



Proactive Release

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

Paper: COVID-19 – Alert Level 1 Controls

Minute of Decision: COVID-19: Alert Level 1 Controls

Sensitive

Office of the Prime Minister

Chair, Social Wellbeing Committee

COVID-19 – Alert Level 1 controls

Proposal

1. This paper seeks agreement to the overall controls that will apply at Alert Level 1. It does not deal with border controls – these are the subject of a suite of papers to be considered by Cabinet in the near future.

Executive summary

2. On 25 May Cabinet reviewed the Alert Level 2 controls and agreed that no later than 22 June it will consider a move to Alert Level 1 [CAB-20-MIN-0240 refers]. Prior to making a decision to go to Alert Level 1, it is important to ensure our Alert Level framework remains fit-for-purpose and reflects our growing experience operating under it and our increasing knowledge of the COVID-19 virus.
3. The main controls under Alert Level 1 are border restrictions and managed isolation or quarantine for people entering the country. Other public health measures include guidance for individuals, communities and businesses on hygiene, contact tracing, testing, isolation and quarantine for people displaying symptoms or who have tested positive for COVID-19. There are no controls on businesses and services (including hospitality), gatherings, physical distancing and sport and recreation, or requirements to keep records to enable contact tracing. Stated simply, Alert Level 1 looks like pre-COVID-19 business as usual but with border restrictions.
4. The permissive nature of the Alert Level 1 controls reflect it is predicated upon having eliminated chains of transmission and there having been no new cases from community transmission for at least 28 days. If that has been achieved, and we have confidence in our border controls, there is theoretically no need for restrictions on people's movements, interactions or activities.
5. The Alert Level framework is underpinned by public health measures. At Alert Level 1 as currently agreed, none of these are mandatory requirements for businesses, services or individuals, but it is important the public remain vigilant and continue to practice good hygiene to minimise the risk of any community transmission. There is still a global pandemic, which is expected to continue well into 2021 or longer. New Zealand's COVID-19 response must continue to be constructed in that context. Accordingly we will develop a communications strategy and set of public messages, including 'golden rules' for Alert Level 1, reminding people of this. Central to the messaging will be that although COVID-19 is contained in New Zealand, people and businesses should be prepared in case we have to move up alert levels, and that adopting good hygiene practices in our daily lives remains our key defence against the virus re-emerging. I also propose amending the description of the public health measures (as set out in **Table 1** below) to clarify they are not requirements for businesses, services or individuals.
6. In terms of barriers to economic activity at Alert Level 1, border restrictions are the main impediment in that they prevent the movement of international tourists and

severely constrain the movement of migrant labour. Large events such as concerts and sports games and tournaments would be able to go ahead. It may also be desirable to reinforce through public communications that if we move to Alert Level 1, the risk of contracting COVID-19 is negligible and there is no reason not to return to work and normal activity (including the use of public transport), which should encourage economic activity.

7. Following final decisions on Alert Level 1 settings, I will publicly release the overall changes to the Alert Level framework. When a decision is made to go to Alert Level 1, the COVID-19 Public Health Response (Alert Level 2) Order will need to be revoked, and depending on whether any additional controls are included in Alert Level 1, a further Order may be required. Any such measures have to be proportionate to the public health risk, and appropriate to achieve the purpose of the COVID-19 Public Health Response Act.

Background

8. The Alert Level framework lies at the heart of New Zealand's response to COVID-19. Ahead of a shift from Alert Level 2 to Alert Level 1 it is timely to review the currently agreed controls at Alert Level 1 to ensure they remain fit-for-purpose and reflect our current understanding of COVID-19. It is important not to lose sight of the fact that although New Zealand has made great progress in containing COVID-19, there is still a global pandemic that is expected to continue into 2021 or even longer.

The public health narrative for Alert Level 1

9. Our approach to any revisions to the Alert Level framework continues to be based on solid public health principles. From a public health perspective, Alert Level 1 means there has been a period of more than 28 days with no new cases of COVID-19 caused by community transmission and there is an extremely low public health risk from the virus. We should only be at Alert Level 1 if we are confident chains of transmission in our community have been eliminated for at least 28 days and that future imported cases from overseas can effectively be contained. New cases are still likely to arrive over our borders so managed isolation and quarantine remain absolutely critical.
10. With the exception of border controls, Alert Level 1 as currently agreed sees a return to life as we knew it pre-COVID-19. We can expect a significant further resumption of activity during Alert Level 1, particularly in terms of sport and recreation, gatherings, and hospitality. However, it is important that the public remain vigilant and continue to follow the public health advice around hygiene to mitigate the risk there is undetected community transmission of COVID-19.

Controls at Alert Level 1

11. On 15 April 2020 the Cabinet Business Committee agreed the high level settings for Alert Level 1. In doing so it noted the framework could be modified to take account of what has been learnt and to reflect emerging international evidence about the effectiveness of various measures, and that measures at each Alert Level can be calibrated to achieve the desired level of public health controls [CBC-20-MIN-0041 refers].
12. I am broadly comfortable with the previously agreed controls for Alert Level 1 that see no restrictions on personal movement, sport and recreation, travel and transport, public venues, health and disability services, workplaces or education. That there are no controls reflect the fact that before we move to Alert Level 1 there is no community

transmission of the virus. It is therefore safe for individuals to be in close contact with others. **Table 1** below sets out the current Alert Level 1 controls and proposed amendments to clarify how they affect different sectors and activities. There does remain concern about large gatherings such as concerts and conferences (discussed further below).

13. The ongoing border restrictions at Alert Level 1 are the main barrier to increased economic activity given they prevent the movement of international tourists and severely constrain the movement of international labour. Large events such as concerts and sports games and tournaments would be able to go ahead at Alert Level 1. Economic activity could possibly be further increased by relaxing requirements and guidelines for public transport and hospitality. It may also be desirable to reinforce through public communications that if we move to Alert Level 1, the risk of contracting COVID-19 is negligible, and there is no reason not to return to work and normal activity (including the use of public transport).

Public health measures

14. Public health measures underpin the Alert Level framework. Along with general health advice focussed on personal hygiene and sanitation, the measures include contact tracing, testing, isolation and quarantine and border restrictions. The measures apply to all alert levels and are set out in **Table 1** below.
15. Unlike Alert Levels 2, 3 and 4, at Alert Level 1 as currently agreed, no businesses, services or other facilities are required to give effect to any of the public health measures such as maintaining records to enable contact tracing. I propose to amend the description to make this clearer. However, we would encourage them to give effect to the measures as appropriate, including enabling contact tracing by displaying QR codes on their premises. And in the case of workplaces (including schools), I note they have legal obligations under the Health and Safety at Work Act 2015 to ensure the health and safety of workers and others, including the implementation of appropriate hygiene measures.

Border restrictions

16. Managing the arrival of people into New Zealand remains a fundamental plank of New Zealand's COVID-19 response at Alert Level 1. If we are confident there is no community transmission of the virus and go to Alert Level 1, preventing new active cases entering our community by requiring managed isolation for all arrivals and quarantine for active cases, is absolutely critical.
17. Cabinet will be considering a suite of papers on our ongoing border strategy and exemptions shortly.

Contact tracing

18. The capacity to undertake rapid contact tracing is critical to enable quickly getting on top of and suppressing any future outbreak of COVID-19. At Alert Levels 2 and 3, various businesses and services and people or organisations undertaking certain activities were required to maintain records to enable contact tracing. At Alert Level 1 this is not a requirement. However, as part of encouraging public vigilance generally, we should encourage:

- a) people to keep track of where they have been and who they have had contact with to enable rapid contact tracing in the event they have contact with an active case, for example, by using the COVID Tracer app; and
 - b) businesses and services to enable contact tracing by displaying QR codes so people can use the COVID Tracer app – this would also be useful if we had to move back up to Alert Level 2.
19. I note that not requiring businesses to enable contact tracing will reduce the uptake and usage of the NZ COVID Tracer app and the effectiveness of contact tracing generally if there were to be an outbreak of COVID-19.

Large gatherings under Alert Level 1

20. Gatherings pose a high risk for community transmission of COVID-19. Some of the significant clusters of COVID-19 in New Zealand have been associated with gatherings and exposed a large number of people to the virus. Particularly high risk events include those where people become intoxicated, are in a confined space for a prolonged period (2 hours or longer) and come into close contact. Examples include large conferences, festivals and concerts. And given the high reproductive rate of the virus, a large cluster could result if an active case attended a large event.
21. In light of the above, I propose officials work with organisers and ticketing agencies for large events to develop a voluntary code to maintain records of attendees (for a short period) to enable rapid contact tracing if it transpires a person with COVID-19 was in attendance. Such record keeping could be achieved by an event being ticketed. Other measures could include guidance and hygiene requirements for the organisers of large events. **Table 1 – Alert Level 1 controls and proposed changes**

	Alert Level 1 (as agreed on 15 April 2020)	Proposed changes to Alert Level 1
Outcome	Keep out global pandemic. Population prepared for increase in alert levels if necessary.	No change
Summary	Be prepared and be vigilant. Border measures are in place. Public health measures in place, but no physical distancing is needed.	No change
Public health measures	No physical distancing requirements. General public health advice Regularly disinfect surfaces; wash and dry hands, cough and sneeze into elbow, don't touch your face; if you have cold or flu symptoms stay at home and ring Healthline or your GP. Contact tracing Ongoing contact tracing for all confirmed and probable new cases of COVID-19, with appropriate isolation measures put in place. Testing Testing of all potential cases of COVID-19 for people who meet the case definition (i.e. are displaying relevant symptoms). Tests will take place at dedicated Community-Based Assessment Centres or designated practices. Random testing within communities (including for people who are asymptomatic) may be carried	Retain general public health measures, contact tracing, testing, and isolation and quarantine measures. General Clarify that general public health guidance applies for everyone, but will no longer be enforced. Contact tracing Clarify businesses and services are not required to maintain records to enable contact tracing in any circumstances, but are encouraged to enable contact tracing (e.g. by displaying QR codes) so as long as they protect peoples' privacy and safety. However, as noted above, we will work with organisers and ticketing agencies for large events on a voluntary code to encourage record keeping to enable contact tracing at large events such

Alert Level 1 (as agreed on 15 April 2020)	Proposed changes to Alert Level 1	
<p>out locally to inform understanding on the spread of the virus in certain areas.</p> <p>Isolation and quarantine</p> <p>Stringent self-isolation of those who display relevant symptoms of COVID-19, test positive for COVID-19, have been in close contact with someone who tests positive for COVID-19, including quarantine/managed isolation for those who have been overseas in the last 14 days. Quarantine facilities mandated for those who do not have sufficient capacity to self-isolate effectively.</p> <p>Border</p> <p>Robust border measures in place which safeguard against the risk of COVID-19 being transmitted into New Zealand. Currently, managed isolation or quarantine on arrival for 14 days before onward domestic travel.</p>	<p>as concerts, conferences and large sports events.</p> <p>Also encourage people to record where they have been and who they have seen (including by using the NZ COVID Tracer app). As discussed further below in relation to gatherings, we will work with organisers and ticketing agencies for large events on a voluntary code to encourage organisers of large events (such as concerts, conferences and large sports events) to maintain records to enable contact tracing.</p> <p>Physical distancing</p> <p>Clarify that it is not a requirement but is still encouraged.</p>	
Personal movement	No restrictions on personal movement.	No change
Sport and recreation	Sports and recreational activities allowed.	No change
Travel and transport	No restrictions on domestic travel. Avoid mass transport if sick, awaiting a result from a COVID-19 test, or required/recommended to self-isolate.	Note border restrictions remain in place.
Gatherings	No restrictions	No change but we will work on a code with organisers and ticketing agencies for large events to enable contact tracing at large events.
Public venues	No restrictions	No change
Health and disability care services	No restrictions	No change
Workplaces	<p>Businesses must operate safely. This means:</p> <ul style="list-style-type: none"> • complying with Alert Level 1 settings in this table, and • meeting appropriate public health requirements for their workplace (e.g. handwashing), and • fulfilling all other health and safety obligations. 	Amend to say nothing additional required for businesses to reflect the expectation that businesses operate under usual settings and legislation. This includes general HSWA obligations (but nothing specific or additional required under HSWA to address COVID-19), as well as any other applicable regulatory infection controls (e.g. food safety hygiene requirements).
Education	<p>All education facilities must operate safely and meet appropriate public health requirements.</p> <p>Any educational facilities connected to a confirmed or probable case of COVID-19 must close temporarily, if advised by the public health unit, to support contact tracing and case and contact management.</p>	No change

Public Health advice

22. A summary of the Director-General of Health's advice on controls necessary at Alert Level 1 is as follows.
23. At any Alert Level, New Zealand's elimination strategy depends on four pillars:
 - a) robust border controls;
 - b) surveillance and testing;
 - c) contact tracing and case isolation; and
 - d) public support for control measures.
24. Those measures should remain in place until a vaccine or other effective treatment is available.
25. Alert Level 1 is intended to apply when COVID-19 is uncontrolled overseas, with New Zealand cases restricted to isolated household transmission and imported cases.
26. The main changes to public health measures that have been publicly indicated with a move to Alert Level 1 are no limits on gatherings, and physical distance being encouraged, but no longer required.
27. When the move to Alert Level 1 is made, there is likely no need for significant controls beyond the four pillars and basic hygiene measures, as long as border measures are maintained. This means that the Director-General does not consider general restrictions on gatherings are necessary in Alert Level 1. However, if an outbreak occurs in New Zealand, controls on large gatherings could be one of the first responses, as we attempt to manage the risk without the need to revert to a higher Alert Level. Organisers should be aware they may be asked to postpone or cancel gatherings under those circumstances. Before any decision on a response to an outbreak is taken, further advice would need to be provided to ensure the measures are proportionate to the public health risks, and they are appropriate to achieve the purpose of the COVID-19 Public Health Response Act 2020.

Implementation of Level 1

28. Following final decisions on settings for Alert Level 1, I will publicly announce any changes.
29. Given the simplicity of Alert Level 1 relative to other alert levels, we do not anticipate the wide range of questions that arose from businesses, communities, and public service providers regarding the application of public health measures to particular activities. However, we intend to widely promulgate a set of 'golden rules' given the importance of individual behaviours and ongoing vigilance in maintaining the gains we have made in fighting COVID-19.

Financial implications

30. This paper has no direct financial implications.

Legislative implications

31. The measures for Alert Level 1 as set out in **Table 1** rely on guidelines and voluntary compliance, with the backing of the Health and Safety at Work Act 2015 in workplaces and border controls under the Health Act 1956.
32. When a decision is made to go to Alert Level 1, the Minister of Health will need to decide to revoke the current COVID-19 Public Health Response (Alert Level 2) Order 2020.

Impact analysis

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

Human rights

34. As Cabinet has previously been advised, the Alert Level framework has imposed significant limitations on the New Zealanders' human rights. As such the further loosening of restrictions under Alert Level 1 is positive in terms of human rights.
35. There will continue to be limitations on the rights to freedom of movement, peaceful assembly and association (through border restrictions and compulsory placement in managed quarantine or isolation). Although border restrictions are not the subject of this paper, the ongoing seriousness of the COVID-19 pandemic overseas, and the risk of importing cases to New Zealand and their spread through an environment with few (if any) domestic controls, may continue to justify these limitations. In addition, the measures applied to persons arriving into New Zealand engage the right of to be free from unreasonable search (through mandatory health screening and testing), but again, the risks of importing cases may make such searches reasonable in the circumstances. The Solicitor-General continues to keep these rights-intrusive measures under review.

Consultation

36. This paper was prepared by National Crisis Management Centre officials. The following departments and agencies were consulted: Ministry of Business, Innovation and Employment, Department of Corrections, Department of Conservation, Ministry of Education, Ministry of Foreign Affairs and Trade, Ministry of Health, Department of Internal Affairs, Ministry of Justice, National Emergency Management Agency, Police, Ministry for Primary Industries, Department of the Prime Minister and Cabinet, Sport New Zealand, State Services Commission, Ministry of Transport, The Treasury and Worksafe New Zealand. The Crown Law Office reviewed the paper.

Communications

37. Advice on communications will be provided along with advice on a decision to move to Alert Level 1. 'Golden rules' for Alert Level 1 will be developed and will form the basis of public communications and I propose we start using these before we move to Alert Level 1.

Proactive release

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

Recommendations

The Prime Minister recommends that the Committee:

1. **Note** that on 25 May 2020, Cabinet decided that no later than 22 June, Cabinet will consider a move from Alert Level 2 to Alert Level 1 [CAB-20-MIN-0240 refers];
2. **Note** that the settings for Alert Level 1 were previously agreed by the Cabinet Business Committee on 15 April 2020 [CBC-20-MIN-0041 refers];
3. **Note** that currently the Alert Level framework comprises public health measures including general public health advice, contact tracing, testing, isolation and quarantine, and border restrictions that apply to all alert levels (see **Table 1** above);
4. **Note** that currently Alert Level 1 is very permissive and (unlike Alert Levels 2, 3 and 4) places no legal restrictions on gatherings, transport, sport and recreation or hospitality businesses, and no legal requirements for contact tracing or physical distancing;
5. **Agree** to maintain the current public health measures for Alert Level 1 with the proposed amendments (as set out in **Table 1** above) to clarify they do not place legal obligations on businesses, services or individuals;
6. **Direct** officials to work with organisers and ticketing agencies for large events (such as concerts, conferences and sports events) on a voluntary code to maintain records of attendees to enable contact tracing;
7. **Note** a communications strategy including 'golden rules' will be developed to reinforce the importance of the public health measures;
8. **Agree** that the decisions contained in this paper will be communicated by the Prime Minister.

Authorised for lodgement

Rt Hon Jacinda Ardern
Prime Minister



Cabinet Social Wellbeing Committee

Minute of Decision

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

COVID-19: Alert Level 1 Controls

Portfolio **Prime Minister**

On 3 June 2020, the Cabinet Social Wellbeing Committee, having been authorised by the Prime Minister to have Power to Act:

- 1 **noted** that on 25 May 2020, Cabinet decided that no later than 22 June, Cabinet will consider a move from Alert Level 2 to Alert Level 1 [CAB-20-MIN-0240];
- 2 **noted** that the settings for Alert Level 1 were previously agreed by the Cabinet Business Committee on 15 April 2020 [CBC-20-MIN-0041];
- 3 **noted** that currently the Alert Level framework comprises public health measures including general public health advice, contact tracing, testing, isolation and quarantine, and border restrictions that apply to all alert levels (see Table 1 in the paper attached under SWC-20-SUB-0066);
- 4 **noted** that currently Alert Level 1 is very permissive and (unlike Alert Levels 2, 3 and 4) places no legal restrictions on gatherings, transport, sport and recreation or hospitality businesses, and no legal requirements for contact tracing or physical distancing;
- 5 **agreed** to maintain the current public health measures for Alert Level 1 with the amendments set out in Table 1 in the paper attached under SWC-20-SUB-0066, to clarify they do not place legal obligations on businesses, services or individuals;
- 6 **directed** officials to work with organisers and ticketing agencies for large events (such as concerts, conferences and sports events) on a voluntary code to maintain records of attendees to enable contact tracing;
- 7 **noted** that a communications strategy including 'golden rules' will be developed to reinforce the importance of the public health measures;
- 8 **agreed** that the decisions contained in the paper attached under SWC-20-SUB-0066 will be communicated by the Prime Minister;

- 9 **noted** that the Prime Minister will report-back to Cabinet on additional measures to encourage people to maintain records for contact tracing, including requiring businesses to display QR codes.

Vivien Meek
Committee Secretary

Present:

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

Officials present from:

Prime Minister's Office
Officials Committee for SWC
Office of the SWC Chair

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