

# Briefing

## TARGETS FOR TRANSITION TO THE COVID-19 PROTECTION FRAMEWORK

To RT HON JACINDA ARDERN, PRIME MINISTER

<b>Date</b>	19/10/2021	<b>Priority</b>	High
<b>Deadline</b>	20/10/2021	<b>Briefing Number</b>	DPMC-2021/22-613


### Purpose

This paper provides advice on the operational and legal implications of potentially operating the COVID-19 Protection Framework and the Alert Level framework simultaneously.

### Recommendations

1. **Note** that at its meeting on Monday 18 October 2021 Cabinet agreed in principle, subject to both consideration of the operational and legal implications of potentially operating two frameworks simultaneously and confirmation by COVID-19 Ministers with Power to Act, to the following targets to signal the move from the Alert Level framework to the new framework:
  - each DHB in Auckland - 90% full vaccination of those eligible;
  - each DHB outside Auckland - 90% full vaccination of those eligible; [CAB-21-MIN-0421]
2. **Note** that the intention is that the two groups would move separately ie Auckland once each of its DHBs had reached 90%, and the rest of the country once all the other DHBs had reached 90%;
3. **Note** there are no legal barriers to using the Protection Framework alongside the Alert Level framework;
4. **Note** that maintaining the Alert Level framework while implementing the Protection Framework would add to the:
  - 4.1. operational complexity, and would increase the risk of non-compliance and difficulty of enforcement
  - 4.2. communications challenges, and would increase public uncertainty about the strategy and future settings

5. **Note** that there are timing issues related to a staged introduction of the Protection Framework, including the risk of social licence issues in other parts of the country if they are held up from transitioning to the new framework by an outlier DHB;
6. **Note** an alternative to mitigate these risks would be to move all New Zealand to the new framework in one step when vaccination rates in each of the Auckland DHBs reach 90%, *and* the average vaccination rates in the rest of the country reaches 90%; and
7. **Note** that under the approach in recommendation 6, for regions where the 90% target vaccination rate had not yet been achieved, because we should continue to stamp out cases where practicable, the use of local lockdowns are more likely to be required until vaccination rates increase.

  
 Ruth Fairhall  
 Head of Policy and Strategy, COVID-19 Group, DPMC  
 19/10/21

Rt Hon Jacinda Ardern  
 Prime Minister  
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**Contact for telephone discussion if required:**

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**Minister's office comments:**

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

PROACTIVELY RELEASED

# TARGETS FOR TRANSITION TO THE COVID-19 PROTECTION FRAMEWORK

## Purpose

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1. This paper provides advice on the operational and legal implications of potentially operating the COVID-19 Protection Framework and the Alert Level framework simultaneously.

## Background

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2. On Monday 18 October 2021 Cabinet agreed to shift to a new approach to managing COVID-19. The COVID-19 Minimisation and Protection strategy aims to minimise the spread of COVID-19, while protecting people from its harms. Central to this new approach is the new COVID-19 protection framework that will replace the Alert Level framework. How the framework is used will give effect to the strategy.
3. The Auckland region has been in lockdown since mid-August, and there is risk of losing social license, and the ability to control the outbreak using lockdowns. A new approach to managing the virus based off high vaccination rates is needed as soon as practicable.
4. Cabinet agreed in principle, subject to both consideration of the operational and legal implications of potentially operating two frameworks simultaneously and confirmation by COVID-19 Ministers with Power to Act, to the following targets to signal we are confident that we can move to the new framework:
  - a) each DHB in Auckland - 90% full vaccination of those eligible;
  - b) each DHB outside Auckland - 90% full vaccination of those eligible.
5. You have asked for advice on the implementation issues of the two-stage staggered shift to the new framework implied by these targets – with Auckland moving to the new framework when all DHBs in Auckland reach 90% full vaccination, and the rest of New Zealand moving to the new framework sometime later, when all DHBs outside Auckland reach 90% full vaccination. Attachment A sets out the projections for when each DHB will reach 90% first and second doses.

## Implementation issues with the proposed shift

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### *Legal issues*

6. There are no legislative barriers to implementing the proposed approach. The new legislative framework that PCO is designing to enable the Protection Framework to operate provides for all settings (including the current Alert Level settings) to be available to be used. The body of the new Order will contain all possible settings (both the Protection Framework and the Alert Level settings) and then schedules attached to the Order will apply the desired settings to particular places or scenarios.
7. Accordingly, it would be straightforward from a drafting perspective to have one Schedule applying to Auckland with the “Red settings” and another Schedule applying to the rest of

the New Zealand with the “Alert Level 2 settings”. It will likely take four to six weeks for this new framework to be ready (noting that some aspects of the new framework depend on amendment to primary legislation eg COVID-19 Vaccination Certificates).

8. s9(2)(h)



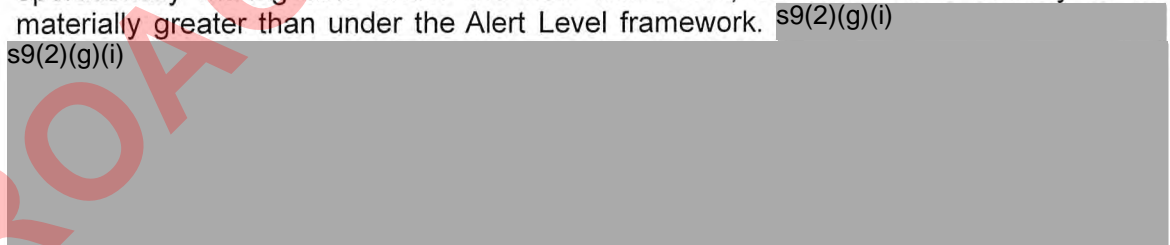
*Operational issues*

9. Enforcement will be a challenge under the Protection Framework. The greater the number of different measures that apply in different areas, the harder enforcement becomes, as Police (and other enforcement officers) must understand different situations and determine what rules apply. Related to this is the extent to which the rules are well understood and involuntary non-compliance is avoided. Officials consider the risk of this increases if the Alert Level framework is maintained while the Protection Framework is implemented.

10. Operationalising the COVID-19 Protection Framework presents many of the same challenges as the current Alert Level framework. A major issue for NZ Police and Waka Kotahi is operationalising Alert Level boundaries. The ability of Police and other agencies to enforce multiple boundaries concurrently is limited by workforce capacity and the numbers of checkpoints they need to maintain. This difficulty could be compounded if they are required to manage boundaries across or between multiple regions applying different frameworks. The new framework is conditional on very high rates of vaccination, so most people in “Red” areas will be eligible to travel and it is likely that there will be a much greater volume of travel overall. It may not be feasible or necessary to check the vaccination status of every traveller; a different enforcement regime, based on spot-checking, may be more appropriate under the Protection framework.

11. Welfare and economic support arrangements to be available under the Protection Framework are yet to be agreed. Officials consider that this support should remain operationally manageable under the new framework, as overall it is unlikely to be materially greater than under the Alert Level framework. s9(2)(g)(i)

s9(2)(g)(i)



12. Public Health Units are moving to a more centralised management to case and contact management and having different local systems in place may make this more difficult. In addition, the complexity of restrictions for crossing boundaries at the Red level, which differentiate between those who are vaccinated and those who are not, may create issues with exemptions for crossing boundaries.

*Communications issues*

13. Maintaining the current Alert Level based response in some parts of the country while implementing the new protection framework presents a significant communications challenge. The Alert Level framework has been most effective when kept as simple as possible, enabling clear and concise messaging.
14. The COVID-19 Protection Framework is inherently more complex than the Alert Level framework given the differential rules for vaccinated and unvaccinated people, especially at the Orange and Red levels. Communicating the new framework, and how it applies in various settings, along with legacy Alert Level controls that may remain in place in other parts of the country, will create anxiety and confusion for some people.
15. From a communications perspective, officials consider a single unified COVID-19 Protection Framework is preferable to using both frameworks concurrently. Communications research indicates that transitioning the whole country to the new framework at the same time presents an opportunity to clearly enter a new chapter with a strategy fit for a highly vaccinated New Zealand.

*Timing considerations*

16. Together these targets would imply a two-stage shift to the Protection Framework – Auckland first, and the rest of New Zealand sometime later. Implementing the new framework in Auckland and allowing greater freedoms when vaccination rates reach 90% in all Auckland DHBs, avoids the risk of eroding social licence in Auckland through a sense of being held up by slow progress elsewhere, and the likelihood of current measures becoming increasingly ineffective.
17. Not implementing the Protection Framework in the rest of New Zealand until all vaccination rates in all DHBs outside Auckland have reached 90%, raises the same risks to social licence and consequently non-compliance throughout the rest of the country as is intended to be addressed in Auckland through the two-stage approach. The new framework has more freedoms at the Orange level for vaccinated people than at the current Alert Level 2. Most of the rest of New Zealand could be held up by slow progress in a few outlier DHBs. Projections for when all DHBs reach over 90% vaccination are uncertain, but it is possible that this would take into 2022. s9(2)(g)(i)  
s9(2)(g)(i)
18. Having a threshold of 90% for each DHB outside Auckland before moving the rest of the country to the new framework is no guarantee those areas will remain free of the virus. Shifting Auckland to the new framework will allow travel out of Auckland to other areas. Even though vaccination and testing requirements will be in place, there is therefore an increased risk of transmission of COVID-19 to other areas yet to reach high vaccination rates. This risk will apply regardless of what framework is used, and the new Protection Framework has tools to respond to outbreaks. Managing this risk will require concerted effort both to increase vaccination rates in at-risk areas, and to ensure the robustness of testing, response and support systems in those areas.

IN CONFIDENCE

19. Officials advise that it will be more challenging to move the nation through a major behaviour change programme during the Christmas and New Year season, if any vaccination thresholds are met during this period.

*Alternative approaches*

20. s9(2)(h) [REDACTED] These concerns are compounded by increased operational and communication complexity. A staggered approach is also unlikely to solve concerns around social licence, as these could still arise for the rest of New Zealand outside Auckland. These challenges and consequent lower compliance are likely to reduce the effectiveness of the public health response, particularly if they continue for a long period.
21. The transition planning, which agencies will do over the coming weeks, will mitigate but not eliminate these risks.
22. An alternative would be to move all New Zealand to the new framework in one step when vaccination rates in Auckland DHBs reach 90%, and average vaccination rates in the rest of the country reach 90%. This approach would avoid the operational and communications complexities from running two frameworks in parallel. It would still require concerted effort on increasing vaccination rates in at-risk areas, and on ensuring the robustness of testing, response and support systems.
23. This approach would likely see the whole country shift to the new framework in late December. It will remain important to also track vaccination rates in vulnerable groups, as well as the headline vaccination rate. At that stage, we expect those aged 50 and over in all ethnic groups would also likely be near or at 90% full vaccination. The main centres are likely to have vaccination rates above 90%. Some DHBs would be likely to have vaccination rates only in the range 80% to 85%. In these areas, officials would recommend continuing to stamp out cases where practicable using the new framework, including the use of local lockdowns if required. And it will remain important to see those vaccination rates as a milestone (to signal confidence in moving to the new framework) rather than a target, so as to not lose momentum on the vaccination programme for areas and groups with lower rates.
24. A further approach, identified by the Ministry of Health, would be for the whole country to move to the new framework when each DHB has achieved the overall 90% fully vaccinated coverage, and stepping down Auckland through the existing Alert Level framework, in response to it achieving vaccination milestones (in addition to ongoing consideration of case numbers and hospitalisations), through the (already flagged) three stages of Alert Level 3 into Alert Level 2.

**Consultation**

25. The following agencies were consulted: Ministry of Health, Crown Law, Police, Transport, MBIE, Customs, and Treasury.

# ATTACHMENT A

## Projections for Vaccination Targets

Ministry of Health Projections for when DHBs will reach 90% vaccination (12+ population)

DHB	MOH First Dose	MOH Second Dose	s9(2)(g)(i)
<b>New Zealand</b>	<b>Late Nov</b>	<b>Late Dec</b>	
Auckland	Imminent	Mid Nov	
Waitematā Counties	Early Nov	Late Nov	
Manukau	Mid Nov	Early Dec	
Canterbury	Mid Nov	Early Dec	
Waikato	Mid Nov	Early Dec	
Taranaki	Mid Nov	Mid Dec	
Bay of Plenty	Late Nov	Mid Dec	
Mid Central	Late Nov	Mid Dec	
Northland	Late Nov	Late Dec	
Southern	Late Nov	Late Dec	
Lakes	Late Nov	Late Dec	
Wairarapa	Late Nov	Late Dec	
Capital and Coast	Late Nov	Late Dec	
Whanganui	Late Nov	Late Dec	
Hutt Valley	Early Dec	Late Dec	
Nelson			
Marlborough	Early Dec	Late Dec	
South Canterbury	Early Dec	Late Dec	
Tairāwhiti	Early Dec	Late Dec	
Hawke's Bay	Early Dec	2022+	
West Coast	Mid Dec	2022+	

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