

Cabinet

COVID-19 RESURGENCE: FOURTH REVIEW OF ALERT LEVELS

Proposal

1. This paper reviews our progress against the spread of COVID-19 and proposes options for next steps.

Summary

2. On September 4 2020, Cabinet decided to extend until September 16 the Alert Level 2 controls that are in place across the country, with tighter limits on the size of social gatherings in Auckland.

Situation report

3. Our resurgence response plan continues to go well. We can be confident that cases are limited to a single cluster in Auckland, with minor exceptions and no recent cases of mysterious origin. Testing volumes remain reasonable. Contact tracing is fast. Our Managed Isolation and Quarantine (MIQ) arrangements continue to protect us from imported cases and we are seeing high compliance with the new requirements for face coverings. Public sentiment remains broadly positive.
4. Using the agreed transmission thresholds for Alert Level decisions, this outbreak continues to best fit the definition of Alert Level 2 in Auckland (with limited community transmission occurring), and Alert Level 1 elsewhere (with a low risk of cases spreading from Auckland, and no evidence yet that spread has in fact happened).
5. Until recently, almost all new cases had been detected in people who had already been identified as close contacts and isolated. However, we have recently become aware of a new sub-cluster that was generated by infected people visiting others contrary to public health advice and expectations. As at September 9, this sub-cluster has 22 cases. A number of these new cases were not isolated prior to testing positive, including students at two schools.
6. The non-compliance demonstrated by the gatherings and the fact that these close contacts were not at first disclosed to our contact tracers raises the possibility of additional exposure events and as yet undetected chains of transmission. The size of the cluster and the nature of the communities affected in Auckland add significantly to this risk.
7. Compared with our last review on September 4, both the number of active cases and the number of new cases in the last 14 days have fallen. These are good signs. But this new sub-cluster is a destabilising development.

Options

8. Recent modelling suggests that the probability that the virus has spread outside Auckland remains low, although it is not negligible. The Director-General's view is that the cluster continues to be contained. Because of this, and given the economic and social impact of Level 2 restrictions, one of the options in this paper is to move all areas other than Auckland to Alert Level 1.

9. With a large and still growing cluster, some cases whose epidemiological connection to the cluster is unknown, and some recently discovered undisclosed close contacts, we are not yet in a position to consider moving Auckland to Alert Level 1, but we can consider options for increasing gathering size limits there. Any changes to settings would take effect from 11:59pm on Wednesday September 16.
10. The simplest way to present our choices is in two steps. For Auckland the paper presents three options:
 - a. Option A: Maintain the status quo – ie, Level 2 controls, with social gathering size limits that are tighter than the standard Level 2 definition (groups of no more than 10, or up to 50 for approved funerals and tangihanga). This is the interim recommendation of the Director-General of Health.
 - b. Option B: Maintain Level 2 controls and increase the social gathering size limit to a maximum of 50, an intermediate step between where we are now and the standard Level 2 definition. The same limit of 50 would apply to funerals and tangihanga which would no longer need to be authorised.
 - c. Option C: Maintain Level 2 controls and increase the social gathering size limit to a maximum of 100, the standard Level 2 definition. Funerals and tangihanga would no longer need to be authorised.
11. For the rest of New Zealand, the paper presents two options:
 - a. Option D: Maintain the status quo – ie, continue Level 2 controls. This is the interim recommendation of the Director-General of Health.
 - b. Option E: Move to Level 1 controls.
12. If Cabinet chooses to move the rest of New Zealand to Alert Level 1, I do not propose an enforced boundary at the edges of Auckland. As well as being practically infeasible, advice from officials is that the imposition of movement restrictions is not justified in a Level 2 environment on public health grounds, given the low risk associated with community transmission in Auckland. This would mean that Aucklanders could leave their Level 2 environment and attend unrestricted events in Level 1 areas. We would continue to encourage people from Auckland to travel safely and to follow the rules that apply in Auckland even when outside it (for example, by not attending large social gatherings).

Process

13. There is more information on the situation around the transmission of the virus in paragraphs 23 to 32 and the view of the Director-General at paragraphs 56 to 68. There is more discussion of the options at paragraphs 69 to 95. The Director-General will provide his final assessment and advice on Monday September 14 before Cabinet.
14. If Cabinet prefers the status quo for both Auckland and the rest of New Zealand (Options A and D), no changes are required to the existing legal arrangements. If Cabinet prefers any of the other options, a replacement or revised Order would be required and the changes would come into effect from 11:59pm on Wednesday September 16. This reflects the 48-hour minimum notice period required in legislation.
15. Officials have set things up to enable any combination of public health measures that we have used before to be included in an Order signed the same day that Cabinet considers this paper. But if Cabinet were to prefer some additional or alternative set of controls that required additional policy development, this could mean implementation

of the novel requirements has to be delayed until that policy work can be done and the associated Order drafted and signed.

16. I propose that the next check-in be at Cabinet in one week, on Monday September 21, with any changes to Alert Levels coming into effect from Wednesday September 23.

Next steps

17. Our aim continues to be to gradually reduce Alert Level controls as we maintain control of this community outbreak and stop growth in the cluster. As explained in our last review, it could take some time to return to a state of elimination, ie with no active cases in New Zealand outside of MIQ.
18. The Director-General recommends that we maintain the status quo, review the gathering limits in Auckland in one week, and look to move to Level 1 outside of Auckland in two weeks, ie from Monday September 28 if we see no significant cases of community transmission outside Auckland in that time.
19. We will need to continue the effective operation of all of safety nets both to return to Alert Level 1 and to protect that status until treatment and a vaccine arrives. This means working together to maintain our tight controls at the border, to reinforce the basic hygiene measures with the public, and to continue our extensive testing and rapid contact tracing and isolation efforts for as long as they are required. In particular, in the next period we will need to keep testing volumes of those with symptoms high enough to give us confidence that we will spot the next resurgence as quickly as we possibly can.

Introduction

20. This paper has three main parts:
 - a. A situation report against the eight factors we use to make Alert Level decisions, including the interim views of the Director-General
 - b. The presentation of some options for the next phase, and
 - c. A view on what the future holds, including a transition path back to Level 1 for the whole of New Zealand.
21. A reminder of the eight factors is attached in Appendix 1, which also includes the thresholds for virus transmission that inform decisions about moving Alert Levels.

Situation report

22. Our COVID-19 strategy remains elimination, which includes stamping the virus out every time it comes back. We have seen the very significant economic and health benefits available from eliminating the virus, which is why we are working together to do that again.

Transmission situation

Auckland

23. As at 10am on September 11, there have been 176 cases of COVID-19 identified beyond MIQ, including probable cases. The earliest date of reported symptoms was July 31. All but two now historic cases can be linked to a single case confirmed on August 11. Of the total, 99 have now recovered and there have been two fatalities, leaving 75 active cases.

24. Compared with the first outbreak, cases this time are younger, more likely to be women and much more likely to identify as Pacific or Māori. Cases are also more severe, with higher rates of hospitalisation. Almost all cases are in Auckland. A map is attached that shows the geographic distribution of community cases there.
25. New cases in the cluster continue to be identified. These have primarily been amongst contacts that had already been identified and isolated, which increases our confidence that this cluster is contained. However, as mentioned above, some recently confirmed cases were not already isolated, nor had they been disclosed as close contacts in the contact tracing process.
26. There is no evidence of significant spread outside of the known cluster. However, there is a risk that there are active cases in Auckland that will not be identified through contact tracing, and which may open up new sub-clusters of infection. This is particularly because of the size of the cluster, the nature of the communities affected, the recent cases materialising outside the contact tracing process, and the gaps in our epidemiological record.
27. Our early move to Level 3 has slowed the spread of the cluster. Researchers at Te Punaha Matatini (TPM) estimate that the R0 for the virus fell from around 2.5 to around 0.65 under Level 3 controls in Auckland. R0 is a measure of the average number of people that each infected person goes on to infect. If that number is below one, then the virus will eventually be eliminated. TPM has recently advised that it is still too early to produce a reliable estimate for R0 under the current controls in Auckland. Analysis of the first outbreak shows that we were spreading the virus more quickly this time around, with R0, in the absence of public health measures, of around 2.5 compared with around 1.7 at the start of the previous outbreak.
28. Our low gathering limits will also have limited cluster growth. International evidence is that limiting event or gathering sizes can limit the number of super-spreading events, where one case infects many others. Estimates vary on the exact magnitude of the effect, but TPM analysis of cases in our first outbreak concluded that 20 per cent of cases among adults were responsible for between 65 and 85 per cent of all transmission. Unfortunately, modelling cannot yet tell us much that is useful about the impact of particular gathering limits, eg, 10 as compared with 50 or 100.
29. Analysis of exposure dates over the life of this outbreak, while highly uncertain at this point, shows that the peak day for infections was Sunday August 9. On this day, around 15 per cent of infections occurred within families living in the same household, a third were within families living in different households (including at church events), 10 per cent occurred at workplaces, and the remaining 42 per cent occurred in social settings, or are unknown. Contact tracing shows that church gatherings have been an important source of spread.

Outside Auckland

30. There is a small underlying risk of undetected community transmission in other regions. This risk has fallen significantly since the early stages of the outbreak because of the introduction of travel restrictions and other response measures, and as time passes. However, the reduction in risk has slowed since Auckland moved from Level 3 to Level 2, because of the increased ability of Aucklanders to travel outside the Auckland region.
31. Recent TPM modelling suggests that the probability of an undetected case outside Auckland sits between 5 per cent and 30 per cent as at September 9. This varies between the South Island (5 to 10 per cent) and the North Island outside Auckland (20 to 30 per cent), depending on assumptions about the amount of travel by Aucklanders

outside Auckland, and the duration of time spent there. The probability is also influenced by the travel of people from outside Auckland into Auckland and back.

32. Whether this probability increases or reduces in the future will depend on the effectiveness with which the community outbreak in Auckland is controlled, the amount of travel across the Auckland boundary, and the types of activity and lengths of stay associated with inter-regional travel. The level of testing in regions outside Auckland is also important, to ensure that any outbreak is detected quickly.

Other health system factors

33. Testing volumes have fallen from their peak in the early part of the resurgence but 52,000 were performed in the week of September 3 to 9, roughly twice as many as the same week a month ago from August 3 to 9 at Alert Level 1. Of those 52,000 tests, about 46,000 were in the community, 3,800 were border workers (including MIQ, port and airport workers) and 2,300 from MIQ guests.
34. Since Auckland moved to Level 2 on August 31, there have been 44,000 tests in Auckland and 37,000 elsewhere in the country. Of those, there have been 23,500 in Māori and Pacific communities. Testing rates for Māori are in line with their proportion of the population. The Pacific community is strongly over-represented in testing, accounting for about 15 per cent of tests versus eight per cent of the population. Outside of Auckland, where testing rates are higher, testing rates are consistent in all regions except the West Coast.
35. National testing guidance has been updated for the current outbreak and is clear that all people presenting with relevant symptoms should be tested, regardless of region. In Auckland, at-risk communities (including Māori, Pasifika, older people and those with pre-existing conditions) should be offered a test when presenting to primary or secondary care services, even if asymptomatic.
36. Although we cannot be certain of the source of the new outbreak, investigations have found no direct evidence of failure at the border nor of any transmission of the virus from imported goods. A new Order that came into effect on September 6, now requires the weekly testing of staff at Managed Quarantine Facilities, and fortnightly testing of staff at Managed Isolation Facilities and higher risk staff working at Ports of Auckland, Port of Tauranga and Auckland International Airport. An update to the Order is being developed to extend testing requirements to other ports and airports.
37. Contact tracing capacity remains sufficient to manage 350 cases per day. As at September 11, there have been 3,623 close contacts identified since August 11, 3,608 of whom have been successfully contacted. In the week to September 7, all 136 identified close contacts of cases in the community were contacted within 48 hours of being identified, ahead of the 80 percent standard. Preliminary analysis shows that our contact tracing is more effective than it was in the first outbreak, with the system showing better performance on a range of measures at Alert Level 3 than it showed last time under Alert Level 4.
38. As at September 10, just under 2.2 million people have registered their details with the Tracer app, and 360,000 QR Code posters have been created. We have seen more than two million scans per day for each of the last seven days. There is good regional spread of app registrations across the country.

Economic and fiscal factors

39. The economic situation has not changed much since we last considered these issues on August 24. Level 2 is generally expected to decrease GDP by around five per cent relative to Level 1 (which represents about \$300 million of output loss per week), and

each week spent at Level 2 will have a weakening effect on employment, confidence, and the underlying strength of the economy.

40. Between August 28 and September 4, there was a net increase of around 1,700 people on the Jobseeker benefit. There was a net decrease of over 6,000 people on the COVID Income Relief Payment (CIRP) due to a large cohort reaching the end of their entitlement period. Reasons for this group not yet showing up in Jobseeker numbers may include a combination of finding work, not being eligible and delays in switching. Over the same period around 1,400 people moved off one of those benefits and into employment. Applications for the 12-week CIRP payment will close on November 13.
41. In the week ending 4 September, the Wage Subsidy Scheme in its various forms was supporting around 375,000 jobs. In total \$13.9 billion has been paid out across the various iterations of the Wage Subsidy Scheme. The application period for the resurgence wage subsidy scheme closed on September 3, a deadline that seems to have led to a rush of applications.
42. The economic outlook is weak but continuing with our elimination strategy based on strong and well-targeted public health measures should allow economic activity to resume sooner than would otherwise be the case. This has been our experience to date and the experience of other countries that have successfully controlled the spread of the virus that causes COVID-19.

At risk populations

43. Pacific and Māori communities are disproportionately affected by this outbreak. They 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.
44. As noted above, testing rates remain high for Pacific peoples. Concerns within the Pacific community are now increasingly focused on employment and maintaining income within households. There is some reluctance for many Pacific families to access income support from the government, which is leading to some young people leaving school to take up jobs to support the household. Anecdotally, school principals are reporting situations where students are taking up employment overnight, for example stacking supermarket shelves, and are too tired to come to school.
45. Modelling published in the New Zealand Medical Journal last week has increased awareness of differences in infection rates and fatalities by ethnicity. In that work, the infection fatality rate for Māori is estimated to be at least 50 per cent higher than that of non-Māori. This is leading to more calls for a cautious approach to removing restrictions on gatherings or moving down Alert Levels in Auckland.
46. There is still low attendance at Auckland schools in South and West Auckland. This seems to be due to parental fears that it is not safe to return their children to school until either Alert Level 1 or after the school holidays. A recent positive case linked to a college in West Auckland has increased anxiety amongst parents and students at the school and its neighbours. The affected schools, supported by Auckland Regional Public Health Service, have responded and communicated well to manage risks and allay fears in the community.
47. Announcements this week about additional support and further changes to NCEA for senior secondary students in Auckland have been welcomed and are expected to reduce anxiety levels for students and teachers.

Public attitudes and compliance

48. Overall, we continue to see good public support for Alert Level controls. This is reflected in a high level of compliance with the basic asks we are making of the public.
49. Police is seeing good compliance with the new face covering requirements, and is continuing with its graduated enforcement approach, starting with a strong emphasis on education. There have been some relatively low-key protests related to requirements such as masks. Police continues to emphasise building and retaining public buy-in to restrictions including around gatherings, since strong social licence is the key to general compliance. Education, rather than vilification, should remain the order of the day where concerns arise.
50. In the 7 days to September 11, there were 235 notifications of breaches, 148 in Auckland, and the balance in the rest of the country. These notifications mostly relate to businesses and gatherings. Since the beginning of the recent restrictions:
 - a. There have been 46 (up from 44 last week) “clearances” recorded, meaning situations where there is sufficient evidence to justify a charge. These comprise 12 (up from 9) prosecutions, 33 (up from 31) warnings, and one referral to youth services.
 - b. A total of 2,414 (up from 2,319) breach notifications to the Police 105 non-emergency number have been submitted across all districts, of which 1,892 (up from 1,834) relate to breaches in Auckland.
51. Based on data up to September 4, there has been a significant increase in population movement with the move to Level 2 in Auckland. Domestic flights have also increased sharply with the move to Alert Level 2, but in fact only about half as many people are travelling as at Alert Level 1, because of the requirements for physical distancing.

Our ability to operationalise the restrictions

52. There are operational challenges in the transport system at Level 2. Public transport patronage is down about 30 per cent in Wellington and Christchurch, and about 50 per cent in Auckland. But physical distancing guidelines for operators reduce capacity by up to 80 per cent. The result is longer wait times for passengers, commercial difficulties for operators, extra costs for the National Land Transport Fund, and some instances of hostility for bus drivers in particular and confrontation amongst passengers.
53. In aviation, agreed seat configurations mean planes can only take 50 to 60 per cent passenger loadings. JetStar has suspended operations, saying it is not commercially viable to operate at present. Smaller airlines are also negatively affected. These challenges will grow worse when travel demand rises in the school holidays that start on September 26. Air New Zealand reports that it will have significant challenges carrying even the passengers that have already booked. Reduced transport capacity has flow-on impacts for tourism and businesses in regions that are reliant on tourism.
54. In light of these challenges, the Director-General of Health is looking at the guidance for transport operators that creates the physical distancing requirements with a view to rescinding it. There are various health precautions on public transport and planes apart from physical distancing, including the new mask requirements.
55. If Cabinet agrees to move New Zealand outside of Auckland to Alert Level 1, there would be some other operational issues, with physical distancing requirements, limits on gathering sizes and requirements to wear masks on public transport in Auckland but none outside of Auckland. As noted above, we would rely on public messaging to

encourage Aucklanders to travel safely outside Auckland, and to follow the requirements that apply in Auckland even when outside it.

Interim view of the Director-General

56. Having reviewed the public health factors agreed by Cabinet to be considered in relation to Alert Level decisions, as at 9.30am on September 11, the Director-General's assessment is as follows:
- a. All except two of the identified cases have been linked epidemiologically and/or genomically as part of one cluster. The two unlinked cases were reported more than two weeks ago, and after extensive testing of contacts have not shown any wider spread, suggesting that these have not led to additional clusters.
 - b. Of the linked cases in the cluster, four do not yet have an epidemiological link. This means that the source of infection for these cases remains unknown, with the possibility that there are additional as-yet-undetected cases in the community. That said, substantial community and casual contact testing has not identified wide community spread.
 - c. However, we have recently become aware of a new sub-cluster related to a bereavement that is associated with the Mt Roskill Evangelical Church. Multiple mourning gatherings are understood to have taken place at various family homes from August 28 to September 2, resulting in 12 cases in the sub-cluster at September 11. A number of cases were not isolating prior to testing positive, including students at two schools.
 - d. Testing has remained at high levels with more than 50,000 tests in the past week, showing that the public are still seeking and accepting tests. Testing guidance is clear that all people presenting with relevant symptoms should be tested, regardless of region; and that in Auckland at-risk communities should be offered a test even if asymptomatic.
 - e. Contact tracing capacity remains sufficient to manage 350 cases per day, and meets the WHO's guidelines for responsiveness, testing speed and notification of results.
 - f. Although we cannot yet be certain of the source of the new outbreak, investigations have found no direct evidence of failure at the border nor of any material to human transfer. More widely, there is still strong support for and compliance with the Government's approach and control measures. People presenting for voluntary testing, Healthline consultations and downloads of the COVID Tracer app demonstrate continued public support.
 - g. The health system has sufficient capacity, including workforce and ICU capacity, to respond to COVID-19 and has identified surge capacity and contingency plans; there is sufficient PPE capacity for those for whom it is recommended.
57. The Director-General has continued to review the application of control measures within the current Alert Level framework to ensure that settings are proportionate to public health risk and continue to respond effectively to the current situation. This has included recommending additional interim measures, in particular on gathering sizes, to implement the Alert Level "2 plus", which is current in effect in Auckland.
58. The Director-General's interim advice is that on balance we should maintain Alert Level 2 plus (including additional interim controls) in Auckland. That is, we should maintain Alert Level 2 mandatory use of face coverings on public transport and with

the additional measures of a maximum gathering size of 10 people (and exemptions for funerals/tangihanga).

59. Cases identified in the community are nearly all clearly linked to a single incursion and outbreak. New cases have continued to be identified, but they are linked to the single outbreak, and are largely identified in a cascade of contacts who have already been isolated. There is no evidence of significant spread outside the known cluster into other communities, and I have confidence that the cluster in Auckland continues to be contained.
60. However, the recent identification of new cases that are linked to the cluster as a result of infected people visiting others, contrary to clear public health advice and expectations, raises the possibility of additional exposure events and undetected chains of transmission. The size of the cluster and the nature of the communities affected in Auckland adds significantly to this risk.
61. In addition, we cannot yet be sure of the impact of the additional movement associated with Alert Level 2 plus within Auckland on the risk of community transmission. It would be prudent to continue to monitor case numbers for 28 days (i.e. two infection cycles) from the date of adopting Level 2 plus before we can have confidence that significant further spread has not occurred within Auckland. The Director-General therefore recommends that the Auckland region remains at Alert Level 2 plus, and that Cabinet reviews the gathering size limits in one week, with a view to relaxing this in Auckland should the number and nature of new cases allow.
62. The Director-General's interim view is that the rest of New Zealand should also remain at Alert Level 2 (including mandatory face coverings on public transport). We have not identified spread out of Auckland, except for the four cases in Tokoroa which are related to the cluster, so the Director-General has confidence that there is a low underlying risk of undetected community transmission in other regions.
63. However, in the Director-General's view, we should be cautious about moving to Alert Level 1 too soon. We cannot yet have sufficient confidence that inter-regional travel at Alert Level 2 has not led to undetected cases of COVID-19 being exported from Auckland to other areas. The identification of new cases in Auckland in a newly-seeded sub-cluster increases the risk, albeit low, of undetected cases who may now have travelled outside of the region. A further week of community testing of symptomatic people and asymptomatic surveillance testing of certain groups around the country will provide a higher level of assurance.
64. For this reason, the Director-General's interim view is that we should report no unexpected cases of community transmission outside Auckland for 28 days after Auckland moved to Alert Level 2 plus before moving to Alert Level 1 outside of Auckland. This would allow for two infection cycles to have passed without evidence of infection coinciding with travel into or out of Auckland.
65. We should also consider what additional interim control measures may be needed as regions move towards Alert Level 1. The Director-General recommends that we develop settings for an effective Alert Level 1 plus as a transition measure, which would include temporary restrictions on gathering sizes (likely to retain the Level 2 maximum of 100 people), and continued encouragement (though not compulsion) on the use of face coverings on public transport and domestic flights.
66. This would mean that the rest of New Zealand could move to Alert Level 1 plus on Monday 28 September, with additional interim controls for a further period to be determined. At that point, it would also be possible to consider a move to Alert Level 1 plus in Auckland as well, with the same interim controls.

67. In summary, the Director-General recommends maintaining the current Alert Level settings, but with a review of gathering size restrictions in Auckland in one week, and another review of Alert Levels in all areas in two weeks. That will mean that, at the time of the review on September 28, the Alert Level 2 settings will have been in place nationally for four weeks, with the increased Auckland gathering limit for two weeks.
68. The Director-General will provide his final assessment and advice on Monday September 14 before Cabinet.

Options

69. For simplicity of presentation, this paper provides options for Alert Levels separately for Auckland and for the rest of New Zealand.
70. For Auckland the paper presents three options:
 - a. Option A: Maintain the status quo – ie, Level 2 controls, with social gathering size limits that are tighter than the standard Level 2 definition (groups of no more than 10, or up to 50 for approved funerals and tangihanga).
 - b. Option B: Maintain Level 2 controls and increase the social gathering size limit to a maximum of 50 an intermediate step between where we are now and the standard Level 2 definition. The same limit of 50 would apply to funerals and tangihanga which would no longer need to be authorised.
 - c. Option C: Maintain Level 2 controls and increase the social gathering size limit to a maximum of 100, the standard Level 2 definition. Funerals and tangihanga would no longer need to be authorised.
71. For the rest of New Zealand, the paper presents two options:
 - a. Option D: Maintain the status quo – ie, continue Level 2 controls.
 - b. Option E: Move to Level 1 controls.
72. Any changes to settings would take effect from 11:59pm on Wednesday September 16. Whichever option we choose, the next check-in will be at Cabinet on Monday September 21, with any change in Alert Levels agreed at that meeting to take effect from 11:59pm on Wednesday September 23.

Options for Auckland

Option A (maintain Level 2 and tight gathering size limits in Auckland) (recommended by the Director-General of Health)

73. This option keeps in place our existing restrictions for longer. It means that in Auckland social gatherings are limited to a maximum of 10 people in general and in the home, and a maximum of 50 for approved funerals by exception. Hospitality and event facilities businesses in all parts of the country are limited to a total of 100 (in Auckland hospitality, in groups of 10 per table). Multiple bubbles of 100 are allowed in larger facilities, provided they occupy separate defined spaces. Other controls include the three S rules for hospitality (seated, single server, and separated).
74. As at Monday September 14, Auckland has been at Level 2 with tight gathering size limits for 14 days. This is sufficient time to start to see the impact of the move from Level 3 to Level 2 in the case numbers. We haven't seen any growth in daily numbers, most cases are identified close contacts of existing cases, and the new cases we are seeing are contained within the cluster. These are all encouraging signs.

75. On the other hand, and as mentioned above, we cannot be perfectly confident that all close contacts are being revealed to our contact tracers. These compliance issues suggest that the virus could still be being spread undetected to a limited extent and that it will show up in other sub-clusters in time. Contact tracing is sufficient to keep up with the task and additional resources are being provided to bolster local efforts, but overall the situation suggests a continuing requirement for caution. It also emphasises the importance of public messaging to ensure that people self-isolate and present themselves for a test if they develop symptoms of COVID-19.
76. The economic and social impacts of tight gathering size limits are meaningful. Retaining the current settings also indicates that a move to Level 1 is further away than previously might have been thought.

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

77. This option keeps Level 2 in place for Auckland but sets social gathering limits to 50, including in the home, for funerals, and at other events. Other controls, including the three S rules for hospitality (seated, single server, and separated) remain in place as well as the overall maximum of 100 people at event facilities and large venues (the limit of 10 per table in hospitality venues would no longer apply). Multiple bubbles of 100 continue to be allowed in larger facilities, provided they occupy separate defined spaces. The limit on numbers for tangihanga and funerals would remain at 50, but these would no longer need to be authorised.
78. Easing controls on social gatherings in Auckland would enable a helpful increase in economic and social activity, with weddings, community sport and cultural activities all more likely to be able to proceed. Harmonising the gathering size limits for funerals and tangihanga with those for other social gatherings makes the controls more coherent and easier to communicate. The removal of the requirement for funerals and tangihanga to be authorised would reduce the administrative burden for funeral organisers and the Ministry of Health.
79. Raising the limits on gathering sizes does increase the risk of spreading the virus in the community. It can also increase the work required of the contact tracing teams by lifting the potential number of close contacts for each case. Unfortunately, there is no straightforward way to quantify the impact of a larger gathering size limit on the risk of spread. But we can observe that gatherings, including some that were not in line with public health requirements, have been important to the growth of the cluster of cases we are now managing.

Option C (maintain Level 2 and lift gathering size limits in Auckland to 100)

80. This option retains Level 2 controls in Auckland and sets all social gathering limits to 100, including in the home, for funerals and at other events. The three S rules for hospitality rules remain the same, and the total number of people at an event facility continues to be capped at 100 (multiple bubbles of 100 continue to be allowed in larger facilities, provided they occupy separate defined spaces). Tangihanga and funerals would no longer need to be authorised.
81. This option represents the fastest possible expansion of economic and social activity, and would pave the way for the quickest move to Alert Level 1 if case numbers support that in due course. As for Option B, there is also benefit from a communications perspective in harmonising the limit on all social gatherings at a single number (and potentially having the whole country with the same limits).
82. There is also a higher risk of future growth in case numbers if there is undetected community transmission continuing in Auckland. Compared with the last time that we were at Alert Level 2 and facing this question of increasing gathering limits, we have

fewer open clusters but many more active cases, and we have reported more cases in the last 14 days. (There is a table under paragraph 96 that compares the first and second outbreaks at the same stage of decision-making).

Options for the rest of New Zealand

Option D (maintain Level 2 for the rest of New Zealand)

83. This option maintains the current Alert Level 2 controls for New Zealand outside Auckland, with standard requirements including those relating to physical distancing, social gathering limits of 100, standard hospitality rules, and the compulsory wearing of face coverings on public transport.
84. Sticking at Level 2 outside of Auckland is inconsistent with what we know of the general transmission situation, which as noted above meets the broad definition for Alert Level 1. As at September 14, New Zealand outside of Auckland will have been at Alert Level 2 for 33 days without confirmed cases other than the linked cases in Tokoroa (assuming nothing unexpected happens over the weekend).
85. In our last decision we nevertheless retained Level 2 controls to respond to the fact that the community outbreak in Auckland continues, and that there have been no barriers to Aucklanders travelling to the rest of New Zealand since controls there changed on August 31. With Level 2 controls, we would expect that any outbreak seeded from Auckland would be smaller when it was noticed and more readily brought under control than it would be if the rest of New Zealand was at Alert Level 1.
86. Despite high levels of testing and rapid contact tracing, there remains a real risk that travellers from Auckland could carry the virus with them to disease-free regions. As noted above, the best available modelling says that this risk is not high but it is not negligible either. It is rather higher in the North Island than in the South, given inter-regional travel patterns.
87. Ongoing testing in all regions is important to spot any exported cases quickly. It is encouraging that all regions bar the West Coast have good levels of testing and that no exported cases have been detected so far. As time goes by and we continue to contain the cluster in Auckland, our confidence about the risk of exporting cases will grow.

Option E (move the rest of New Zealand outside Auckland to Level 1)

88. This option moves the rest of New Zealand outside Auckland to Alert Level 1. At Alert Level 1, businesses are required to display QR codes but there are no other legal obligations. We would continue to encourage people to follow basic public health advice, and to keep track of their movements using the app or manual methods. As mentioned above, I do not propose an enforced boundary between Auckland and the rest of New Zealand under this option, but we would continue to encourage people from Auckland to travel safely and follow the requirements that apply in Auckland even when outside it (for example, by not attending large social gatherings).
89. Our aim has been to move the country back to Alert Level 1 as soon as it is possible to safely do so given the significant economic and social benefits available, including from removing social gathering size limits and the requirements for physical distancing. Moving areas outside of Auckland from Alert Level 2 to Alert Level 1 would reduce the expected output loss of our present situation by about \$200 million per week, a welcome boost to economic activity.

Other options

90. The Ministry of Health is separately reviewing whether the evidence supports making the use of face coverings mandatory in a wider range of indoor settings at Alert Level 2 and above. Encouraging, rather than requiring, the use of masks on public transport at Alert Level 1 is also under consideration. The Ministry is also investigating the value of an enhanced Level 1 to ease the transition, once conditions allow. Similar to the Level 2 plus in effect in Auckland, and to the initial move into Level 2 in the first wave of the pandemic, this would be likely to involve limits on gathering numbers in the initial phase.
91. The results of these reviews will not be known in time for this review of Alert Levels, but any changes can be factored into future decisions.
92. Officials are also at work on some adjustments to practices around paper-based contact recording. This includes exempting supermarkets and petrol stations for practical reasons, and encouraging businesses to change their operational practices to no longer use publicly accessible paper registers to boost privacy.
93. As mentioned above, the Director-General intends to rescind previously-issued advice, to make it clear that physical distancing is not required on public transport, including planes. The current Order does not require physical distancing on public transport or planes, because of practicability issues. However, previous guidance on how distancing can be achieved has continued to be strictly applied by operators, and has affected the viability of some services.

What the future holds

94. The best-case scenario continues to be a gradual de-escalation of Alert Level controls linked with a tailing off of growth in the cluster. Even in that best case, it will take some time to get back to Alert Level 1 controls nationwide, assuming we continue our approach of choosing the speediest safe path available to roll back controls.
95. Below is a table that shows case numbers in the previous 14 days and the Alert Level de-escalation we followed last time around compared with our situation now. It shows that, although we have fewer clusters now than we had when we agreed to move to Level 2 in mid-May, we have more recent cases and a higher number of active cases than we had then.
96. There are limits to how far the comparison can take us though and some reasons to be more confident this time. Last time we had multiple cases spread around the country, rather than a single large cluster focused on Auckland. We also now have more effective contact tracing and testing systems in place and stronger border protections. And we have upgraded our basic public health measures, including by mandating face coverings on public transport and with high take-up of the Tracer app.

Table 1: Alert Levels, case numbers and active cases April to June 2020 and now

Date	Decision	Open clusters	Cases in previous 14 days	Active cases
April 28	Move to Alert Level 3	15	115	219
May 13	Move to Alert Level 2 Gathering limit: 10	9	22	74
May 29	Stay at Alert Level 2 Gathering limit: 100	5	2	1

June 8	Move to Alert Level 1	4	0	0
September 2	Stay at Alert Level 2 Auckland gathering limit: 10	1	70	94
September 11	Auckland: Stay at Alert Level 2 Gathering limit: 10, 50, or 100 Elsewhere: Stay at Alert Level 2 Or Move to Alert Level 1	1	51	75

Note: the case numbers for September exclude MIQ. The figures for the earlier dates are also for cases found in the community but some of these will have crossed the border.

97. It is a decision for Cabinet as to when to move down Alert Levels, taking into account a range of factors including the advice of the Director-General of Health. In the first outbreak, the Director-General's original recommendation was that a move to Level 1 should not happen until at least 28 days after fully implementing Level 2. But a long run of zero-case days, the positive results from widespread asymptomatic testing, and new modelling showing that New Zealand was highly likely to have eliminated transmission of the virus, made it prudent to reconsider that recommendation.
98. In the current outbreak, the rest of New Zealand has been at a fully implemented Level 2 for 33 days as at September 14. Auckland has been at a strict version of Alert Level 2 for 14 days. The Director-General's view, as mentioned above, is that the rest of New Zealand should move to Level 1 once Auckland has been at Level 2, with the inter-regional travel that that allows, for 28 days, or two infection cycles of the virus that causes COVID-19, assuming there are no unexpected cases of community transmission detected in other regions in that time.
99. The agreed risk thresholds for Alert Level 1 refer to a situation where "isolated local transmission could be occurring in New Zealand". We could move to Level 1 while still seeing a small number of cases coming through that were close contacts of known cases. We would need to continue to have sufficient testing of those with symptoms taking place to be confident that if the COVID-19 virus was being spread around the community, we would find out about it very quickly.

Financial Implications

100. Imposing Alert Level controls reduces economic activity as mentioned above, and this will impact on tax revenues. We have brought in further support for households and businesses affected by the heightened Alert Levels.

Legislative Implications

101. I will consider whether to replace or amend the Order under s11 of the COVID-19 Public Health Response Act 2020 that puts in place the current Alert Level controls.
102. Before making a replacement Order, I must have regard to any advice from the Director-General about the risks of the outbreak or spread of COVID-19, and the nature and extent of any measures that are appropriate to address those risks. I may also have regard to Cabinet's decision on the level of public health measures appropriate to respond to those risks and avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19.

103. The Act requires that there be 48 hours between notifying the Order and its coming into force. This requirement does not apply in the case of urgency, where the Order is made “to prevent or contain the outbreak or spread”, but this condition will not be met where restrictions are relaxed.
104. As mentioned above, officials have set things up to enable any combination of public health measures that we have used before to be included in an Order signed the same day that Cabinet considers this paper. But if Cabinet were to prefer some additional or alternative set of controls that required additional policy development, this could mean implementation of the novel requirements has to be delayed until that policy work can be done and the associated Order drafted and signed.
105. The existing Order does not expire. This means that it can continue in place until any new Order is drafted. However, technical amendments may be needed to clarify the current rules.

Impact Analysis

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

Human Rights

107. 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].
108. Relevant departments and the Solicitor-General will continue to keep any remaining restrictive measures under review to ensure that they remain necessary and are implemented in a way that is consistent with the New Zealand Bill of Rights Act.

Population impacts

109. Impacts for at risk populations are explored in this paper at paragraphs 43 to 47.

Consultation

110. This paper was prepared by the Department of the Prime Minister and Cabinet (Policy Advisory Group), working with the All of Government COVID-19 unit. The Ministries of Health, Business, Innovation and Employment, Culture and Heritage, Education, Foreign Affairs and Trade, Justice, Pacific Peoples, Primary Industries, Social Development, and Transport, the Departments of Corrections and Internal Affairs, plus Customs, Te Puni Kōkiri, the Treasury, the NZDF, NEMA, PCO, the Public Service Commission, Crown Law, the Police, and my Chief Science Advisor were given a short opportunity to comment on a late draft.

Communications

111. The Prime Minister will communicate the decisions set out in this paper after Cabinet agreement. Communications will be co-ordinated with the Government’s broader communications around its COVID-19 response.

Proactive Release

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

Recommendations

113. The Minister of Health recommends that Cabinet:

1. **note** that we maintained Alert Level 2 controls nationwide with tight gathering size limits in Auckland until 11:59pm on Wednesday September 16 to continue to limit the potential spread of COVID-19 [CAB-20-MIN-0432];

Situation

2. **note** that our plan to respond to a resurgence of the virus is going well, with reasonable levels of testing, speedy contact tracing, and strong public support for and compliance with the controls we have imposed;
3. **note** that the Director-General of Health is satisfied that:
 - 3.1. the cluster in Auckland continues to be contained;
 - 3.2. there is a low underlying risk of undetected community transmission in other regions;
 - 3.3. testing has remained at high levels;
 - 3.4. contact tracing capacity remains sufficient to manage 350 cases per day, and meets the WHO's guidelines for responsiveness, testing speed and notification of results;
 - 3.5. border measures remain robust and investigations of the source of the new outbreak have found no direct evidence of failure nor of any material to human transfer;
 - 3.6. more broadly, there is still strong support for and compliance with the Government's approach and with control measures;
 - 3.7. the health system has sufficient capacity, including workforce and ICU capacity, to respond to COVID-19 and has identified surge capacity and contingency plans; and there is sufficient PPE capacity for those for whom it is recommended;
4. **note** that the Director-General sees the following risks:
 - 4.1. The recent identification of new cases that are linked to the cluster as a result of infected people visiting others contrary to clear public health advice and expectations raises the possibility of additional exposure events and undetected chains of transmission;
 - 4.2. Given the size of the cluster and the nature of the communities affected, there remains a risk of undetected community transmission in Auckland;
 - 4.3. The additional population movement associated with the recent move to Alert Level 2 within Auckland will add further to the risk of transmission;
 - 4.4. It is too soon to be able to judge the effectiveness of Level 2 controls in Auckland in mitigating that risk;
5. **note** that the Director-General is of the view that on balance, we should:
 - 5.1. maintain existing Alert Level controls in Auckland and review the limits on gathering sizes in one week;
 - 5.2. maintain existing Alert Level 2 controls outside of Auckland for at least two further weeks, with a view to then moving to Alert Level 1 if we see no unexpected cases of community transmission outside of Auckland in that time;
 - 5.3. develop settings for an effective Level 1 plus as a transitional measure, which would include temporary restrictions on gatherings sizes and

continued encouragement on the use of face coverings on public transport and domestic flights;

6. **note** that Cabinet may decide the appropriate level of public health measures to avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (taking into account the social, economic, or other factors) and to that end;

Options for Auckland

7. **agree** to maintain Auckland at Alert Level 2 until at least 11:59pm on Wednesday September 23;
AND EITHER (Option A) (recommended by the Director-General of Health)
8. **agree** to maintain the existing gathering size limits in Auckland of 10, except for funeral or tangihanga, which can have up to 50 people if they are registered with the Ministry of Health and meet a range of public health measures;
OR (Option B)
9. **agree** to increase the gathering size limits in Auckland to 50 for all types of gatherings from 11:59pm on Wednesday September 16;
OR (Option C)
10. **agree** to increase the gathering size limits in Auckland to 100 for all types of gatherings, in line with the standard definition of Level 2 controls, from 11:59pm on Wednesday September 16;

Options for the rest of New Zealand

- AND EITHER (Option D) (recommended by the Director-General of Health)**
11. **agree** to maintain the rest of New Zealand at Alert Level 2 until at least 11:59pm on Wednesday September 23;
OR (Option E)
12. **agree** to move the rest of New Zealand to Alert Level 1 from 11:59pm on Wednesday September 16;
AND (for all options)

Other matters

13. **agree** that Cabinet will again consider these Alert Level matters not later than Monday September 21, with the expectation that any changes in Alert Levels made subsequent to that discussion would come into effect from 11:59pm on Wednesday September 23;
14. **note** the Minister of Health, in making any changes to the current Order under s11 of the COVID-19 Public Health Response Act 2020, will have regard to Cabinet's decisions and further comments from Ministers arising out of consultation, as well as considering what is appropriate to achieve the purpose of the Act;
15. **note** that we will continue to monitor our situation closely and make adjustments quickly if necessary;
16. **agree** that Cabinet's decisions today will be communicated by the Prime Minister.

Hon. Chris Hipkins
Minister of Health

Proactively Released

Appendix 1: How we make Alert Level decisions

1. Cabinet has previously agreed to use eight factors to guide decisions on the appropriate Alert Level settings [CAB-20-MIN-0199; CAB-20-MIN-0387]:
 - a. the Director-General of Health's satisfaction on four health matters:
 - i. trends in the transmission of the virus, including his confidence in the data and having regard to the risk assessment levels agreed by Cabinet;
 - ii. the capacity and capability of our testing and contact tracing systems;
 - iii. the effectiveness of our self-isolation, quarantine and border measures; and
 - iv. the capacity in the health system more generally to move to the new Level
 - b. evidence of the effects of the measures on the economy and society more broadly;
 - c. evidence of the impacts of the measures for at risk populations in particular;
 - d. public attitudes towards the measures and the extent to which people and businesses understand, accept and abide by them; and
 - e. our ability to operationalise the restrictions, including satisfactory implementation planning.
2. On August 10, Cabinet agreed the following risk assessments as being the thresholds to inform decisions on moving between Alert Levels [CAB-20-MIN-0367 refers]:

Alert Level	Risk assessment The Director-General of Health is satisfied that there is sufficient data from a range of sources to have reasonable certainty that there is/are:
Level 4	<ul style="list-style-type: none">• Sustained and intensive community transmission• Widespread outbreaks
Level 3	<ul style="list-style-type: none">• Multiple cases of community transmission occurring• Multiple active clusters in multiple regions
Level 2	<ul style="list-style-type: none">• Limited community transmission occurring• Active clusters in more than one region
Level 1	<ul style="list-style-type: none">• COVID-19 is uncontrolled overseas• Sporadic imported cases• Isolated local transmission could be occurring in New Zealand

3. These risk assessments can be applied at a local or national level, with appropriate flexibility and judgement. In general, it will make sense to have a lower risk tolerance when applying Alert Levels at a local level, particularly in the immediate response phase as we ascertain the scope of the situation.
4. In determining what comes after the immediate response phase, we are particularly interested in:
 - a. the connection of the cases to a known source at the border;

- b. the number of cases and close contacts; and
- c. the geographic spread of cases, including across regions.

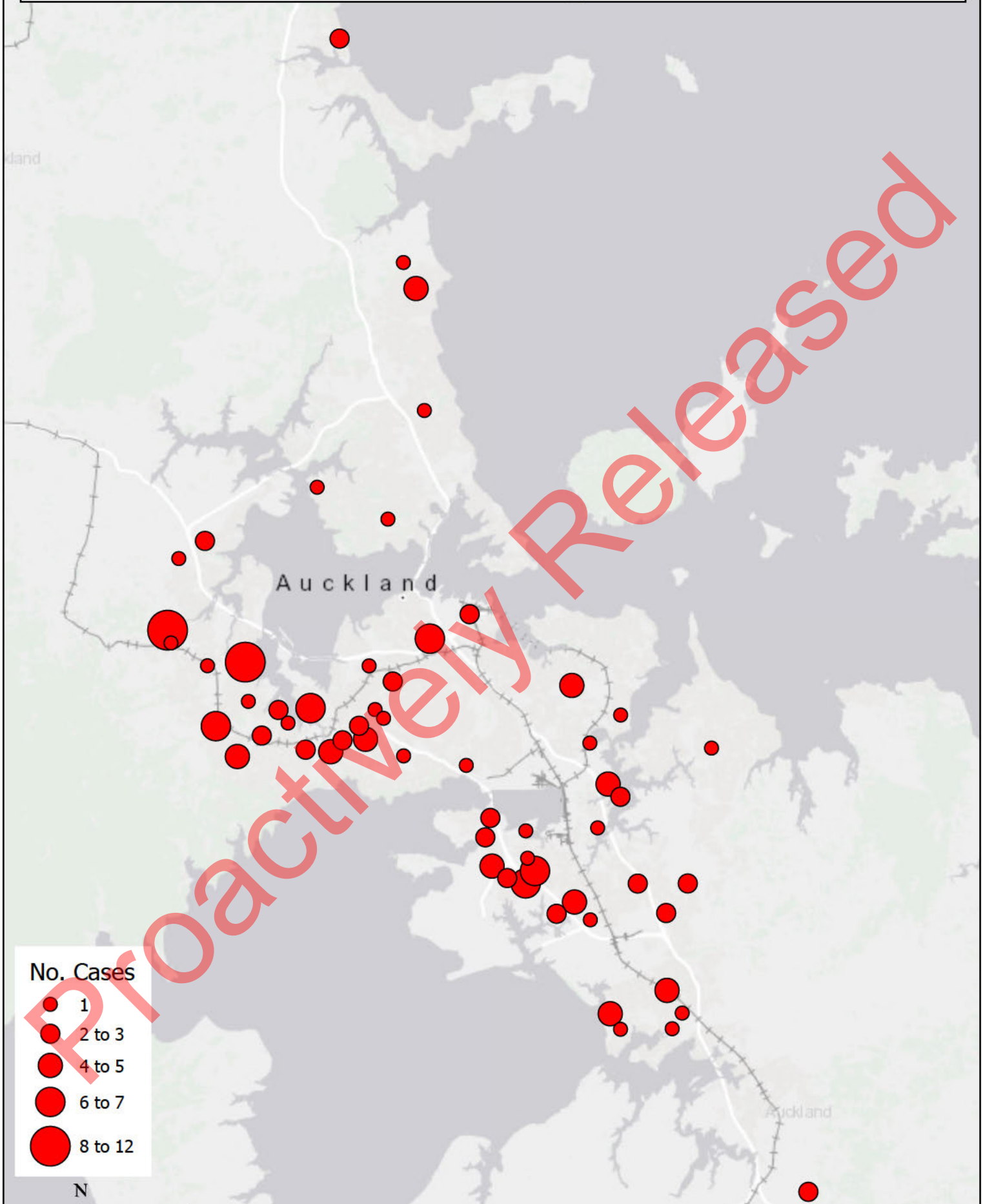
Proactively Released

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

[to be attached]

Proactively Released

Graduated symbol map showing the distribution of COVID-19 cases within the 'Auckland August Cluster'



No. Cases

- 1
- 2 to 3
- 4 to 5
- 6 to 7
- 8 to 12

N



0 100 200 km

This map displays the location of confirmed and probable cases within the 'Auckland August Cluster'. As at 9 September 2020 there are a total of 171 cases associated with this cluster. 6 cases have been excluded from the map due to a lack of geographic information, with a further 3 omitted for being outside of the Auckland area.

To maintain confidentiality, symbols are positioned in the centre of each neighbourhood and do not represent the specific street-level location of the case(s).



Cabinet

Minute of Decision

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

COVID-19 Resurgence: Fourth Review of Alert Levels

Portfolio Health

On 14 September 2020, Cabinet:

Situation

- 1 **noted** that Alert Level 2 controls were maintained nationwide with tight gathering size limits in Auckland until 11:59 pm on Wednesday, 16 September 2020 to continue to limit the potential spread of COVID-19 [CAB-20-MIN-0432];
- 2 **noted** that the plan to respond to a resurgence of the virus is going well, with reasonable levels of testing, speedy contact tracing, and strong public support for and compliance with the controls imposed;
- 3 **noted** that the Director-General of Health (Director-General) is satisfied that:
 - 3.1 the cluster in Auckland continues to be contained;
 - 3.2 there is a low underlying risk of undetected community transmission in other regions;
 - 3.3 testing has remained at high levels;
 - 3.4 contact tracing capacity remains sufficient to manage 350 cases per day, and meets the WHO's guidelines for responsiveness, testing speed and notification of results;
 - 3.5 border measures remain robust and investigations of the source of the new outbreak have found no direct evidence of failure nor of any material to human transfer;
 - 3.6 more broadly, there is still strong support for and compliance with the government's approach and with control measures;
 - 3.7 the health system has sufficient capacity, including workforce and ICU capacity, to respond to COVID-19 and has identified surge capacity and contingency plans; and there is sufficient PPE capacity for those for whom it is recommended;
- 4 **noted** that the Director-General sees the following risks:
 - 4.1 the recent identification of new cases that are linked to the cluster as a result of infected people visiting others contrary to clear public health advice and expectations raises the possibility of additional exposure events and undetected chains of transmission;

- 4.2 given the size of the cluster and the nature of the communities affected, there remains a risk of undetected community transmission in Auckland;
 - 4.3 the additional population movement associated with the recent move to Alert Level 2 within Auckland will add further to the risk of transmission;
 - 4.4 it is too soon to be able to judge the effectiveness of Level 2 controls in Auckland in mitigating that risk;
- 5 **noted** that the Director-General is of the view that on balance, we should:
- 5.1 maintain existing Alert Level controls in Auckland and review the limits on gathering sizes in one week;
 - 5.2 maintain existing Alert Level 2 controls outside of Auckland for at least two further weeks, with a view to then moving to Alert Level 1 if we see no unexpected cases of community transmission outside of Auckland in that time;
 - 5.3 develop settings for an effective Level 1 plus as a transitional measure, which would include temporary restrictions on gathering sizes and continued encouragement on the use of face coverings on public transport and domestic flights;
- 6 **noted** that Cabinet may decide the appropriate level of public health measures to avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (taking into account the social, economic, or other factors) and to that end;

Auckland

- 7 **agreed** to maintain Auckland at Alert Level 2 until at least 11:59 pm on Wednesday, 23 September 2020;
- 8 **agreed** to maintain the existing gathering size limits in Auckland of 10, except for funeral or tangihanga, which can have up to 50 people if they are registered with the Ministry of Health and meet a range of public health measures;
- 9 **agreed** that the limits on gathering sizes in Auckland be reviewed at Cabinet on Monday, 21 September 2020;

Rest of New Zealand

- 10 **agreed** to maintain the rest of New Zealand at Alert Level 2 until at least 11:59 pm on Monday, 21 September 2020;
- 11 **agreed in principle** that the rest of New Zealand move to Alert Level 1 from 11.59 pm on Monday, 21 September 2020, depending on how cases are tracking and maintaining containment, **subject to** confirmation at Cabinet on 21 September 2020;

Other matters

- 12 **agreed** that Cabinet will again consider these Alert Level matters not later than Monday, 21 September 2020, with the expectation that any changes in Alert Levels would come into effect in Auckland from 11:59 pm on Wednesday, 23 September 2020 and in the rest of New Zealand from 11.59 pm on Monday, 21 September 2020;

- 13 **noted** that the Minister of Health, in making any changes to the current Order under s11 of the COVID-19 Public Health Response Act 2020, will have regard to Cabinet's decisions and further comments from Ministers arising out of consultation, as well as considering what is appropriate to achieve the purpose of the Act;
- 14 **noted** that the situation will continue to be monitored closely and adjustments made quickly if necessary;
- 15 **noted** that the Director-General intends to clarify previously issued advice to make it clear that physical distancing is not required on public transport, including planes, but that the use of face coverings on public transport and planes will continue to be mandatory under Alert Level 2;
- 16 **agreed** that Cabinet's decisions be communicated by the Prime Minister;
- 17 **noted** that in accordance with agreed coalition processes, the party leaders of Labour and New Zealand First have agreed that the New Zealand First Party will be free to differentiate publicly in respect of the decision that the rest of New Zealand remain at Alert Level 2.

Michael Webster
Secretary of the Cabinet