made up over the remainder of the quarter. Note the estimated economic costs of different Alert Levels are based on historical data, and do not reflect how firms and households may adapt behaviour.

Proposed economic response

29. On 14 December 2020, Cabinet agreed in principle to economic support measures which would be introduced alongside sustained escalations in Alert Levels [CAB-20-MIN-0531 refers]. Responsible Ministers will, separately from

this paper, be seeking specific decisions on the activation of these schemes in the current circumstances. The package includes:

- 29.1 A nationwide Wage Subsidy Scheme (WSS) in the event of an escalation to Alert Level 3 or above anywhere in New Zealand lasting seven or more consecutive days (of which the seventh day may be a partial day), subject to further approval by Cabinet. Employers who have been affected by the escalation to Alert Level 3 can apply for the WSS. If the WSS is activated, it matches the duration of support to the time spent at Alert Level 3 or above, rounded to the nearest 14 days. The payment rate is \$585.80 per week for each full-time employee (20 hours or more) and \$350 per week for part-time employees (less than 20 hours).
 - 29.2 A Resurgence Support Payment (RSP) in the event of an escalation to Alert Level 2 or above for seven consecutive days or more. The payment rate will be the lesser of \$1500 plus \$400 per employee (up to 50 full-time employees), or four times the experienced revenue drop, up to a maximum payment of \$21,500. Eligibility for the RSP will be based on an incurred 30% revenue drop over a 7-day period.
30. If Alert Level restrictions remain in place on Sunday 21 February at Alert Level 3 (the seventh day of the current period), then WSS would meet the threshold for activation. If Alert Level 2 restrictions remain in place on Sunday 21 February, the RSP would meet the threshold for activation.
31. Other support for individuals includes the Short-Term Absence Payment for eligible workers awaiting a COVID-19 test result, and the Leave Support Scheme for workers instructed to self-isolate in relation to the COVID-19 response. These support measures are available at all Alert Levels.

At risk populations

32. We do not yet know the extent of this outbreak and which communities will be most affected. Māori and Pacific communities were disproportionately affected by the August outbreak. These communities also have a higher prevalence of long-term conditions and diseases, higher barriers to access health care and testing, and larger households and a higher prevalence of overcrowding that limit the possibilities for physical distancing, all of which make these communities especially vulnerable to COVID-19. At the same time, Māori and Pacific community organisations in Auckland organised themselves effectively during the August 2020 outbreak. There was also effective cooperation on communications with Māori and Pacific community leaders and institutions.

Public attitudes and compliance

33. A “social conversation analysis” in relation to the response for the period 13- 15 February commissioned by the Department of the Prime Minister and Cabinet shows there are fewer people and organisations publicly voicing support than in previous Alert Level changes. Conversation is largely neutral and informative, with many organisations sharing updates about what the Alert Level changes will mean for them. Individuals are expressing both support and frustration over the level changes and what is expected of them.

34. The most timely and concrete indication on compliance with Alert Level controls comes from mobility data. Mobility data from Apple for Monday and Tuesday 15-16 February, shows movement was about 60-70% reduced from the average of the previous work week.¹ This is very similar to what was achieved under Level 3 in Auckland in August and in April/May 2020. This suggests that, at this stage, compliance with control relating to movement remains good in Auckland.

Ability to operationalise restrictions

Port Waikato

35. The location of the Alert Level 3/2 boundary has created some problems for the community in and around Port Waikato (which is south of the boundary and therefore at Alert Level 2). While the boundary was located so as to minimise the numbers of people needing to cross it to access critical services and get to work or places of learning – in line with the principles agreed by Cabinet – it is unavoidable some communities are cut off from their nearest critical services.
36. The issue for the Port Waikato (population approximately 800) is access to food as the nearest supermarkets are in the Auckland region. The Ministry of Social Development is leading the provision of wrap around services to the community including food, and this can scale up as required. If Cabinet decides to go to an Alert Level 3/1 arrangement, officials will prepare advice to the Director-General of Health recommending he grant a class exemption (subject to public health advice) to the Port Waikato community allowing them to travel across the Alert Level 3/1 boundary to access supermarkets.

Overall implementation has gone well

37. Overall, the implementation of the current Alert Level restrictions has gone much better than in the August 2020 resurgence in Auckland. While there have been some problems with implementing the Alert Level boundary, particularly in relation to the initial location of checkpoints in the north, this was unsurprising given the pace at which we acted to heavily restrict travel in and out of Auckland. I am advised that traffic is moving relatively freely through checkpoints and there is good information available to the public on Alert Level settings and who is permitted to move in and out of Auckland. The government is connecting well with iwi in terms of them supporting checkpoints and vulnerable communities such as that in Port Waikato.
38. In terms of the options included in this paper, I am confident these will all be able to be readily implemented. I am advised, however, that if cases were identified outside of Auckland and the public health advice was to move other areas to a higher alert level, the NZ Police and other agencies involved in resourcing checkpoints, may struggle to provide enough personnel given their current commitments in Auckland.

Options

¹ Excluding 9 February 2021, Waitangi Day (Observed).

39. Evidence continues to emerge and the situation is moving quickly. I have therefore identified two options for Cabinet to consider, dependant on the situation as reported at the time Cabinet meets:

39.1 Option A: Move Auckland to an Alert Level 2 and move the rest of country to Alert Level 1 with additional measures to contain the risk associated with the wider Papatoetoe High School community from 11:59pm Wednesday 17 February 2021, to be reviewed on 22 February 2021. This Option is likely to be preferred if testing and case investigation provides confidence that the outbreak is contained.

39.2 Option B: Maintain current settings of Alert Level 3 in Auckland until 11:59pm 19 February 2021 and move the rest of the country to Level 1 from 11:59 17 February 2021. This option may be preferred if new evidence emerges that changes the assessment of risk.

Recommend Option A at this time

40. Based on the information and the advice of the Director General at the time of this writing, I recommend Option A. This option allows both Auckland, and the rest of the country, to move down one step in the Alert Level framework, with Auckland moving down to Alert Level 2, and the rest of the country moving to Alert Level 1. I consider this a proportionate response to the risk that still remains following the measures taken to date.

41. For Auckland, this option reflects the fact that there remain only a small number of cases identified in the community are clearly linked to the initial cases. No unlinked cases have yet been identified despite high levels of surveillance testing. However, some risk remains as we gather further test results and case investigation continues.

42. For the rest of New Zealand, a move down to Alert Level 1 reflects our confidence that there are likely no cases outside of Auckland.

43. The standard Alert Level 2 controls do not include restrictions on inter- regional travel. We may see people who live in Auckland travelling around the country to attend larger events that are less constrained under Alert Level 1 measures. This is seen as low risk, given our confidence that there is a relatively low risk of undetected community transmission.

44. If circumstances change from the time of this writing, my recommendation may change.

45. I propose that Cabinet formally review these settings on Monday 22 February.

Additional measures at Alert Level 1

46. These recent events continue to demonstrate the challenges with controlling COVID-19, particularly in advance of an outbreak being identified when we are at Level 1. Two measures that we have consistently promoted to the

public is wearing face coverings on public transport and keeping contact tracing records as additional layers in our defence. However, in both cases we continue to see low rates of uptake where these measures are voluntary. In light of the recent outbreak it is timely to reconsider our approach.

Face coverings on public transport

47. On 16 November 2021, Cabinet agreed to require face coverings to be worn on public transport in Auckland at Level 1 [CAB-20-MIN-0477]. This was in response to the continued baseline risk, elevated by recent cases in community. This requirement is subject to review, but remains in place at this time.
48. I propose that we expand the current requirement for those in Auckland to wear face coverings on public transport to apply to all of New Zealand from 11:59pm 17 February 2021. I propose that this setting be reviewed at Cabinet on Monday 22 February 2021.
49. I propose that the same settings, including exclusions, that apply to the face coverings requirements in Auckland at Level 1 will apply for the nationwide requirement. These settings are unchanged from those at Alert Level 2. This includes exclusions for children under 12 and those with a medical condition or disability that makes wearing a face covering unsuitable.
50. This change may create challenges for long-haul scenic passenger rail services offered by KiwiRail which are subject to the face covering requirement. KiwiRail considers that it is likely the face covering requirement that currently applies to the Northern Explorer service is reducing demand. The application of this requirement to their South Island services could influence the viability of those services. This issue could be considered as part of the review of this setting at Cabinet.

Contact tracing record keeping

51. During periods where we have no active cases and the perceived risk of transmission is low, we have seen low usage of the COVID tracer app, which can make engaging casual contacts with testing efforts more difficult, and limits the precision of any estimates about the potential spread of infection.
52. The Minister for COVID-19 Response will receive further advice from officials on usage of the COVID tracer app and other forms of record keeping to support contact tracing efforts. This will include advice on the impacts of mandating record keeping in certain contexts.

Problems with the Alert Level 3/2 boundary

53. It has become apparent there is a discrepancy between the description of the Alert Level 3/2 boundary in the Order and the map in both the Order and that has been published on the Unite Against COVID website. The description is 4 to 5 kilometres south of the mapped boundary between Port Waikato and the Waikato River near Te Kauwhata. The Order states that if there is a discrepancy between the legal description and the map, the description

prevails. Checkpoints have been established to enforce the boundary as shown in the maps, and the public rely on the map, not the legal description. This means there are people living in an area that is technically at Alert Level 3 but thinking they are at Alert Level 2.

54. To address this issue, officials are preparing advice for the Director-General of Health to consider granting a class exemption for people resident in that area from being subject to Alert Level 3 requirements if Cabinet's decision is to maintain the current Alert Level 3 area. If we move to Alert Level 2 in Auckland and Level 1 elsewhere, although there would not be the prohibition on inter-regional travel, the same approach should be taken.

Financial Implications

55. Imposing Alert Level controls reduces economic activity as discussed above and this will impact on tax revenues.

Legislative Implications

56. I will make or amend an Order under section 11 of the COVID-19 Public Health Response Act 2020 informed by Cabinet's decision.
57. Before making a replacement Order or amending an Order, I must have regard to any advice from the Director-General about the risks of the outbreak or spread of COVID-19, and the nature and extent of any measures that are appropriate to address those risks. I may also have regard to Cabinet's decision on the level of public health measures appropriate to respond to those risks and avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19.
58. Additionally, Ministerial consultation requirements will be satisfied through previous consultation on template Orders for Alert Level requirements and the proposals outlined in this paper.
59. The Act requires that there be 48 hours between publishing the Order and its coming into force. This requirement does not apply if I am satisfied that the Order should come into force urgently "to prevent or contain the outbreak or spread of COVID-19", nor must it apply when an Order only removes or reduces requirements.

Impact Analysis

60. The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short-term impacts of a declared emergency event of COVID-19 outbreak. These proposals are required urgently to be effective, making a complete, robust and timely impact analysis unfeasible.

Human Rights

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

Consultation

63. This paper was prepared by the COVID-19 Group in the Department of the Prime Minister and Cabinet. The Ministry of Health has provided specific input and text, including advice on the course of the outbreak, the public health response, and the views and recommendations of the Director-General of Health. The Treasury has provided input into relevant economic aspects. Further agency consultation has not been possible in the timeframe.

Communications

64. The Prime Minister will communicate the decisions set out in this paper after Cabinet agreement. Communications will be co-ordinated with the Government's broader communications around its COVID-19 response. This will include Chinese language communications.

Proactive Release

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

Recommendations

The Minister for COVID-19 Response recommends that Cabinet:

- 1** note that on the evening of 13 February, the Ministry of Health was alerted to two confirmed cases of transmission in the community (Cases A and B) and one household contact subsequently tested positive (Case C)
- 2** note that one classroom contact of Case A and their sibling returned positive results on 17 February (Cases D and E) and contact tracing for these cases is currently underway
- 3** note that contact tracing has identified 129 close contacts of Cases A, B and C so far there are three positive tests (Cases A, C and D), 75 negative tests, and 51 results are pending;
- 4** note on 16 February, 17,439 tests were undertaken, bringing the weekly total of tests to more than 45,000;
- 5** note that source investigation is continuing, however, no scenarios have yet been ruled out regarding source, with the possibility that a definitive source may not be found;

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- 6 note that based on the evidence available thus far, the Ministry of Health considers that while the risk of transmission from cases was initially considered high, the high number of tests across Auckland has provided a strong sense of reassurance that no extensive community transmission has occurred;
- 7 note the Director-General of Health's advice that the Auckland Region moves to Alert Level 2 but with additional measures applied to the wider Papatoetoe School community until we have more certainty about any further spread and the remainder of New Zealand move to Alert Level 1;
- 8 note that the additional measures would be given effect through under Section 70 of the Health Act;
- 9 note the Director-General will provide updated advice at Cabinet;

Options

- 10 Agree that one of the following options is an appropriate level of public health measures to respond to the risks of the outbreak or spread of COVID-19:
 - 10.1 Option A: Move Auckland to an Alert Level 2 and move the rest of country to Alert Level 1 with additional measures to contain the risk associated with the wider Papatoetoe High School community from 11:59pm Wednesday 17 February 2021, to be reviewed on 22 February 2021 (recommended);
 - 10.2 Option B: Maintain current settings of Alert Level 3 in Auckland until 11:59pm 19 February 2021 and move the rest of the country to Level 1 from 11:59pm 17 February 2021;
- 11 agree that Cabinet will next review settings on Monday 22 February 2021;

Measures at Alert Level 1

- 12 agree that the use of face coverings should be mandatory on all public transportation services at Alert Level 1 to be reviewed by Cabinet on 22 February 2021;
- 13 note a face covering requirement would be given effect through an Order under the COVID-19 Public Health Response Act;
- 14 note that I have asked officials to provide me with advice on increasing contact tracing record keeping including through use of the COVID-19 App, and that this advice will include consideration of making record keeping compulsory;

Other matters

- 15 note that, if Option A is agreed, the Resurgence Support Payment will be activated from Sunday 21 February 2021 (subject to a final Cabinet decision to appropriate the relevant funds, and an Order in Council);
- 16 note that the Alert Level boundary has created difficulties accessing food for the Port Waikato community and they are being supported by the Ministry of Social Development to ensure they have adequate supplies;
- 17 note that if Cabinet agrees to Option B, officials are preparing advice to the Director-General of Health recommending he consider granting a class exemption (taking into account public health advice) allowing members of the Port Waikato community to travel across the Alert Level boundary so they can access the nearest supermarkets;
- 18 note that it is apparent that there is a discrepancy between the Alert Level 3/2 boundary as described in the Order and represented in maps both in the Order and on government websites between Port Waikato and the Waikato River near Te Kauwhata;
- 19 note to address this problem officials will prepare advice to the Director-General of Health recommending he grant a class exemption (taking into account public health advice) to people living in the area between the legally described boundary and the mapped boundary allowing them to be at the lower Alert Level;
- 20 agree that the pre-Cabinet consultation and consideration at Cabinet fulfils the requirements of consultation with the Ministers of Justice and Health and the Prime Minister, as required under section 9 for the making of Orders under section 11 of the COVID-19 Public Response Act 2020; and
- 21 agree that Cabinet's decision today will be communicated by the Prime Minister.

Hon Chris Hipkins
Minister for COVID-19 Response