



## Proactive Release

The following Cabinet paper and related Cabinet minute has been proactively released by the Department of the Prime Minister and Cabinet, on behalf of Rt Hon Jacinda Ardern, Prime Minister:

Review of COVID-19 Alert Level 3

The following documents have been included in this release:

***Paper: Review of COVID-19 Alert Level 3 (CAB-20-SUB-0220 refers)***

***Minute: Review of COVID-19 Alert Level 3 (CAB-20-MIN-0220 refers)***

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

### Key to redaction code:

- 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials.

Cabinet

## REVIEW OF COVID-19 ALERT LEVEL 3

### Proposal

1. This paper reviews how we are going in countering the spread of COVID-19 and sets a path for the next period.

### Summary

2. We are continuing to make encouraging progress on our national effort to control the spread of COVID-19. Reported new case numbers remain very low. There have been no confirmed cases of local transmission since April 2. Testing volumes remain high. We have sped up contact tracing. Our border quarantine measures are effective. We are exploring supervised isolation measures for all confirmed cases.
3. We must continue to be vigilant. New information about the virus gives us no cause for optimism that its elimination will get any easier. As at May 8, we still have 12 active clusters that have reported new cases in the last 28 days. The virus has spread to some vulnerable communities, notably several rest homes. Continued high compliance by New Zealanders with the restrictions that we impose will be essential.
4. But, thanks to our decisive actions, the risks from the virus are much lower than they were seven weeks ago when we first moved to Level 3. We have firm border controls, an effective disease surveillance plan backed up by high testing rates, including in under-served populations, a better and faster process of notification, testing and isolation for confirmed cases, and a health system with substantial capacity to manage more than the small number of COVID-19 cases that we have in combination with its usual level of health services demand.
5. The Director-General of Health's assessment is that New Zealand is on track to move nationally to Level 2, beginning May 13. As explained further below, he recommends that the transition be implemented in a way that initially restricts the highest risk activities by limiting gathering numbers, and keeping bars closed for an additional period.
6. We now face a choice about when and how to move out of Level 3 controls.
7. No matter which path we choose, we will continue our fundamental defences against the spread of the virus. These defences are border controls, public health basics such as hand hygiene and physical distancing, wide availability of testing to identify cases, speedy tracing of cases, isolating those infected and their close contacts, and firm enforcement of the rules we set. We will continue to closely monitor our situation and make rapid adjustments when we see a change in circumstances.

### *Four options for today*

8. This paper presents four options:
  - a. Option A: Move fully to Level 2 controls nationwide from 11:59pm on Wednesday May 13

- b. Option B: Move to Level 2 controls nationwide from 11.59pm on Wednesday May 13 but continue to restrict 'uncontrolled' gatherings that pose the greatest public health risk by delaying such social gatherings, whether in private or public venues, for at least two weeks.
  - c. Option C: Move to Level 2 controls nationwide from 11:59pm on Wednesday May 13 but continue to restrict uncontrolled gatherings that pose the greatest public health risk as in Option B. In addition, bars and clubs would be closed for one additional week, reopening on Thursday May 21 if we do not see a rise in cases in the meantime
  - d. Option D: Hold at Level 3 for at least two more weeks, ie, until at least Wednesday May 27.
9. Whichever option we choose, we will formally review our approach again at Cabinet in two weeks, on Monday May 25.

*How to make this choice*

- 10. Our current situation best fits the Alert Level definition of Level 2, ie, that the disease is contained but the risk of community transmission remains, that transmission within households could be occurring, and that there are single or isolated cluster outbreaks.
- 11. The economic, fiscal, social and wider health system factors all favour the fastest possible easing of controls, so long as that is safe. Safe, in this case means that we would need to be confident that any easing will not lead to transmission of the virus re-emerging at such a scale that it cannot be controlled by the core public health measures of testing, case isolation and contact tracing. Should the virus re-emerge at scale, we'd be required again to raise the national Alert Level.
- 12. With our high level of testing and ongoing low case numbers, we can be confident that it is very unlikely that COVID-19 is circulating in the community undetected. Given that confidence in our position now, the core question for choosing between options is what we think about the future, ie whether the spread of COVID-19 might again get out of control. This assessment needs to also consider the fact that we have not yet been at Level 3 for long enough to have a full view of its potential impacts on transmission rates of the virus.
- 13. There are three main factors (leaving aside the particular risks posed by the border, where controls stay the same under all options) that are central to our decision:
  - a. One factor is the speed and quality of our detection, testing, contact tracing and isolation process. Emerging evidence from Professor Shaun Hendy and his team shows that we can contain the spread of the virus at Level 2 if our contact tracing, testing and isolation systems work sufficiently quickly and effectively. We have made progress in scaling up our system, but it is yet to be tested under significant case load.
  - b. A second factor is the strength of our controls. We have chosen quite a liberal set of controls at Level 2, which means an increased risk that the virus, in the unlikely event it is out there undetected or if it escapes from our containment, will begin to spread again, even in places that have not seen a case for 28 days or more.
  - c. The third factor is our confidence in compliance by New Zealanders. Level 2 relies on voluntary action in large part for compliance with guidance and rules, with enforcement only likely in the more egregious cases. Maintaining strong levels of public buy-in is critical, and this will require effective communication with

all parts of society. The evidence we have is that compliance remains high and public support solid, but continuing low case numbers do bring questions about the need for the more restrictive controls.

#### *What the future holds*

14. The main differences between Level 3 and Level 2 are that most businesses can operate, personal movement is freed up, inter-regional travel is permitted, all children and young people can return to early learning and school, and sport can resume. Level 1 would still bring a further welcome increase in freedom, with no physical distancing requirements, or restrictions on personal movement, travel or gatherings. The threshold for a move to Level 1 is a sustained period with no evidence of local transmission.
15. If we can continue to contain the virus at Levels 2 and then 1, responding immediately to all cases as we see them emerge, then our main focus in the coming weeks and months will be on moderating the worst of the economic impacts and supporting the domestic recovery. This includes exploring our options to re-open the border where that is consistent with minimising the risks of re-importing COVID-19.
16. If, on the other hand, we are not able to contain the virus at the lower Alert Levels and manage those cases that emerge with robust local controls, then we will need in future to increase the Alert Level again. As we have seen all too clearly, even countries that already had highly effective systems for managing infectious diseases have been challenged by COVID-19.

#### **Introduction**

17. There are three main parts to this paper:
  - An update on where we stand on case numbers and against the factors for moving Levels agreed at Cabinet on April 14 and updated last week [CAB-20-MIN-0161, CAB-20-MIN-0199].
  - An explanation of what Level 2 looks like.
  - A discussion of the four options.

#### **Our situation now**

##### *We are continuing to make good progress*

18. Our approach to controlling the spread of COVID-19 has been precautionary. We did not ever let the virus get more than a toehold in New Zealand. We closed our border to non-residents when we had only 28 cases and went into lockdown six days later with 205 cases, just 21 days after we reported our first.
19. The very low daily counts of new cases that we see now are the encouraging result of that early action. But as I said last week, we are not yet out of the woods. We will only start to see the effects of the move to Level 3 in the case numbers in the coming days.
20. In making this decision today, we need to test our situation and our view of the future against the agreed health, social and economic criteria.

##### *Public health factors*

21. New case numbers have declined further over the past week to consistently fewer than five per day. As at May 8, we have 122 active cases down from 929 on April 6.

SENSITIVE

22. Levels of community transmission have also substantially reduced. We have had no confirmed cases of community transmission since April 2, ie people who were infected in New Zealand and are not able to be linked to a known case.
23. As at May 8, we had reported a total of 21 deaths, all from the particularly vulnerable older population with underlying health conditions. We continue to have relatively few serious cases or admissions to hospital, with those aged 20-29 making up the largest group of the infected, women outnumbering men, and those identifying as Māori and Pasifika accounting for a lower proportion of cases than those groups make up in the general population.
24. We have had 16 significant clusters, ie groups of more than 10 connected cases. As at May 8, 12 of those clusters were classified as active, ie, they had reported new cases in the last 28 days. Four had reported a case in the last 7 days, one in the last 14 days, and the remaining seven last reported a case more than 14 days ago. Four clusters are already closed.
25. Under Level 4 controls our R0 was 0.4. R0 is a measure of how many people each confirmed case goes on to infect. If R0 remains below 1, the disease will eventually be eradicated. Unchecked, COVID-19 is thought to have an R0 of 2.5 or more, indicating that our Level 4 controls were highly effective against the spread of the virus. It is too soon to say yet what our R0 is under Level 3 with any confidence.
26. Remaining cases are concentrated in particular areas, especially in Auckland, the Waikato, Canterbury and Hawke's Bay. The attached map shows the number of days since the last case by territorial authority. Of the 66 territorial authorities we have data on, as at May 5, there have been no cases for 28 days or more in 36, and five more have never recorded a case.
27. We have 12 labs across the country with an increasing capacity to test, now standing at more than 12,000 tests a day. Our diversified lab testing platforms and centralised procurement have meant that we are able to obtain sufficient lab supplies to meet our needs for both case detection and surveillance, even in a situation where there is unprecedented global demand for testing. We now have one of the highest rates of testing in the world, testing more people per capita than countries such as Australia, the UK, Germany, Singapore, South Korea and Taiwan. We have a very low rate of positive tests, which is a good sign, especially given that we are testing widely. As at May 8, stock on hand at labs is 84,000, which is 16 days' supply at the current (7-day average) level of testing. We are investigating local manufacture of swabs and reagents as part of managing the global supply chain risk.
28. We are continuing to build and strengthen our surveillance approach to identify new cases rapidly and take appropriate action. As well as testing anyone with respiratory symptoms, individual DHBs are now undertaking wider sentinel testing to ensure we are not missing cases, particularly of vulnerable groups, such as Māori and Pacific populations, who risk being disproportionately affected by a widespread outbreak. All DHBs have now undertaken a level of testing that compares favourably internationally. Testing rates for Māori exceed or are similar to non-Māori across DHBs, with a lower rate of positive tests. DHBs have been doing targeted asymptomatic testing in the last week, and the latest data will come through over the weekend. The Ministry of Health is finalising its surveillance strategy including the ongoing role of asymptomatic testing in targeted groups.
29. Our Public Health Units can trace the contacts of up to 185 cases a day. Our national call centre has the capacity to make around another 10,000 calls per day for contact tracing or check-ins on those in quarantine. In the period from April 13 to May 4, we were tracing 86 percent of the contacts of a person who had a positive COVID-19 test

within two days, against the 80 per cent target that was one of the critical indicators recommended by Dr Ayesha Verrall in her recent report. This is for very low volumes of cases and contacts. The contact tracing system is yet to be tested under load, but the Director-General has confidence in its capacity.

30. A monitoring framework that reports metrics from contact tracing is under development, and the implementation of Dr Verrall's other recommendations is being overseen by a newly-established independent Ministerial Advisory Committee chaired by Sir Brian Roche. The committee met several times during the week of May 4 and is talking with a range of people to understand the context and issues. This will inform its assessment of the situation and the areas for future focus.

31. 9(2)(f)(iv)



32. We have limited information about compliance in some areas of transmission risk.
- a. Healthline checks in on suspected and confirmed COVID-19 cases daily by phone. There is strong evidence that these people, who are meant to self-isolate and maintain physical distancing measures, are actually doing so, but we cannot be 100 per cent sure. Consideration is being given to options for reducing the risks here. This includes some options, such as supporting confirmed cases (with arrangements made for their dependents if necessary) to enter a managed facility within their DHB area until they are formally released by a Medical Officer of Health. This more restrictive approach might be justified at lower Alert Levels, to prevent the risk of onward transmission to other family members and the wider community to prevent a return to Levels 3 or 4.
  - b. There are an estimated 1.2m workers at physical workplaces under Alert Level 3. Industry-level guidance has been created and we expect that most businesses are trying to comply with expectations regarding physical distancing. However, we have limited information on whether businesses actually have robust processes for physical distancing in place. Our main tool is clear public health messaging, although the AOG compliance system is well-organised and fully operational. MBIE, Worksafe and Police are also planning a coordinated approach to enforcement to help manage the risks in the first days of Level 2.
33. The border remains closed to passengers other than returning New Zealanders, with few and managed exceptions. As at May 8 there were 170 people in quarantine and 2,966 in managed isolation. There have been a total of 34 positive tests to date for people who have been in quarantine. Arrivals of returning New Zealanders were only 125 per day in the week to May 6.
34. There is limited data on public, non-health PPE usage. There have been some reports from priority communities including older people and disabled people of concerns regarding distribution and access to PPE.
35. Public messaging continues to emphasise public health basics such as hand hygiene, alongside other measures relevant to the specific Alert Level. This advice remains prominent in government materials and evidence from surveys suggests this is well

understood. We do not see any significant spread of disinformation online about COVID-19 in New Zealand, nor any evidence that this has any significant effect on public trust and compliance.

*Wider health system factors*

36. The health system is not under significant strain due to cases of COVID-19 at this time. Public hospitals were operating below their normal capacity in terms of bed usage in preparation for the possible surge in COVID-19 related admissions and the number of people requiring admission to ICU or ventilation as a result of COVID-19 remains small. However, other parts of the system (in particular, primary and community services) have struggled to shift their model towards virtual or telephone appointments and report being at some risk of financial unsustainability.
37. Moreover, there is a backlog of 'planned' or elective care that has been deferred and there are people who have not accessed health services due to fears about the virus. There is likely to be substantial suppressed demand for health services that will need to be managed in the coming months, although it cannot be predicted when all of this suppressed demand will present itself in the health system.
38. We should expect that acute demand will increase for primary and secondary care as a result of winter illness and increased accidents and incidents with increased people movement. The work DHBs have done in preparation for COVID-19 has improved the system's ability to cope with winter illness due to new models of care and improved communication between primary and secondary care. Ramping up of planned care activity will absorb capacity across the system, but DHBs are doing this carefully so as to maintain enhanced infection control measures and other processes that minimise the risks associated with COVID-19. They are balancing their delivery of care while ensuring they maintain the ability to respond should any response efforts be required.
39. The other steps we have taken to mitigate winter demand are also relevant here, including ordering 30 per cent more flu vaccines than last year's record amount, and prioritising the roll out to vulnerable populations. As we go into winter there is a low level of circulating respiratory pathogens as the lockdown period has significantly limited the early spread of infectious diseases that would normally be prevalent across the population.
40. There continues to be a substantial surge capacity available in the health workforce to guard against escalation, and there is sufficient PPE capacity to respond to an increase in COVID-19 cases. The Ministry of Health undertook a rapid review to ensure that PPE was making its way to frontline providers in a timely way. It provides a high level of assurance in the DHBs' distribution of PPE. As at May 7 we have 25 million pairs of gloves, 330,000 safety glasses (with another 849,000 on order), and 32 million masks (with another 116 million on order). The sourcing and distribution of PPE is now nationalised to reduce regional variation. Orders placed in March are now arriving on a regular basis, indicating that the period of supply constraints we have been through is easing.
41. Health services are routinely following standard procedures around wider infection control measures. There has been some coverage of incidents where health workers have been infected at work. As at May 8, 169 (11 per cent) of total COVID-19 cases were health care workers, with 83 per cent of them recovered. Most of them appear to have contracted the virus outside of work.
42. Healthline has considerably scaled up its workforce to deal with increased call volumes and to reduce wait times (average wait times are presently under 10 seconds). Even if demand increases as restrictions are lifted, the Ministry of Health expects Healthline to continue to operate effectively at Alert Level 2.

43. Overall, we can be confident that the health system has sufficient capacity to deal with both a potential increase in COVID-19 cases and with the return to usual operation of wider health services. The Ministry of Health continues to monitor health system utilisation.

*Economic and fiscal factors*

44. Treasury estimates that economic activity reduces by around 24 per cent in Alert Level 3, compared with around 13 per cent in Alert Level 2. MBIE estimates that around 95 per cent of businesses are permitted to trade under Alert Level 3 compared with just 20 to 25 per cent at Alert Level 4, although many will be operating at reduced capacity. Level 2 will enable almost all businesses to open, and for firms to operate more normally.
45. Although our case numbers have been consistent with the most optimistic modelling scenarios, the economy has been severely impacted. Most forecasters now expect a contraction of close to 20 per cent of GDP in the June quarter, with unemployment to approach 10 per cent by the end of the year. Headline business confidence fell 3 points to -67 per cent in April from March in the ANZ Business Outlook Survey. Expected profitability, investment and employment intentions are all negative, with a net 51 per cent of firms intending to lay off staff, and redundancies expected across all sectors.
46. By the end of April the Government had spent \$23.1 billion on the economic response to the COVID-19 pandemic. Fiscal forecasts suggest the OBEGAL deficit may reach 10 per cent of GDP next year, with net core Crown debt set to rise above 50 per cent by 2023/24 (assuming the COVID Response and Recovery contingency is spent in full). On April 24 total wage subsidy payments had reached \$10.5 billion, benefitting 1.7 million people. While this spending response is at a level not previously seen in peacetime, it will not save every job or every business.
47. Jobseeker Support numbers have been increasing by around 6,000 a week since the end of March, and by April 24 had reached 180,000, around six per cent of the estimated working-age population. These numbers are expected to accelerate once we reach the end of the twelve-week Wage Subsidy Scheme at the end of June. We are approaching a critical decision-making point for many businesses, which must decide whether or not to remain in business while they still have funds remaining to pay out the four-week redundancy period.
48. The latest publicly available numbers show that total beneficiary numbers are up by around 40,000 since the start of Level 4, and up around 60,000 compared to the same time last year. Organisations across the country report that demand for food has doubled and is expected to increase further. The Salvation Army says that calls to its foodbank network have increased ten-fold from 800 per week pre-COVID-19 to 8,000. Special Needs Grants numbers had almost tripled as MSD moved to respond to need and reduce barriers to access, but are now beginning to fall (down by around 10,000 per week compared to the peak).
49. While the economic impact in New Zealand is significant, overseas examples show that a less robust and later response could have caused even more severe and long-lasting damage. The United States last week, for example, reported that its unemployment rate had risen to 15 per cent in April, up from four per cent in March.
50. That said, our own actions only take us so far. As a small trading nation, our economy will continue to face pressure as the global consequences of COVID-19 spread. Some industries, especially tourism, will be significantly impacted by factors that are not in



## SENSITIVE

our control. The IMF has forecasted a three per cent contraction in the global economy in 2020. This will weigh on our domestic recovery.

### *At risk groups*

51. As expected, vulnerable groups have been paying a price under COVID-19 controls. Family and sexual violence, mental ill-health, and feelings of loneliness and isolation, are all problems that may be heightened in the current environment. Significant efforts have been made by communities and government agencies to respond to these challenges. By April 17, the telephone outreach project (NEMA and MSD along with community partners) had contacted almost 43,000 people aged over 70, and tens of thousands of additional payments for food have been made by MSD alongside the huge number of food parcels provided by community groups.
52. Māori and iwi organisations have been active in providing care and food packages and in some cases, road checkpoints. All are motivated by their concern over the vulnerable parts of their communities. Pacific groups are concerned for similar issues and their need is greater in some cases because of housing conditions. Mobile and unconventional methods to target people for testing in these populations have produced better levels of uptake in both groups. Confidence within these communities and their leadership will depend on continued sound health surveillance and measures to deal with any infection outbreaks.
53. An urgent independent review into COVID-19 clusters at Aged Residential Care facilities is underway and due to report to the Director-General of Health on May 29. The review will look at facilities with cases of COVID-19 to examine the measures and processes that worked well and identify opportunities for improvements, comparing these facilities with similar ones where there have been no cases.
54. Aged Residential Care facilities will operate under the Level 2 public health control measures. There will also be a COVID-19 risk assessment before admission of residents including respite clients (with testing according to current advice from health professionals). Details about visitor policies for facilities at Level 2 are still being worked through. Alert Level 3 guidance and FAQs were developed for older people and people who were at greater risk due to existing conditions. Most of this information will continue to be relevant at Level 2, but it will be important to update it for any changes.

### *Public compliance and support factors*

55. We are seeing a generally high level of public commitment to and compliance with COVID-19 restrictions. But as the restrictions continue, and, ironically, because they continue to work well, we see growing public calls for an easing in restrictions. Survey data shows ongoing decreases in the proportion of people who see COVID-19 as a major threat at a personal, community and national level since we went into lockdown.
56. The shift from Alert Level 4 to Alert Level 3 has seen the expected significant increase in vehicle and personal movement, but overall it remains well below normal levels.
57. Online public reports and Police recorded breaches have reduced under Alert Level 3. Complaints are now less about individuals, and are now predominantly related to alleged breaches of the rules by businesses and in mass gatherings.
58. That said, we have seen more examples of non-compliance with Level 3 restrictions than we had hoped for. Up to May 3, Police received 1,200 public reports of people breaching Alert Level 3 restrictions. Police have taken enforcement action against 514 people, prosecuting 135 and warning 342. That is in the context of more than 5,800 reported breaches in Alert Level 4.

59. This tells us that we need to keep going with strong and clear messaging about the importance of public health measures like physical distancing. That will be particularly important when we move to Alert Level 2, since it involves a greater reliance on New Zealanders choosing to do the right thing, and a reduced emphasis on enforcement. We will need to be clear about when rules are in place, and when guidance is being given. New Zealanders will need to understand what they can do to help, what they must do, what to do when they have concerns about behaviour, and what will happen when they raise concerns with the authorities.
60. Social license is also dependent upon an inclusive approach where relevant information is communicated effectively to all groups, including Māori, Pacific, Asian and other populations. Specific Māori and Pacific response packages have contributed to an inclusive response, and ongoing efforts to communicate via appropriate media with traditionally harder to reach audiences will need to be maintained. This becomes only more important in the future with lower case numbers and a perceived lower risk, perhaps coupled with COVID-19 news fatigue, and a renewed interest in other aspects of life as social freedoms are re-enabled.

*Ability to operationalise the controls*

61. We are increasingly well placed to manage a move from Level 3 to Level 2. We have publicly updated what the Level 2 controls will look like to give the public some time to plan. There is more information on implementation matters below.
62. Police, Worksafe, Health, MBIE, MPI, and others will continue to work together on their enforcement approach and to receive and respond to complaints. But there will be less enforcement as the controls are relaxed and more reliance on voluntary compliance. Where there is enforcement, a graduated response model will be applied. Where appropriate, education will be the first step, before warning, and then firmer enforcement actions.
63. Even at Level 2, of course, we are imposing social and economic costs on businesses and on society more generally, including for contact tracing and to maintain physical distancing. We will need to continue to look for ways to lower those costs, including technological solutions that could make tracing faster and easier for firms.
64. As explained further below, there are some legal risks in the enforcement of Level 2 controls under our existing legal instruments. New legislation is being considered by Cabinet and is expected to be in force by May 14.

*View of the Director-General*

65. In line with the requirements set by Cabinet, the Director-General of Health has confirmed that he is satisfied that:
  - a. There has been no significant community transmission since April 2. The number of new cases continues to be low even with high levels of testing, and all cases can be linked to existing clusters. The Director-General is highly certain that cases are confined to household transmission and existing clusters.
  - b. There is sufficient capacity in testing and contact tracing to respond to a surge in demand, contact tracing timeliness now meets the WHO's guidelines for responsiveness, testing speed and notification of results are very close to the guidelines even with high testing volumes, and will meet the guideline within two weeks.
  - c. Border measures remain robust. There is still strong, though weakening, support for and compliance with control measures among New Zealanders, and no reason to believe this will change significantly if the Alert Level decreases.

However, the longer we remain in Level 3 the weaker public support is likely to become, especially if there is no obvious increase in cases.

- d. 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.
66. The Director-General has indicated that he still has the following concerns:
- a. Level 2 creates a substantial cumulative public health risk from the aggregate effect of relaxation of multiple control measures. We should also be cognisant that the latest case numbers, while encouraging, only relate to a limited amount of time spent at Level 3.
  - b. The most critical area of risk from a public health perspective is activity that:
    - i. involves a significant amount of close personal movement (mingling), often with people who are not known to each other or who have travelled from other regions to attend,
    - ii. lasts for extended periods, increasing this underlying risk, and
    - iii. takes place in locations where there is less ability to control the environment to deal with infection risk (eg, limited space).
  - c. Risks can be mitigated if controls can be put into place for such activities, for example keeping records of attendees, or requiring physical distancing. However, the most risky gatherings in the Director-General's view are those that are uncontrolled. These are activities (whether public or private gatherings) that:
    - i. Cannot control entry or exit effectively (eg, open door policies),
    - ii. Cannot manage distancing or hygiene measures (eg, due to lack of internal space), or
    - iii. Engage in activities which require or risk greater physical contact.
67. These concerns have been reflected in the design of Options B and C, which impose some specific controls in situations that are thought to present particular public health risks.

#### *Summary*

68. In sum, my view is that we can now consider easing our Level 3 controls. The questions are as to when to do that and how to manage the transition. Before we get to that, it is worth reviewing what Level 2 will look like, after our discussions at SWC last week.

#### **What we will move to, when we move**

##### *Level 2 is much less restrictive than Level 3*

69. Level 2 enables more business and social activity to resume, while managing risks to public health. Overall, at Level 2, once it is fully in place:
- a. Most businesses will be able to operate, although gathering limits and physical distancing restrictions will still pose constraints
  - b. All children and young people can return to school and early learning, and tertiary education facilities are open and providing distance learning for students
  - c. The health system will begin to operate as normally as possible, but with remote consultations used where possible

## SENSITIVE

- d. People will be expected to keep their distance from people they don't know, and stay 1m apart in controlled environments where good hygiene practices and contact tracing can be put in place. Physical distancing won't always be practical, such as at the hairdresser, but good hygiene and contact tracing will still be required
  - e. There will be fewer limits on social activity, ie people aren't being asked to stay home and can reconnect with their friends and family in their homes or in public
  - f. Gatherings up to 100 people in public settings are also okay, although expectations around physical distancing and contact tracing will apply
  - g. Inter-regional travel will be permitted
  - h. Sport, including contact sports, will be able to recommence provided that (1) there are good systems to register players to support effective contact tracing, (2) the activity is not too dangerous in itself, and (3) rules on social gatherings are not breached. SportNZ continues to be in contact with relevant sporting bodies to ensure that these conditions are met.
70. To maintain these additional freedoms, we will all still be expected to follow the basic public health measures around physical distancing and hygiene, and self-isolation when we are sick.
71. Overall, we expect to see an even bigger increase in economic and social activity in the move to Level 2 than we did in the move from Level 4 to 3.

### **Timing and transition options for the move to Level 2**

72. There are two connected choices to be made today:
- a. The date from which we make the change.
  - b. The kind of transition path to Level 2 that we take, if we are to move.
73. Officials have put these two together into four proposed options.
- a. Move to Level 2 controls nationwide from 11:59pm on Wednesday May 13.
  - b. Move to Level 2 controls nationwide from 11:59pm on Wednesday May 13 but continue to restrict uncontrolled gatherings that pose the greatest public health risk for at least two weeks. This is the preferred option of the Director-General of Health.
  - c. Move to Level 2 controls nationwide from 11.59pm on Wednesday May 13 but continue to restrict uncontrolled social gatherings that pose the greatest public health risk, and delay opening bars and clubs until Thursday May 21.
  - d. Hold at Level 3 for at least two more weeks, ie, until at least Wednesday May 27.
74. Each option is assessed in what follows. The core factors that matter for the choice between the options were explained earlier, in the summary of this paper.

#### *Option A*

75. Option A provides the fastest step down, combined with the highest level of uncertainty about the change in spread of the virus under Level 3 controls, and the highest attendant risk of future outbreaks. This option would allow the fastest possible expansion of economic and social activity. It would rely most strongly on our confidence in our testing, tracing and isolation regime to contain future growth in cases, as well as continued public compliance with public hygiene and physical

distancing requirements. Compared with other countries, we would be unusual in moving from Level 3 type controls to Level 2 without some phasing.

76. There is no formal phasing in this Option but I expect that we would see some natural phasing. For example, we have made clear that all schools will not be opening until the first Monday after a move to Alert Level 2. There are also likely to be other natural transitions, eg, some local sports are likely to take at least a couple of weeks to get restarted, and it will take time for businesses to adapt to the new rules, eg, a bar putting in seating, or a retail store putting in place protections for staff and customers.

*Option B*

77. Option B is designed to mitigate the greatest risks involved with the step from Level 3 to 2. The only difference from Option A is a continued restriction on uncontrolled gatherings that pose the greatest risk to public health. The restriction would be to delay allowing uncontrolled social gatherings in any context, whether in private or public venues, for at least two weeks.
78. This means not allowing gatherings of more than ten people who have come together for the purpose of socialising, mixing and mingling. This would restrict private parties, but also means asking private venues, such as restaurants and cafes, not to take group bookings for more than ten people. This does not affect a venue's overall maximum headcount of 100 - given patrons are separated. It does mean that weddings and funerals would be restricted to a total of 10 people. There could now be a reception, wake or party afterwards, but again with the 10 person limit.
79. The public health rationale is to restrict those activities where:
- a. People are congregating or engaging in behaviours that create additional public health risk, i.e. they gather in large numbers, they are mingling, and the activity lasts for a sustained period; and
  - b. These risks cannot be controlled, i.e. we cannot put in distancing requirements, seating, single server, time limits, and maintain records for contact tracing, or we doubt that those requirements would in fact be met in practice.
80. This is in the context of the Director-General's view set out above that the move to Level 2 creates a substantial cumulative public health risk from the aggregate effect of relaxation of multiple control measures and the latest case numbers reflect only a limited amount of time spent at Level 3.
81. Combined with the other elements of the rules under Level 2, Option B would mean that other places where people may gather, such as shopping malls, libraries and most public venues would all be able to open and would not be covered by the restrictions.
82. Under this option, while we would not be any better informed on what happens to the spread of the virus under Level 3 controls before moving down, the two-step transition enables us to separate out the lower risk changes in controls from those that are higher risk. It recognises that controls at Level 2 are much more liberal than at Level 3, and that the cumulative impact of all the additional movement and interaction on the spread of the virus could be significant. If we saw concerning trends in case numbers or spread, or the re-emergence of community transmission, we'd be in a position to maintain restrictions on higher-risk gatherings.
83. Relative to Option A, there will be some negative economic impacts for those firms that cannot operate.

84. As noted earlier, Professor Shaun Hendy and his team are working on some modelling of the effectiveness of contact tracing. It is still in progress and is sensitive to the assumptions used, but the early results show that we can contain the spread of the virus at Level 2 if our testing, isolation and contact tracing systems work sufficiently quickly and effectively. The system needs to ensure swift testing of any symptomatic individual to break the chain of transmission, trace many contacts quickly, and ensure they are isolated before the onset of symptoms. We are putting a lot of effort into improving our contact tracing system, but is still heavily reliant on people seeking a test quickly when sick.
85. The transition step in Option B does mean some definitional complexity and more work in communications, and it will risk creating some situations that might seem unfair. Although we have a strong justification on public health grounds, if the boundaries are not clear then it could be hard to enforce and it risks undermining public support. We will need to be ready at the time of announcement with clear and comprehensive answers to the questions we can expect from the public, especially from those businesses concerned to know what they need to do to be able to open at Level 2.

*Option C*

86. Option C is the same Option B as outlined above, with the same restrictions on social gatherings. In addition, bars and clubs would be closed for one additional week following the move to Level 2. These venues would then be allowed to open on Thursday May 21 with restrictions around separation, seating and single servers in place, if we do not see a rise in cases in the meantime.
87. The proposed extra week of restrictions for bars and clubs is a reflection of the fact that these are places designed for mingling, and the environment is such that compliance with the physical distancing rules, while reasonable in theory, might not always be the reality in practice.
88. The Director-General's advice is to defer the opening of bars and clubs for up to four weeks, with a review by Cabinet after two. Option C instead proposes a one week deferral, recognising that there is a need for a balance of factors in coming to a decision on these issues.

*Option D*

89. Option D is the most cautious approach and would delay the restoration of some important economic and social freedoms for longer. This option recognises that we are still seeing a small number of cases, notwithstanding these are linked to existing cases and we still have a number of clusters with active cases (the first case in some of these clusters was reported five weeks ago, which gives a sense of how tenacious COVID-19 can be).
90. It also recognises the emerging scientific evidence that COVID-19 is an even more formidable foe than first thought: unchecked, the basic reproduction number may be over 3, some infections are transmitted before onset of symptoms, a proportion of carriers could be asymptomatic, and the virus can live on certain surfaces for up to nine days.
91. A longer time at Level 3 may give us better information on how much the virus spreads under these controls, and keep the spread of the virus at its lowest possible level for longer, reducing the chances that widespread community transmission would re-emerge. Two weeks from now our cases will have been at a very low level for more than a month, and most of our clusters should be closed.

92. We might also favour this option because going back up Alert Levels in the future will be more disruptive than a longer period spent in higher Alert Levels now. That said, the disruption caused by moving in and out of periods of restriction needs to be weighed against the economic costs of a highly precautionary approach.
93. This option is the most precautionary, recognising that COVID-19 is a particularly challenging adversary. International experience suggests that the risks of increased risks of infection with looser controls are very real. Only Taiwan and South Korea to some extent (it also had a partial lockdown) have managed to contain the spread of COVID-19 in a setting like our Alert Level 2.
94. Option D would place the greatest strain on our social licence. Already we see that we are victims of our own success: our strict restrictions are being seen as incongruent with our low case numbers, rather than their cause. Sticking at Level 3 would require us to make this connection more clearly, and it runs the risk of eroding the strong levels of buy-in we see from the public if the restrictions come to be seen as unnecessary.
95. Option D would also be economically costly. The Treasury estimates that the two week difference between Option A and Option D could result in directly lost output of approximately \$1.4b, although these figures necessarily do not accurately include all costs.

*Transition in practice*

96. As we have seen at every Level, in practice and even without a formal staged transition, New Zealand will take time to figure out how to operate under the new restrictions. This will mean that we will see a staggered pattern of reopening as people adjust to the new circumstances.
97. There will be an important role for the Government in building public confidence in the effectiveness of our control measures at Level 2, including our systems for reporting breaches, ensuring compliance, and maintaining public life while protecting public health.
98. A coordinated and collaborative effort to develop and communicate what the rules are, and to adjudicate as necessary on particular questions of interpretation continues to be an important part of our approach. For organisations that have operated at Level 3, the move to Level 2 is not as big a step, and it further reduces restrictions on operations rather than imposing new ones. On the business side, WorkSafe and industry guidance has all been developed across Levels 2, 3 and 4 at the same time, meaning that organisations are not seeing Level 2 rules for the first time.
99. That said, the Level 2 rules are quite different from Level 3, and the final rules are different from those that were communicated some weeks ago. Even with clear guidance, active voluntary engagement by New Zealanders, and effective enforcement, I expect an adjustment to Level 2 will take some time. The situations of each sector are unique and the interplay of the various rules can lead to different approaches being taken.
100. To help manage the transition, this paper proposes that we direct the Ministry of Business Innovation and Employment, Worksafe and Police, in conjunction with the Ministry of Health, to come back to SWC this week with a plan for a concerted, coordinated, and visible approach to education and enforcement in the first days of Level 2 for noting.

### What the future holds

101. Our continuing trend of low case numbers and near zero confirmed cases of local transmission tells us that our control measures at Level 4 have worked, and puts us in a good place for the future. What we do not know yet is what the spread of the virus will be under Level 2 controls.
102. Our preferred path should be to never go back up to Alert Levels 3 or 4, given the substantial costs and disruption they entail. But whether that is possible or not depends on how well we keep the virus contained. Until we have a vaccine or effective treatment, elimination will be an ongoing process. We should certainly expect that there will be outbreaks under lower Alert Levels, but we should aim for them to be localised and quickly leapt upon.
103. I do not propose that we have a strict zero threshold for confirmed community transmission to stay at Level 2 or below, ie, if we see an increase in cases as a result of a local outbreak, that need not necessarily cause us to immediately increase the national Alert Level. Instead, we can make a balanced decision on all the relevant factors, taking into account the circumstances of any new cases of community transmission and the level of risk they represent. We will continue to respond very quickly to all new cases operationally, regardless of their source.
104. With very few people coming in to the country, and very low levels of community transmission, the main risk factors are those people who already have COVID-19 and those who interact with them. As mentioned above, 11 per cent of our total cases are health care workers, some of whom seem to have been infected while treating patients with COVID-19.
105. As always, we will need to continue to monitor our situation closely. We have a pause button (in the form of the regular reconsideration) and a reverse button, which would involve using the Cabinet-agreed factors to decide to lift the national Alert Level.
106. Given our mass testing programme and our much better level of understanding of our situation as regards the virus, we are now well placed to make these decisions if we need to. We also have the option of putting in place sub-national controls, and these may be necessary if we have an outbreak that proves difficult to contain at the local level.
107. The threshold for a move to Level 1 is an extended period of low case numbers and no significant local transmission.
108. The threshold for a move back to Level 3 is the re-emergence of local transmission at a scale that our detection, contact tracing and isolation systems struggle to contain.

### Implementation from here

109. To be ready for a move to Level 2, there are some actions that are being co-ordinated from a whole of government perspective. Government agencies are also working with individual sectors to prepare.
110. Communications are being coordinated by the All of Government team. This has included development of a communications plan and supporting materials including:
  - a. What Level 2 looks like and the key messages about public health measures for everyone (eg, stay home if you are sick, get tested, wash your hands)
  - b. High-level guidance and frequently asked questions about restrictions on personal movement, gatherings and public venues



- c. Guidance about what moving to Level 2 means for 'at risk' groups including older people and people with existing conditions.
111. Development of guidance is underway, and in some cases completed, for businesses, schools, tertiary institutions, transport providers, health providers and on sports and recreation for Level 2. This has included:
- a. working with sectors to understand their issues and the areas where they need guidance and information (particularly those that will reopen for the first time at Level 2)
  - b. preparing guidance and frequently asked questions about what Level 2 means including public health control measures
  - c. confirming public health guidance for schools and early learning services, and developing supporting guidance and FAQs
  - d. ensuring appropriate support is in place for 'at risk' individuals or populations
  - e. appropriate and effective PPE usage advice for businesses and the public
  - f. working through how public services will be delivered in a Level 2 environment (eg, employment assistance and income support by the Ministry of Social Development), and
  - g. ensuring appropriate legal frameworks are in place.

#### **Border measures review**

112. Global conditions are such that although our domestic Alert Level may be lowered, we cannot yet reopen the border to any foreign nationals. The public health risk of uncontrolled movement at this scale remains too high. The current border restrictions and exceptions will remain in place until further decisions are taken by Cabinet.
113. However, in line with my recent public statements on this issue, we are looking at the pre-conditions for re-opening some people movement between New Zealand and Australia, and with the Pacific, once that can be done safely. This recognises the particular interconnectedness of our borders, our people, and our economies.
114. This is of course only part of our approach to re-opening to the world. We will continue to work with other partners and with international aviation bodies to be as ready as we can be to move as public health considerations allow.

#### **Financial Implications**

115. It is not possible to quantify the implications of a change to Alert Levels on the Government's finances, though a move out of Level 3 restrictions is expected to be more positive than remaining at this Level for longer, so long as we do not have to return to Level 3 at a later date as a result.

#### **Legislative Implications**

116. There are no legislative implications arising from the recommendations in this paper.
117. On April 29, SWC agreed to the drafting and introduction of a COVID-19 Response Bill, to provide a better legal framework for the Alert Levels system, and one based on sound law-making principles. Having the legal powers to operationalise restrictions is one of the factors to guide Cabinet decisions on moving between Alert Levels.
118. On May 6, SWC, with Power to Act, agreed to introduce the COVID-19 Response Bill on May 12, allowing one day for Select Committee scrutiny, and completing all other stages and gaining Royal Assent to be in force on May 14. This will bring the

legislation into force at the earliest possible date and mean the new powers for Alert Level 2 are ready when we need them.

119. The purpose of the COVID-19 Response Bill is to:
- a. support the Government's COVID-19 Alert Level Framework, which gives effect to the public health response, through ensuring that all relevant response measures are enforceable rules, and
  - b. preserve the importance of health factors, while expressly allowing for economic and social factors to be taken into account in determining what measures should be put in place.
120. Key design features of the proposed COVID-19 Response Bill include:
- a. The Minister of Health will be the decision-maker on the exercise of powers, and
  - b. Suitable safeguards will be put in place, including that the Minister of Health must not make an order without receiving advice from the Director-General of Health, and after consulting specified Ministerial colleagues.

### **Impact Analysis**

121. The requirement for a Regulatory Impact Analysis did not apply because this is a policy proposal directly related to the COVID-19 response.

### **Human Rights**

122. 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].
123. Relevant departments will continue to keep all 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.

### **Gender impact statement**

124. On balance, a move from Level 3 to Level 2, will have a positive impact on women and girls. The increased ability to return to work, school, and other activities will alleviate some of the unpaid workload and support the health of women. Women in violent situations will have a great ability to seek help and refuge from violence at Level 2.

### **Disability Impact**

125. Additional services and support will be available to disabled people at Alert Level 2, such as home help and respite care. There will also be more opportunities for people in residential facilities to have visitors. It will be important to ensure that information is provided about Alert Level 2 in a range of formats (New Zealand Sign Language, blind formats, Easyread). Officials will work on getting the guidance and key messages translated into accessible formats.

### **Consultation**

126. This paper was prepared by the Department of the Prime Minister and Cabinet (Policy Advisory Group). Consultation on a draft of the paper was undertaken with the Ministries of Health, Business, Innovation and Employment, Education, Social Development, Transport and Primary Industries, the All of Government COVID-19 unit, the Treasury, the State Services Commission, Crown Law and my Chief Science Advisor.

## Communications

127. I 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

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

## Recommendations

129. The Prime Minister recommends that Cabinet:

1. **note** that we declared border restrictions and a series of restrictive controls until 11:59pm on May 11, supported by a State of National Emergency, in an attempt to eliminate the COVID-19 virus in New Zealand [CAB-20-MIN-0142, CAB-20-MIN-0133, COVID Ministers 25/03/2020 decision, CAB-20-MIN-0176];
2. **note** that these measures have been very effective to contain the spread of COVID-19;
3. **note** that the social, economic, fiscal and non-COVID health costs of the Alert Level restrictions are large;
4. **note** that a review of the best available information against the factors that Cabinet agreed for making Alert Level decisions shows that we can now consider easing our Level 3 controls;
5. **note** that the Director-General of Health is satisfied that:
  - 5.1. There has been no significant community transmission since April 2;
  - 5.2. There is sufficient capacity in testing and contact tracing to respond to a surge in demand;
  - 5.3. Border measures remain robust;
  - 5.4. There is still strong, though weakening, support for and compliance with control measures among New Zealanders, and no reason to believe this will change significantly if the Alert Level decreases;
  - 5.5. 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
  - 5.6. There is sufficient PPE capacity for those for whom it is recommended.
6. **note** the Director-General's remaining concerns around the transition to Level 2 are that:
  - 6.1. Level 2 creates a substantial cumulative public health risk from the aggregate effect of relaxation of multiple control measures;
  - 6.2. We should be cognisant that the latest case numbers, while encouraging, only relate to a limited amount of time spent at Level 3;
  - 6.3. The most critical public health risks are presented by activities that involve a significant amount of close personal interaction, last for extended periods, and take place in locations where there is less ability to minimise infection risk;

SENSITIVE

7. **note** that Cabinet must decide how to respond to those risks and 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;

**EITHER**

8. **agree** to move nationwide from Alert Level 3 to Alert Level 2 effective from 11:59pm on Wednesday May 13;

**OR**

9. **agree** to move nationwide from Alert Level 3 to Alert Level 2 effective from 11:59pm on Wednesday May 13, for at least two weeks but delay allowing uncontrolled social gatherings in any context, whether in private or public venues, for at least two weeks;

**OR**

10. **agree** to move nationwide from Alert Level 3 to Alert Level 2 effective from 11:59pm on Wednesday May 13, for at least two weeks but delay allowing uncontrolled social gatherings in any context, whether in private or public venues, as well as delaying the opening of bars and clubs for an additional week, reopening on Thursday May 21;

**OR**

11. **agree** to stay nationwide at Alert Level 3 until at least 11:59pm on Wednesday May 27;

**AND (for all options)**

12. **agree** that Cabinet will again consider whether to adjust the Alert Level no later than Monday May 25;
13. **note** the risk that if our Alert Level 2 controls and public health measures are not sufficiently effective, we will need to return to higher Alert Levels in the future;
14. **note** that we expect to see a gradual transition as people and businesses adjust to the new framework;
15. **direct** the Ministry of Business Innovation and Employment, Worksafe and Police, in conjunction with the Ministry of Health, to report to SWC on Wednesday May 13 with a plan for a concerted, coordinated, and visible approach to education and enforcement in the first days of Level 2 for noting;
16. **note** that the response to COVID-19 will continue to be this Government's highest priority;
17. **agree** that no changes be made to the current border restrictions (including the case-by-case exemptions) that restrict entry of any person coming into New Zealand agreed by Cabinet on 30 March 2020 for Alert Level 4 [CAB-20-MIN-0142] and updated as regards transit passengers on April 20 [CAB-20-MIN-0176];
18. **agree** that the current border restrictions, case-by-case exemptions for entry, and transit arrangements be further reviewed when Cabinet next re-considers COVID-19 Alert Levels;
19. **note** that the human rights implications of the restrictions imposed under Alert Levels are significant and the measures will be subject to regular review, including scrutiny by the Solicitor-General;

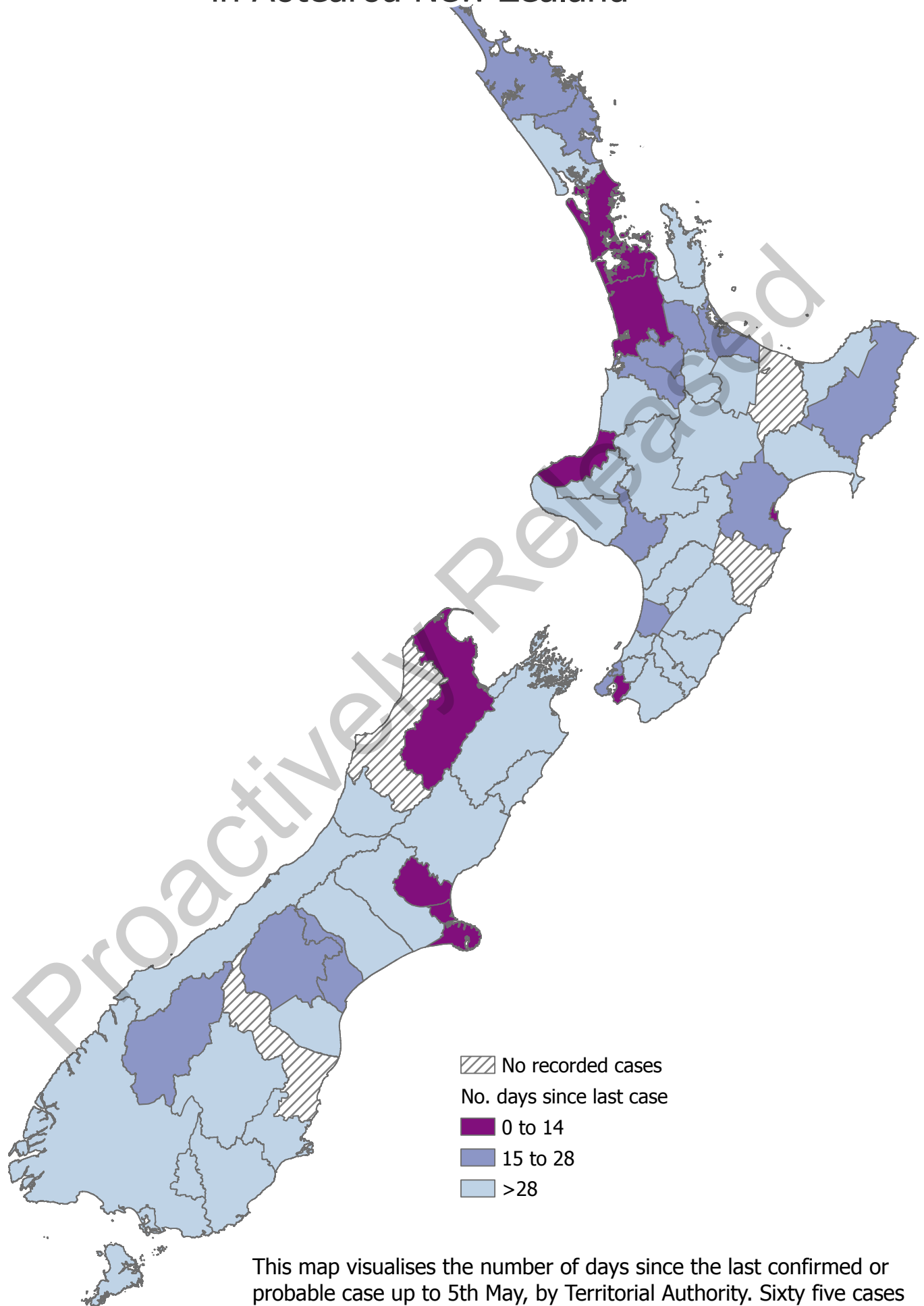
20. **agree** that Cabinet's decisions today will be communicated by the Prime Minister.

**Rt. Hon. Jacinda Ardern**  
**Prime Minister**

[attached: a map that shows the number of days since the last case by Territorial Authority as at May 6]

Proactively Released

# Map showing the number of days since last COVID-19 case in Aotearoa New Zealand



This map visualises the number of days since the last confirmed or probable case up to 5th May, by Territorial Authority. Sixty five cases were not included due to insufficient geographical detail about the case.



# 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.*

---

### Review of COVID-19 Alert Level 3

**Portfolio**                      **Prime Minister**

On 11 May 2020, Cabinet:

- 1        **noted** that the government declared border restrictions and a series of restrictive controls until 11:59 pm on 11 May 2020, supported by a State of National Emergency, in an attempt to eliminate the COVID-19 virus in New Zealand [CAB-20-MIN-0142, CAB-20-MIN-0133, COVID-19 Group of Ministers decision taken 25 March 2020, CAB-20-MIN-0176];
- 2        **noted** that these measures have been very effective to contain the spread of COVID-19;
- 3        **noted** that the social, economic, fiscal and non-COVID health costs of the Alert Level restrictions are large;
- 4        **noted** that a review of the best available information against the factors that Cabinet agreed for making Alert Level decisions shows that we can now consider easing our Level 3 controls;
- 5        **noted** that the Director-General of Health is satisfied that:
  - 5.1        there has been no significant community transmission since 2 April 2020;
  - 5.2        there is sufficient capacity in testing and contact tracing to respond to a surge in demand;
  - 5.3        border measures remain robust;
  - 5.4        there is still strong, though weakening, support for and compliance with control measures among New Zealanders, and no reason to believe this will change significantly if the Alert Level decreases;
  - 5.5        the health system has sufficient capacity, including workforce and intensive care capacity, to respond to COVID-19 and has identified surge capacity and contingency plans;
  - 5.6        there is sufficient personal protective equipment capacity for those for whom it is recommended;

- 6 **noted** the Director-General's remaining concerns around the transition to Level 2 are that:
- 6.1 Level 2 creates a substantial cumulative public health risk from the aggregate effect of relaxation of multiple control measures;
  - 6.2 we should be cognisant that the latest case numbers, while encouraging, only relate to a limited amount of time spent at Level 3;
  - 6.3 the most critical public health risks are presented by activities that involve a significant amount of close personal interaction, last for extended periods, and take place in locations where there is less ability to minimise infection risk;
- 7 **noted** that Cabinet must decide how to respond to those risks and avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (taking into account the social, economic, or other factors);
- 8 **agreed** to move nationwide from Alert Level 3 to Alert Level 2 effective from 11:59 pm on Wednesday 13 May 2020 for at least two weeks, **subject to**:
- 8.1 delaying allowing social gatherings in any context, whether in private or public venues, of more than 10 people, with the view to progressively increasing this limit over time;
  - 8.2 delaying the opening of bars and clubs for an additional week, reopening on Thursday 21 May 2020, **subject** to the Prime Minister, in consultation with the Attorney-General and the Minister of Justice, being satisfied with the definition of a bar for this purpose;
- 9 **agreed** that Cabinet will again consider whether to adjust the Alert Level no later than Monday, 25 May 2020;
- 10 **noted** the risk that if our Alert Level 2 controls and public health measures are not sufficiently effective, we will need to return to higher Alert Levels in the future;
- 11 **noted** that we expect to see a gradual transition as people and businesses adjust to the new framework;
- 12 **directed** the Ministry of Business Innovation and Employment, Worksafe, and Police, in conjunction with the Ministry of Health, to report to the Cabinet Social Wellbeing Committee (SWC) on Wednesday, 13 May 2020, with a plan for a concerted, coordinated, and visible approach to education and enforcement in the first days of Level 2, for noting;
- 13 **noted** that the response to COVID-19 will continue to be the government's highest priority;
- 14 **agreed** that no changes be made to the current border restrictions (including the case-by-case exemptions) that restrict entry of any person coming into New Zealand agreed by Cabinet on 30 March 2020 for Alert Level 4 [CAB-20-MIN-0142] and updated as regards transit passengers on 20 April 2020 [CAB-20-MIN-0176];
- 15 **agreed** that the current border restrictions, case-by-case exemptions for entry, and transit arrangements be further reviewed when Cabinet next re-considers COVID-19 Alert Levels;
- 16 **noted** that the human rights implications of the restrictions imposed under Alert Levels are significant and the measures will be subject to regular review, including scrutiny by the Solicitor-General;



17 **noted** that Cabinet's decisions will be communicated by the Prime Minister.

Michael Webster  
Secretary of the Cabinet

Proactively Released