

Office of the Minister for COVID-19 Response

Cabinet

## **COVID-19 RESPONSE: 18 OCTOBER REVIEW OF ALERT LEVEL SETTINGS**

### **Proposal**

- 1 This paper seeks Cabinet's agreement to:
  - 1.1 keep Auckland at the current Alert Level 3 (the first stage of the three-stage reduction); and
  - 1.2 keep the rest of New Zealand (excluding Northland and Waikato) at Alert Level 2.
- 2 I propose these settings are reviewed by Cabinet on Monday 1 November.
- 3 A public health risk assessment was carried out on Sunday 17 October to review the situation and appropriate Alert Level in the Waikato and Northland. The Director-General will provide an oral update to Cabinet on Alert Level recommendations for the Waikato and Northland Alert Level 3 areas today, based on this risk assessment.
- 4 The paper also seeks decisions about the process for reopening Auckland education services at Alert Level 3 and notes further public health controls that will be implemented through guidance when these services resume, and seeks agreement that people that work or provide services in prisons be vaccinated.

### **Relation to government priorities**

- 5 This paper concerns the Government's response to COVID-19.

### **Summary**

- 6 As at 9am Sunday 17 October, there have been 1,945 confirmed cases detected since 17 August 2021, of which 1,886 are in Auckland, 42 in the Waikato, and 17 in Wellington. There were 51 new cases identified in the community in the 24 hours to 9am Sunday 17 October, 47 in Auckland and 4 in the Waikato. There were no new cases identified in Northland.
- 7 The 14 October Public Health Risk Assessment notes a high risk of community transmission in Auckland, with the outbreak now becoming more widespread, affecting more ethnic groups, with more exposure events per day and with more exposure events occurring outside of the home and essential workplaces. Case numbers are currently growing with an R value of between 1.2 and 1.3. The risk of community transmission in the rest of New Zealand (excluding Waikato and Northland) remains low.

- 8 The Director-General of Health's interim public health advice notes that, given the increase in unlinked cases, caution is advised regarding the outbreak within the Auckland region and continued close monitoring is required. To ensure the outbreak is contained, it is critical to retain the current Alert Level 3 restrictions. The potential for COVID-19 to leak outside the Alert Level 3/2 boundary means Alert Level 2 restrictions must continue to be reinforced across the rest of New Zealand.
- 9 On the basis of the latest public health risk assessment and the Director-General of Health's interim advice, I propose Cabinet agrees to:
- 9.1 keep Auckland at the current Alert Level 3 (the first stage of the three-stage reduction); and
- 9.2 keep the rest of New Zealand outside the Alert Level 3 areas at Alert Level 2.
- 10 The Director-General will provide an oral update to Cabinet today on the situation and appropriate Alert Level in the Waikato and Northland Alert Level 3 areas. I propose the country's Alert Level settings are next reviewed by Cabinet on Monday 1 November.
- 11 On Monday 11 October, Cabinet agreed to confirm the arrangements and conditions for the reopening of Auckland education entities (schools and early learning services) from Tuesday 26 October at today's meeting [CAB-21-MIN-0415 refers]. The interim public advice is to defer the reopening of these education services until after Tuesday 26 October because of the upward trajectory of cases in Auckland, increased transmission risk in education settings and their associated movement across the region, and deferred effectiveness of vaccines. In light of this, I propose we defer the full reopening allow more children and young people to return to education entities in Auckland until 1 November at the earliest, subject to updated public health advice. But given the proximity of exams, I would like us to carefully consider whether the benefits of secondary students, who are eligible for vaccination, returning to school earlier are outweighed by the risks of increased transmission.
- 12 There has been some uncertainty and confusion from the public and impacted sectors about what businesses and services will be able to operate at stage two of Auckland's reduced Alert Level 3 settings. I am not recommending Auckland shift to stage two this week. However, I propose we signal that a shift to stage two is unlikely in the near term, but reassure the public that more detailed information about the stage two settings will be communicated prior to any shift occurring.
- 13 Given the high risk of transmission within Auckland and the need to ensure COVID-19 is not transmitted outside of the Alert Level boundary, I do not propose to enable more permissions for crossing Alert Level boundaries at this stage. Further advice on permissions for building and construction and education will be provided at the next Alert Level review.

- 14 In addition, I propose that Cabinet agree:
  - 14.1 in-principle to making vaccination mandatory for workers crossing Alert Level boundaries, pending consultation with operational agencies and key industries; and
  - 14.2 that workers in prisons are required to be vaccinated.

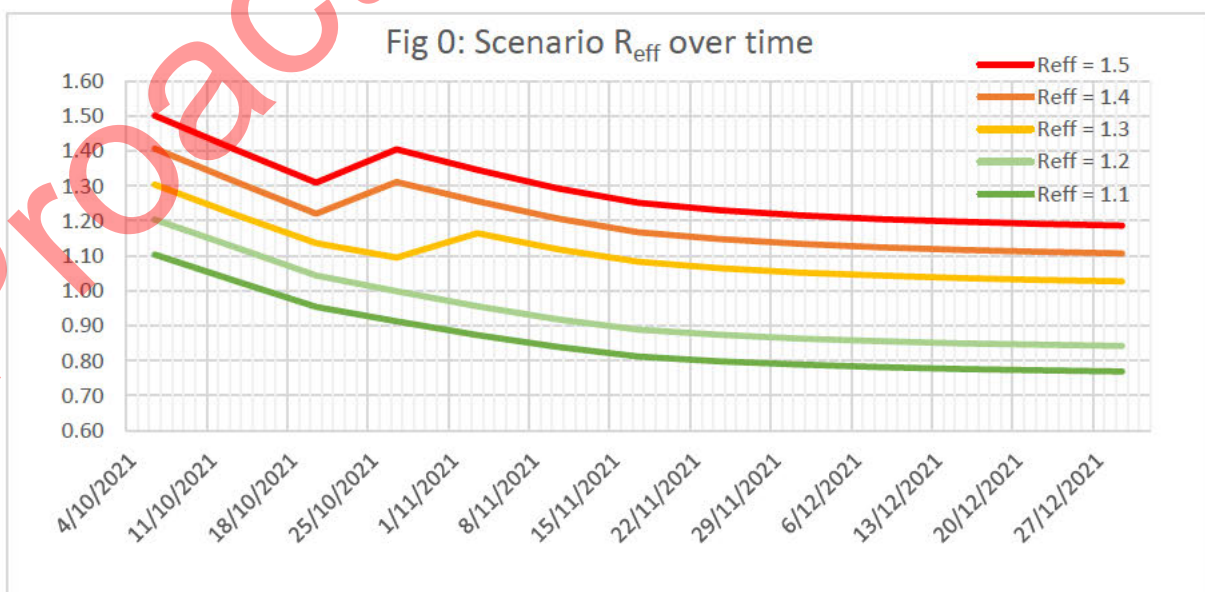
**Situation report**

- 15 Parts of the Waikato and Northland are at Alert Level 3, Auckland is at a reduced Alert Level 3 (the first stage of the three-stage reduction) and the rest of the country is at Alert Level 2. As at 9am Sunday 17 October, there have been 1,945 confirmed community cases detected since 17 August, of which 1,886 are in Auckland, 42 are in the Waikato and 17 are in Wellington. There were 51 new cases in the 24 hours to 9am Friday 15 October, of which 47 were in Auckland and 4 in the Waikato.
- 16 The public health risk assessment notes that the increase in spread of cases across Auckland, as well as the increase in unlinked cases, necessitates ongoing caution regarding the outbreak within the Auckland region. The risk of community transmission in Auckland is high, with the outbreak now at risk of becoming uncontrolled with case numbers currently growing.

**Updated modelling for the current outbreak at Friday 15 October 2021**

*Simulating case trajectories*

- 17 Estimates for the effective reproduction number (R value or  $R_{eff}$ ) have been trending up since Cabinet's previous review of Alert Levels, in line with rising numbers of daily reported cases. Current estimates for  $R_{eff}$  are around 1.3.
- 18 Officials have commissioned Te Pūnaha Matatini modellers to project case numbers based on scenarios for  $R_{eff}$  greater than 1 over the coming weeks.



These scenarios are defined in terms of their starting  $R_{\text{eff}}$  values in the week commencing 6 October, but the  $R_{\text{eff}}$  decreases over time to capture the benefits of increasing rates of vaccination within Auckland.<sup>1</sup>

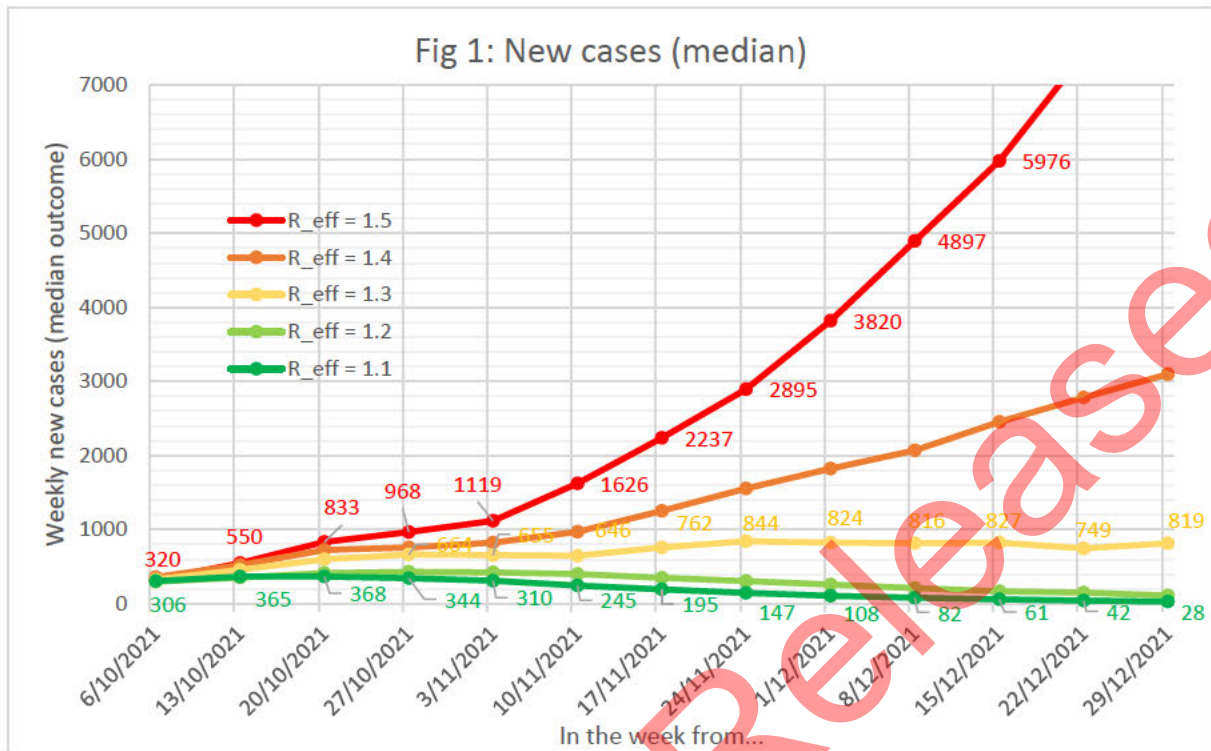
- 19 In reality,  $R_{\text{eff}}$  will not behave this way over time. There are a number of factors which will drive  $R_{\text{eff}}$  (which each come with time lags before they will influence daily case numbers) including:
- 19.1 vaccination rates increasing (included in this model);
  - 19.2 Alert Level changes in response to public health risk;
  - 19.3 compliance potentially falling over time;
  - 19.4 changing testing rates and degrading performance of contact tracing (crudely included in the model, creating the “kink” in Fig 0);
  - 19.5 changing demographic structure of the infected population; and
  - 19.6 societal concern about the risk of being infected changing behaviour.
- 20 These scenarios show that:
- 20.1 If a low  $R_{\text{eff}}$  (i.e. less than 1.2 and decreasing) is achieved over the coming weeks then the vaccination campaign will support a gradual reduction to very low caseloads. In these scenarios, new daily cases may be in the region of around 10 per day by mid-December.
  - 20.2 If  $R_{\text{eff}}$  maintains a level at or above 1.3, even as vaccination rates increase, then the vaccination campaign cannot be expected to materially restrict an exponential growth in cases into the medium-term, leading to hundreds or thousands of cases a day by late December without additional interventions.
  - 20.3 Based on current estimates of  $R_{\text{eff}}$ , and current expectations for the benefits of increasing vaccination coverage, (the “ $R_{\text{eff}} = 1.3$ ” scenario), vaccination may act to limit transmission in the medium term such that ongoing caseloads remain fairly stable, in the region of 100 new cases per day.

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<sup>1</sup> The chart includes a “kink” which relates to an assumption of contact tracing performance degrading after a point.



21 Figure 1 depicts these outcomes over the next 12 weeks.



22 These scenarios relate to the projected vaccination rates in Auckland. The results are not generalisable, and nor should they be applied proportionately across New Zealand, given the stage of the outbreak they are modelling and the existence of a controlled boundary between Auckland and the rest of the country.

23 We can expect that exposure events outside of Auckland will increase in proportion with any rise in case numbers within Auckland. However, previous modelling results demonstrate that it would then take some time for significant transmission to occur in other regions, with time to scale up the local response. Similar to a new outbreak at the national level, modelling results suggest that there is a greater chance of elimination of an outbreak at the local level if:

23.1 new cases are detected early, through intensive testing efforts in the symptomatic population and those who cross the Alert Level boundary; and

23.2 there is an immediate response to new cases that suggest wider spread (such as no clear link to the Auckland population).

## Director-General of Health's assessment against the health factors

### *Likelihood that the Auckland outbreak is contained*

- 24 The Auckland outbreak is not contained. There remains a heightened risk of cases being seeded from Auckland to other parts of New Zealand, as shown by the community cases detected in Waikato, Northland and Palmerston North.
- 25 As at 9am Wednesday 13 October, there have been 1,665 cases in the Auckland region and 493 of these cases remain active. This month there has been an exponential growth of cases with the effective reproductive number now around 1.3. Over the past fortnight there has been a dispersion of cases cross Auckland (rather than occurring mainly in South Auckland). Ethnically the greatest proportion of cases are Māori, followed by European/Other.
- 26 As at 11am Wednesday 13 October, there have been 37 cases reported in Waikato. The source of infection was unknown and the risk of community transmission within Waikato was considered medium. There has been one positive case detected in Northland and there remains a risk of transmission occurring.
- 27 There have been no positive cases detected in the rest of New Zealand (excluding Waikato and Northland) since an essential worker in Palmerston North tested positive on Sunday 3 October.

### *Update on unlinked cases and sub-clusters of concern*

- 28 There has been a significant increase in the number of unlinked cases in Auckland. The increase in unlinked cases is in part due to there being less investigation of the source of infection as the Auckland Regional Public Health Service moves to a more sustainable case investigation model as case numbers increase. However, there is likely to be an actual increase in unlinked cases.
- 29 As at Wednesday 13 October, there were a total of 30 subclusters, 16 epidemiologically linked subclusters (four active, one contained and 11 dormant) and 14 epidemiologically unlinked subclusters (four active, one contained and nine dormant).
- 30 Cases associated with the original clusters are decreasing. In late August, three new sub-clusters emerged and have provided the majority of new cases over the last two weeks. During October, the proportion of cases infectious in the community has been consistently about 50 percent.
- 31 Of the 1,719 community cases identified as at 9am Wednesday 13 October, NCTS reports 1,612 (94 percent) are epidemiologically linked or connected to a cluster, 107 are unlinked to the initial clusters with investigations for a link ongoing, and 75 cases are unlinked within the last 14 days.

### *Testing rates*

- 32 There is confidence in the capability and capacity of the laboratory testing system. Since the move to Alert Level 4 on Wednesday 18 August, 1,073,515 tests have been processed in the laboratories across the country as at midnight Tuesday 12 October. The median processing time between when a test is taken and the result is produced is 17 hours.
- 33 Overall, testing rates have been high in the Auckland region, particularly in the populations most impacted by the outbreak. In Auckland, rates of testing have been reasonably stable with a dip in weekend testing rates which is usually seen. In the rest of the country the testing rates have been either stable or decreasing, except for Waikato which has increased markedly.
- 34 Enhanced surveillance testing continues in the Auckland region. This includes specific testing efforts in South and West Auckland and in residential housing facilities. On Tuesday 12 October, 12,965 people were tested across the Auckland Metro region (excluding both MIF guest and MIF worker testing), with a 7-day rolling average of 12,834. There has been increased levels of essential worker testing. Since 20 September, 90,820 essential workers have been tested. On 12 October, 4,216 essential workers were tested.
- 35 As at 5pm Tuesday 12 October, there were ongoing wastewater surveillance detections at multiple sites across Auckland. There have been no unexpected recent wastewater detections outside the Waikato, Auckland and Palmerston North areas.

### *Vaccination rates*

- 36 Vaccination rates are increasing overall since the previous risk assessment on 7 October. As of Sunday 17 October, 89 percent of the eligible population in Auckland have received one dose, and 71 percent have received both. However, the full impact of vaccination will not be realised until two weeks after the second dose.
- 37 There are still inequities in coverage by age group and ethnicity. Lower vaccination rates for Māori under the age of 50 can be observed across the country. For Pacific peoples, there are lower vaccination rates for those aged 12 to 34 across the country. For other ethnic groups, there are lower vaccination rates for those aged 12 to 34 outside of Auckland. The Ministry of Health are working to address these inequities and will provide more advice to Cabinet on progress to improve Māori and Pacific vaccination rates as part of future updates. Targeted vaccination events such as “Super Saturday” are hoped to increase vaccination rates across all ethnicities and ages.
- 38 An overview of vaccination rates, broken down by District Health Board, age and ethnicity is provided at Appendix 1.

*Health system capacity including surveillance and contact tracing systems*

- 39 As at 9am Sunday 17 October, there are 29 hospitalisations associated with the current outbreak (26 are active cases and three are recovered), with five of those in ICU/HDU and two requiring ventilation. ICU occupancy as at 15 October is 66.8 percent, with 17.7 percent of ventilators in use. Across Auckland, ICU occupancy is 75.5 percent at Auckland DHB, 32 percent at Counties Manukau DHB, and 42.9 percent at Waitematā DHB.
- 40 The Ministry's National PPE and Critical Medical Supply Chain has good stocks of PPE. There are no concerns with supply chain for reagents, consumables and swabs.
- 41 There have been a total of 39,368 contacts associated with this outbreak to date. Of these 39,368 contacts, 36,517 are Close contacts (33,245 or 91 percent have been contacted and advised to isolate and be tested), 2,334 are Household contacts (2,241 or 96 percent have been contacted and advised to be isolated and tested) and 517 are non-household Close Plus contacts (482 or 93 percent have been contacted and advised to be isolated and tested). As at Sunday 18 October, there are 1,896 open contacts.
- 42 As of Friday 15 October, a revised strategy for the management of casual plus contacts was implemented. The advice to casual plus contacts will remain the same but casual plus contacts will be advised to self-manage and will not be entered into the National Contact Tracing Solution. As a result, casual plus contacts are no longer be reported on.
- 43 As signalled previously, case and contacts management has become more complex due to the communities that have been affected and the associated level of support required to ensure necessary engagement with the public health advice. Public health units advise that each of these cases is taking up the time of two less complex cases, placing strain on the workforce. Additional support is being provided by public health units outside of Auckland and National Investigation and Tracing Centre surge capacity has been activated.
- 44 Health workforce for MIQs in Auckland is reaching its limits and work is underway to redeploy staff from across the motu. The number of cases from the community being managed within the MIQ systems is presenting additional stress on the system. As at 8am Thursday 14 October, there are 265 MIQ rooms and 35 close contact rooms available across the country. Officials are considering options to free up capacity in MIQ facilities. These include options of self-isolation, reduced quarantine period and short stay options.

*Director-General of Health's conclusions*

- 45 Based on the most recent public health risk assessment completed on Thursday 14 October, the Director-General's interim health assessment is:
- 45.1 The risk of community transmission in Auckland remains high as there is a likelihood of undetected community transmission across Auckland.



- 45.2 The risk of community transmission for the rest of New Zealand (excluding Waikato and Northland) is low, but there is potential for COVID-19 to seed outside of Auckland.
- 46 The Director-General's interim public health advice is therefore that:
- 46.1 Auckland should remain at Alert Level 3 (stage one of the three-stage reduction in restrictions);
- 46.2 the rest of New Zealand outside of the Alert Level 3 areas should remain at Alert Level 2; and
- 46.3 a continued drive to increase vaccination rates (particularly for age groups and ethnicities with currently low rates) is needed, as is continued active testing, targeted communications to reinforce and improve compliance, and continued encouragement for the public to be tested if they are a contact or have COVID-19 symptoms.

### **Proposal regarding Alert Levels**

- 47 On the basis of the latest public health risk assessment and the Director-General's interim public health advice, I propose Cabinet agrees to:
- 47.1 keep Auckland at the current Alert Level 3 (the first stage of the three-stage reduction); and
- 47.2 keep the rest of New Zealand outside the Alert Level 3 areas at Alert Level 2.
- 48 The Director-General will provide an oral update on the latest situation and appropriate Alert Level in the Waikato and Northland Alert Level 3 areas today.
- 49 I propose these settings are reviewed by Cabinet on Monday 1 November.

### **Assessment of the proposed measures/options against the non-health factors**

- 50 I have assessed the options against the non-health factors agreed by Cabinet, as set out below. On balance, the assessment supports the proposals in this paper.
- 51 It is positive that high-frequency economic indicators point to increased economic activity in Auckland since moving down to Alert Level 3, but activity is reducing in the Waikato Alert Level 3 area. Improved economic activity is likely contributing to a fall in the uptake of most grants and benefits across the country.
- 52 I remain concerned about the social impact of enduring Alert Level restrictions, noting that impacts on at risk populations persist. There are mixed reactions to new requirements and adjustments to Alert Level restrictions.

*Economic impacts from Alert Levels*

53 The latest estimates on the economic impacts of the Alert Level restrictions are set out in the table below.

**Approximate economic impacts of the Alert Level restrictions relative to Alert Level 1 (rounded to nearest \$10m)<sup>2</sup>**

| Restrictions   | Reduction in economic activity per week |                     |
|--|---|---------------------|
| AL2 across all of NZ   | \$70 million                            | 1% of national GDP  |
| AL3 in Auckland, AL2 rest of country                                     | \$250 million                           | 4% of national GDP  |
| AL3 in Auckland, Waikato <sup>3</sup> and Northland, AL2 rest of country | \$300 million                           | 5% of national GDP  |
| AL4 across all of NZ   | \$1,520 million                         | 25% of national GDP |

54 High-frequency economic indicators point to a continued rebound in Auckland's activity since moving down Alert Levels, while also showing reduced activity in the Waikato:

54.1 In the week ended Sunday 10 October, card spending in Auckland increased to around 76 percent of 2019 levels while spending in Waikato decreased to 21 percent below 2019 levels. Spending in Alert Level 2 regions continued to track above 2019 levels, with the exception of tourism-dependent areas like Rotorua and Queenstown.

54.2 In the week ended Sunday 10 October, heavy traffic in Auckland remained fairly steady at a level 6.5 percent lower than that seen in the week prior to the August 2021 outbreak, while heavy traffic in Hamilton was around 4 percent lower than before the outbreak. Heavy traffic has made a full recovery in other urban centres.

Updated information about uptake of grants and benefits

55 The Wage Subsidy Scheme August 2021 has had strong uptake with \$3,137 million paid over four payments as at Tuesday 12 October, though uptake has fallen with each subsequent fortnightly payment. Overall, the payments have supported 1,264,331 jobs, of which the vast majority are for businesses with under 500 employees.

56 The number of people on a main benefit increased after lockdown, peaking at 10,401 higher in the week of Friday 17 September. However, it has fallen since, with 7,620 more people now on main benefit than before lockdown. Food grants increased significantly in the first two weeks after lockdown but have trended lower since, and for the week ending Friday 8 October are at a

<sup>2</sup> Some of these GDP losses will occur even without Alert Level restrictions, as people adjust their behaviour in response to perceived risk.

<sup>3</sup> This estimate is based on a scenario where the entire Waikato region is at a standard Alert Level 3. The data currently available does not allow for estimates of sub-regional impacts, or for estimates of the impacts of intermediate steps to ease Auckland's Alert level 3 restrictions.

similar level to before lockdown. The Auckland region is now receiving 31 percent of all food grants, similar to the week before lockdown, after peaking at 38 percent in early September.

- 57 The August 2021 Resurgence Support Payment Scheme has also had strong uptake with \$1.1 billion paid across the three payments as of Wednesday 13 October (the third payment opened on Friday 8 October). Most support (around 93 percent of recipients as of 8 October) has been for businesses with fewer than 10 FTEs.

*Impacts on at-risk populations*

- 58 The issues raised in previous Alert Level reviews continue to persist despite the gradual easing of Alert Level restrictions in some parts of the country. These include, but are not limited to: ongoing restrictions on earning capacity; inequitable access to material essentials; issues related to education and learning; issues related to face covering exemptions, particularly for disabled people; strong and ongoing demand for mental health support services; and continued discrimination targeted towards Pacific peoples and disabled people.
- 59 Additional updates on population impacts from the past week include:
- 59.1 Māori businesses and services are grappling with how to responsibly help their employees get vaccinated, while managing Alert Level-related business stress, reduced resiliency and ability to plan for the future. Access to digital education resources and tools is also a concern for Māori, particularly as school closures endure. Shifting to more sustainable and manageable ways of working and supporting Māori communities and services is needed.
- 59.2 Progress continues to be made on increasing vaccination rates of Pacific people. The Ministry for Pacific Peoples continues to deliver targeted information campaigns to Pacific communities nationally. This includes regular information about locations of interest, Alert Levels settings, getting tested, and vaccinations in English and nine Pacific Languages.
- 59.3 Concern from ethnic communities around the impact of prolonged restrictions on mental health, wellbeing and isolation (especially for older people) is becoming more pronounced, especially as new cases emerge outside of Auckland.
- 59.4 Disabled people will likely be relieved by the new mandatory vaccination requirements, but may also be concerned about the potential impact of this requirement on supports if carers choose not to be vaccinated. The Disabled Persons Assembly is reportedly finding it difficult to keep up with requests for face covering exemption cards because access to these cards is being abused by people who are opposed to face coverings.



- 59.5 Older people are experiencing reduced clarity and certainty following more frequent adjustments to Alert Level settings. Some older people may be less likely to leave their homes as a result, leading to increased loneliness and isolation and reduced ability to fully participate in society (e.g. to seek medical advice and to participate in social activities). Clarity around the need for booster vaccination shots also continues to be sought by older people.
- 59.6 As reported last week, the level of harm and nature of the violence where incidents of family and sexual violence are occurring continues to be high. Increased support is being provided for MIQ facilities, following reports of family harm incidents in some of these facilities.
- 59.7 There was a 30 percent decrease in the number of contacts with Youthline Helpline this week compared to last week, from 490 to 343. The number of incident reports has also decreased by 44 percent, from 117 to 66 this week, of which nine required external intervention. This trend is expected during the school holidays, when young people are getting more support from, and communicating more regularly with, whānau and friends.

*Public attitudes and compliance*

- 60 Research conducted over the past week indicated continued confusion about Auckland's staged reduction in Alert Level 3 settings. This confusion is adding to the ambiguity of what New Zealand's overall COVID-19 strategy is. More information about the adjusted Alert Level 3 settings, including specific examples about permissible activities, was recommended by research participants. In general, people in Auckland are disheartened by those not complying with Alert Level restrictions and are feeling tired of living "week to week".
- 61 Social media about mandatory vaccination for workers in the health, disability and education sectors indicated mixed reactions. Some people expressed happiness and a desire for the mandate to be expanded to other sectors, with others perceiving the decision as a backtrack on Government's word not to mandate vaccinations in New Zealand. At the same time, others are discussing vaccination certificates, with some noting that they booked their vaccination in anticipation of their introduction.
- 62 Between 11.59pm Tuesday 21 September and 5pm Wednesday 13 October, New Zealand Police have undertaken 12,083 pandemic-related events in Auckland, Northland and parts of the Waikato (up from 8,471 last week). A total of 3,691 online 105 breach notifications were received from members of the public over the same period (up from 2589 last week, with the 3,691 notifications made up of 3,406 in Alert Level 3 areas and 285 in Alert Level 2 areas).
- 63 Since Wednesday 22 September, 698 pandemic-related infringement notices have been issued by Police (up from 591 last week), with non-compliance principally relating to stay-at-home orders and failure to maintain physical



distancing requirements. Over the same period, 20 people have been prosecuted and 25 people have received warnings.

- 64 Generally, compliance at the boundary remains high and motorists are carrying the required evidence to demonstrate their permitted reason to travel. Overall, only around one percent of vehicles have been turned around. Compliance is lower for heavy motor vehicles with 3.4 percent of the 33,521 heavy vehicles stopped at the boundary over the week to 12 October being turned around.

#### *Ability to operationalise Alert Level restrictions*

- 65 I am not proposing any changes to Alert Level settings or Alert Level 3/2 boundary permissions in this paper. The proposals do not present additional operational challenges. Operational pressures on Police continue as Alert Level restrictions endure, especially considering the resource required in MIQ and at checkpoints. With increasing numbers of positive COVID-19 cases, Police is playing a greater role in investigation of breaches and locating uncooperative individuals. This is requiring a trade off in investigative capability.
- 66 There will be operational impacts when education entities reopen in Auckland. Officials will provide advice on operational implications of reopening education entities in Auckland when decisions to confirm reopening dates are sought. These will require a lead in time to operationalise.

#### **Alert Level Boundaries**

##### *Update on current boundaries*

- 67 Alert Level boundaries have remained in place whilst both Northland and the Waikato have been at Alert Level 3, to continue minimising movements across Alert Level areas and between the three Alert Level 3 areas.
- 68 Since Monday 6 September, when Cabinet initially agreed settings for an Alert Level 3/2 boundary, permissions have been amended on an ongoing basis. Permissions are largely limited to people undertaking essential and permitted work, and a small number of permissions for individuals to cross the boundary for non-work purposes, including permanently relocating, shared caregiving, and emergencies.
- 69 On average, Air New Zealand carries 355 passengers out of, and 327 passengers into, Auckland each day under Alert Level 3/2 settings.
- 70 As at 8am Thursday 14 October, there had been 16,669 requests for personal exemptions, with 16,043 decisions made and 2,934 approved. Most approvals relate to funerals/tangihanga, visiting a dying person, and need for mental health support.

*Amendments to Alert Level boundary permissions are not recommended at this point*

71 On 11 October, Cabinet noted that officials would provide further advice on Monday, 18 October 2021 on:

71.1 proposed amendments to Alert Level 3/2 boundary permissions to enable building and construction of infrastructure that contributes to government priority projects; and

71.2 any outstanding issues, including seeking agreement to amended Alert Level 3/2 boundary permissions, to support any decision to reopen Auckland educational facilities for all students in the coming weeks.

#### Additional permissions for building and construction

72 The Ministry of Business, Innovation and Employment (MBIE) is continuing to work with the building and construction sector to understand and mitigate the pressures facing the industry. The ongoing inability to have workers cross boundaries is delaying the building of infrastructure, including that connected to government priorities, and impacting the viability of some businesses.

73 MBIE want to expand the permitted movements to more projects that are nationally important, and to allow workers to collect tools and materials that are stranded on the other side of the Alert Level boundary.

74 However, given the risk of community transmission in Auckland is high, the Public Health Risk Assessment does not support the expansion of permitted movements across the Alert Level 3/2 boundary at this time. Accordingly, I recommend that Cabinet defer decisions on the expansion of Alert Level permissions for building and construction until the next review of Alert Levels.

#### Additional permissions for education

75 In order to enable the re-opening of schools, kura and early learning services, additional permissions to cross Alert Level boundaries will be required for day students, children, teachers and support staff who live on the other side of the Alert Level boundary from their place of learning.<sup>4</sup> Parents or caregivers would be able to accompany children across Alert Level boundaries through the existing permission to “accompany any person... if it is reasonably necessary” under item 19 of schedule 5 of the Alert Level Order.

76 Accordingly, I propose that when Cabinet considers the reopening of educational facilities, we consider adding students, teachers and support staff who live on the other side of an Alert Level boundary to their educational facility to the list of individuals permitted to transit Alert Level boundaries. This advice will include consideration of drivers of dedicated school transport services and Ministry of Education-funded infrastructure work, where remote provision of services is not technically feasible.

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<sup>4</sup> Support staff includes administrators, teacher aides, and staff required to ensure educational facilities are able to reopen.

*Vaccination requirements for people transiting Alert Level boundaries*

- 77 s9(2)(f)(iv) [Redacted]
- [Redacted]
  - [Redacted]
  - [Redacted]
  - [Redacted]

**Alert Level 3 settings**

*Options to strengthen Alert Level 3 settings*

- 82 My officials have considered what we could do to strengthen Alert Level 3 settings if we decide we need to take action to try and reverse the current trajectory of increased cases. Significantly, it appears most new cases are resulting from gatherings that are not permitted under current settings. This illustrates the challenges we face with declining social licence and compliance amongst sectors of the Auckland community.
- 83 One option could be to restrict the number of bubbles able to join together as an extended bubble (e.g. a maximum of two or three households). The definition of “extended bubble arrangement” in clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 currently permits “two or more” homes or places of residences to join together for the purposes of keeping connections with family or whānau, enable caregiving or to support people living alone or otherwise isolated.

Despite this, it is likely most people assume an extended bubble can only be made up of up to two households.

- 84 Further, the increase in gatherings that are not permitted suggests tightening rules (or returning to Alert Level 4) would not necessarily have the intended effect, and that enforcement and public communications remain critical. Continuing to provide as much clarity as possible about what is and is not permissible is especially important, as is ensuring the right support is available for those feeling isolated.

### **Further advice on reopening of Auckland schools and early learning services to all students**

#### *Education decisions that have already been taken*

- 85 At Alert Level 3, children and young people in years 1 to 10 can only go to school if their parents are required to work and there is no other option available. This means that only a very small number of children and young people will go back to onsite learning at the beginning of term 4 today. Following Cabinet decisions on 4 October, children are able to attend early learning services, but this is limited by the capacity of individual early learning services to maintain separate bubbles of ten children [CAB-21-MIN-0407 refers]. Tertiary settings are open at Alert Level 3 if delivery is not possible online, they can operate in bubbles of 10 or less, and can meet health and safety restrictions.
- 86 On 4 October, Cabinet noted advice from officials that Auckland schools could reopen to all year 1 to 13 students from Monday 18 October, subject to latest public health advice and appropriate public health controls being in place [CAB-21-MIN-0407 refers].
- 87 On Monday 11 October, Cabinet agreed to delay decisions on schools and to confirm the arrangements and conditions for the reopening of Auckland education entities to all learners from Tuesday 26 October at today's meeting [CAB-21-MIN-0415 refers]. A set of public health controls were agreed to in principle, to mitigate the transmission risk associated with education services resuming.
- 88 Cabinet also agreed that employees of education services (schools and early learning services), and workers who may have contact with children and students when delivering an education service, will be required to receive their first dose of the COVID-19 vaccine by 15 November 2021 and be fully vaccinated by 1 January 2022. For Auckland and any other Alert Level 3 areas, individual early learning and school staff will be required to be tested by 26 October before they physically return to work, and be tested weekly until they are fully vaccinated [CAB-21-MIN-0414 refers].
- 89 It was further agreed by Cabinet that education services will be required to maintain an up-to-date register of the vaccination status of all staff and, for



secondary schools, eligible students (fully, partially, exempt or no information provided) to be sought once schools restart [CAB-21-MIN-0414 refers].

- 90 Over the last two weeks, the Ministries of Health and Education have worked together to refine public health measures that would need to be in place when children and young people return to school and early learning services. Most of these measures are already included in Alert Level 3 guidance, including recommending that children, young people and staff at higher risk of severe illness from COVID-19 should stay at home, unless fully vaccinated; mandatory face coverings for staff and learners in years 9 to 13; and record keeping for contact tracing purposes. At last week's Cabinet meeting, we agreed to additional measures including mandatory face coverings on school transport, maximising time and activities outside, and physical distancing for exams [CAB-21-MIN-0415 refers].

*Interim public health advice about reopening Auckland schools and early learning services further*

- 91 The interim public health advice is to defer allowing all children and young people to return to education services (schools and early learning services) until after Tuesday 26 October 2021, based on the:
- 91.1 case profile in Auckland and the upward trajectory of cases;
  - 91.2 increased risk of transmission that may result from reopening education services primarily due to the related increased movement across the city; and
  - 91.3 deferred effectiveness of vaccines for at least two weeks after a person received their second dose.

*Reopening considerations and options*

- 92 The decision about whether to allow all children and young people to return to school and early learning services is a finely balanced one requiring difficult trade-offs between improving education outcomes and increasing potential health risks for children and young people. For many parents, there is also a significant concern about children and young people transmitting COVID-19 to more vulnerable members of their whānau, particularly older people or those with co-morbidities.

- 93 The reopening decision is made more difficult because there are no graduated options to enable more children and young people to go back to school. Education sector stakeholders have provided very strong feedback that they cannot successfully manage to deliver both onsite face-to-face and distance learning at the same time, without compromising education quality. Bubbles and 1 metre physical distancing cannot be accommodated if all children and young people return to school.

- 94 The decision to maintain distance learning for children and young people will have a disproportionately negative impact on Māori, Pacific, and disabled

learners, and learners from disadvantaged backgrounds. It will also be more difficult for learners in years 11 to 13 who will be sitting exams.

- 95 Given that young people over the age of 12 are eligible for vaccination many have been partially or fully vaccinated in Auckland (85 percent first dose and 57 percent second dose for ages 12 to 19 years, as at 17 October 2021), I would like us to consider whether the education outcomes outweigh the potential risk of additional transmission for years 9 to 13. There are two options we could consider:
- 95.1 allowing all young people in years 9 to 13 to return to school for face-to-face onsite teaching from 26 October; or
- 95.2 only allowing young people in years 11 to 13 to return to school for face-to-face onsite teaching from 26 October.
- 96 The first option would be easier for schools to operationalise as the delivery focus will be onsite teaching for all years. The second option would ensure that young people with critical assessments this term are able to receive face-to-face learning onsite, and would reduce the proportion of young people travelling to school. However, schools have advised officials they are unlikely to be able to operate on-site for some year groups while maintaining viable distance learning for other groups. The Ministry of Education will continue to work with schools to encourage and enable this, but the second option may mean some students in years 9 to 10 may be without viable learning options for an extended period. In either option, schools expect that a proportion of learners will not return to school for onsite learning even if they are able to due to fear of increased exposure to COVID-19 for the learners and their whānau.
- 97 Alternatively, in light of the interim public advice, we could defer reopening of all schools and early learning services for all children until 1 November, subject to updated public health risk advice on Thursday 21 October. This is the cautious approach, acknowledging the increased opportunities for transmission and household links associated with any broader resumption of education services in Auckland.
- 98 I will report back to Cabinet with more detail about operationalising progressive options to allow more children and young people to attend onsite reopen education services (early childhood and schools) in Auckland, following engagement with education sector leaders. on Tuesday 26 October. The scope of this advice will depend on today's decisions about years 9-13.
- 99 When Auckland schools and early learning services reopen, consistent with public health advice, I propose that Out of School Care and Recreation (OSCAR) programmes are also permitted to open to support parents being able to return to work. Resuming these programmes comes with risk (particularly due to increased intermingling of students from more than one school), so I propose extending the vaccination and testing requirements (outlined in paragraph 87), and public health controls (referred to in paragraph 86), to employees in OSCAR programmes. Guidance will require OSCAR

programmes to maintain bubbles when bringing together students from more than one school.

### **Mandatory vaccination for workers in prisons**

*Cabinet has mandated vaccination for workers in the health and disability sector*

- 100 On 11 October Cabinet decided to require workers in the health and disability sector undertaking high risk work to be vaccinated against COVID-19. As noted above it also decided to mandate vaccination of education workers. These mandates are to be put in place through an amendment to the COVID-19 Public Health Response (Vaccinations) Order 2021 (the Vaccinations Order) [CAB-21-MIN-0413 and CAB-21-MIN-0414 refer].
- 101 I consider that workers in prisons also provide services in a high-risk setting and this group should also be added to the Vaccinations Order and the addition of this group should be progressed in conjunction with the health workforce group.
- 102 The addition of work in prisons fits well with the health workforce changes because roles within prisons can require frequent contact with those providing health services – e.g. Corrections Officers working in Intervention and Support Units or escorting prisoners to and from the health centre in a prison.
- 103 Healthcare services in prison are also not limited to a single site within a prison such as the health centre. For example, healthcare services can be provided in other units such as high dependency units and Intervention and Support Units, non-healthcare staff can be required to attend emergencies and provide medication in mainstream units, and health services such as psychological treatment are provided in different locations throughout a prison.

*Prisons are high-risk environments for the transmission of COVID-19*

- 104 Mandating vaccination for work that takes place in prisons is an important step to protect the health of workers and people in prison. People in prison are some of the most vulnerable to COVID-19, due to the ease of transmission that COVID-19 can have in prisons, and the existing health vulnerabilities of the prison population.
- 105 A risk assessment completed by Corrections found that all areas of prison environments and work undertaken within them should be considered “very high” risk. Existing controls such as the use of PPE will not reduce the risk sufficiently and vaccinations are a critical tool reducing the risk of COVID-19 outbreaks in prison and justify any limitation there is on rights under the Bill of Rights Act (discussed below in paragraphs 119 to 124).
- 106 Including work that takes place in prisons in the scope of the COVID-19 Public Health Response (Vaccinations) Order 2021 (the Vaccinations Order) is

consistent with the intent of the Order to prevent harm from COVID-19 in high-risk settings.

*Proposal to amend the Vaccinations Order to require prison workers to be vaccinated*

- 107 I am seeking Cabinet's approval to amend the Vaccinations Order to require workers who perform work in prisons to be vaccinated.
- 108 Specifically, I recommend Cabinet agree:
- 108.1 All roles that provide work or services for the Department of Corrections, and that require the worker carrying out that role to usually or regularly be admitted entry into a prison, should be included in the Vaccinations Order amendment alongside the inclusion of the health and disability workforce-related changes.
- 108.2 This scope does not apply to anyone who is visiting a prisoner, as opposed to visiting a prison for the purpose of conducting work. The following are out of scope:
- 108.2.1 a private visitor, such as a family member;
- 108.2.2 a statutory visitor, e.g. an Ombudsman, a member of the Human Right Commission, or a Visiting Justice;
- 108.2.3 a specified visitor, e.g. people providing religious or cultural services, or other pastoral care to prisoners;
- 108.2.4 legal advisors; and
- 108.2.5 any other person who is providing support or assistance to a prisoner, e.g. those covered by regulation 193 of the Corrections Regulations 2005, which provides for assistance with proceedings for prisoners.
- 109 These roles are excluded from scope because of the importance of maintaining prisoners' statutory minimum entitlements to have access to certain visitors under the Corrections Act 2004. These roles are also less likely to come into frequent or close contact with healthcare staff.
- 110 For these roles that are excluded from the scope of the Order, other operational mitigations will be taken to minimise the risk of COVID-19 transmission in a prison, such as requiring people to wear PPE, physically distance, and have their temperature tested before entering a prison.

*This Order will apply to approximately 6,000 people*

- 111 The scope of the proposed amendment to the Vaccination Order will apply to roughly 840 healthcare staff (including doctors, nurses, and psychologists) and 5,500 other staff who are essential workers in prisons and who have



direct contact with prisoners, such as corrections officers and case managers. There will also be other roles covered by the Vaccination Order that are essential for managing prisons, such as service providers.

- 112 Requiring these people to be vaccinated will support the wellbeing and welfare of Māori, who are overrepresented in the prison population. It will also help minimise impacts on the wider health system, which could face additional pressure if a COVID-19 outbreak occurred in a prison. This will avoid experiences seen overseas. The intention is not to capture any roles that are not operationally required to work in a prison (e.g. where there is the option to conduct work via AVL instead of in-person). We do not consider the Vaccination Order should capture anyone where their entry to prison is incidental to their role – e.g. delivery drivers. The Order should also only apply to roles that require being admitted entry to the prison, so will not cover work in houses on prison land, work on prison farms or building work “outside the wire” such as is currently underway at Waikeria Prison. The proposed amendment will not include Community Corrections sites.

### Financial implications

- 113 The approximate costs of the Resurgence Support Payment (RSPAUG21) and Wage Subsidy Scheme (WSSAUG21) in different Alert Level scenarios are unchanged from what was reported in the 11 October Alert Level decision paper.
- 114 The below table outlines the actual WSSAUG21 and RSPAUG21 payments made to date, and updates the remaining appropriation balances.

#### WSSAUG21 and RSPAUG21 actual payments made and appropriation balances

|  | WSSAUG21                     | RSPAUG21        |
|--|------------------------------|-----------------|
| Payments made at 13 October <sup>5</sup>         | \$3,167 million <sup>6</sup> | \$1,100 million |
| Amount remaining in appropriations at 13 October | \$955 million                | \$430 million   |

#### Wage Subsidy Scheme August 2021

- 115 Applications for the fourth payment for the WSSAUG 21 closed on Thursday 14 October [CAB-21-MIN-0392 refers]. The Alert level decision to extend Alert Level 3 in Auckland to 11:59pm Tuesday 12 October has triggered the fifth payment for the WSSAUG21 [CAB-21-MIN-0415 refers]. The fifth payment opened at 9am on Friday 15 October. The cost of the fourth payment is lower than the previous payments and the cost of the fifth payment is likely to be similar.

<sup>5</sup> Note the \$3,167 million represents actual payments made. It does not represent the value of actual applications made due to the lag in processing time.

<sup>6</sup> This total includes amounts for the first, second and third payments from the WSSAUG21.



125

s9(2)(h)

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Proactively Released

s9(2)(h)

## Population impacts

- 133 The impacts of community outbreaks of COVID-19 (and the associated Alert Level measures put in place) on vulnerable populations has been discussed earlier in this paper.

## Consultation

- 134 This paper was prepared by the COVID-19 Group within the Department of the Prime Minister and Cabinet. The Ministry of Health reviewed the paper and provided specific input and text, including advice on the course of the outbreak, the public health response, and the views and recommendations of the Director-General of Health. The Crown Law Office advised on Bill of Rights Act implications.
- 135 The Treasury, Te Puni Kōkiri, Department of Corrections, the Ministry of Social Development, Ministry for Ethnic Communities, and Ministry for Pacific Peoples have provided input into relevant parts of the paper. The Treasury, the Ministry of Business, Innovation and Employment, Ministry of Transport, Ministry of Education, Customs and Police were consulted on the paper.

## Communications and proactive release

- 136 The Prime Minister will communicate the decisions set out in this paper after Cabinet agreement. I intend to proactively release this paper after Cabinet consideration subject to redaction as appropriate under the Official Information Act 1982.

## Recommendations

The Minister for COVID-19 Response recommends that Cabinet:

- 1 note that since Tuesday 17 August 2021, 1,945 community cases of COVID-19 have been identified in New Zealand (as of 9am Sunday 17 October);
- 2 note that on Monday 11 October Cabinet agreed to:
  - 2.1 keep Auckland at current Alert Level 3 from 11.59pm Tuesday, 12 October 2021 (stage one of the three-stage reduction);
  - 2.2 keep Waikato Alert 3 area and Northland at their current Alert Level 3 until 11.59pm Thursday, 14 October 2021, subject to further public health advice and confirmation by Ministers with Power to Act on Wednesday 13 October 2021;



- 2.3 keep the rest of New Zealand outside the Alert Level 3 areas at Alert Level 2 from 11.59pm Tuesday 12 October 2021;
- 2.4 review Alert Level settings for all New Zealand on Monday 18 October 2021 [CAB-21-MIN-0415 refers];
- 3 note that on Wednesday 13 October Ministers with Power to Act agreed to keep Waikato and Northland at Alert Level 3 until 11.59pm Monday 18 October, with a further public health risk assessment on Sunday 17 October;
- 4 note the public health risk assessment of community transmission within:
  - 4.1 Auckland is now high; and
  - 4.2 areas of New Zealand outside of Waikato, Northland and Auckland is low;

*Alert Levels*

- 5 note the Director-General of Health's interim public health advice is:
  - 5.1 Auckland should remain at Alert Level 3 stage one until at least 11.59pm Monday 25 October; and
  - 5.2 the rest of New Zealand (excluding Waikato and Northland) should remain at Alert Level 2 until at least 11.59pm Monday 25 October;
- 6 agree an appropriate measure in response to the level of public health risk would be to:
  - 6.1 keep Auckland at Alert Level 3 (stage one of the three-stage reduction); and
  - 6.2 the rest of New Zealand (excluding Waikato and Northland) should remain at Alert Level 2;
- 7 agree Cabinet next reviews Alert Level settings for all New Zealand on Monday 1 November;

*Alert Level boundaries*

- 8 note in relation to permissions to cross Alert Level boundaries, I will bring a proposal to Cabinet on Monday 1 November 2021:
  - 8.1 considering whether to allow workers involved in building and construction of infrastructure that contributes to government priority projects to cross boundaries;
  - 8.2 to enable students, teachers and support staff to cross boundaries to get to their schools or early childhood centres in the Auckland region when they reopen (if it is decided to reopen education services before

1 November this permission will be sought by the Minister of Education either from Ministers with Power to Act in the week beginning 17 October or from Cabinet on 26 October 2021); and

9 s9(2)(f)(iv)

*Alert Level 3 settings*

- 10 note that the announcement of the staged reduction in Auckland's Alert Level 3 settings has caused some confusion and uncertainty about which activities are permissible and which businesses and services can reopen at what stage;
- 11 agree, pending decisions on recommendation 6, that the post-Cabinet announcement include a clear signal that Auckland is unlikely to shift to stage two of the modified Alert Level 3 settings in the near term and that more detail about what is permissible at stage two will be provided ahead of any shift;

*Reopening Auckland schools and early learning services*

- 12 note that currently only children and young people whose parents are required to work are able to attend school and early learning services in Auckland onsite;
- 13 note on Monday 11 October, Cabinet agreed in principle to a set of public health controls to mitigate the transmission risk associated with the future reopening of Auckland's schools and early learning services to all learners at Alert Level 3 [CAB-21-MIN-0415 refers];
- 14 agree:
- EITHER**
- 14.1 Cabinet defers reopening schools and early learning services (to students other than those mentioned in recommendation 12) until Monday 1 November at the earliest, subject to updated public health risk advice on Thursday 21 October 2021;
- OR**
- 14.2 allow all young people in years 9 to 13 to return to school for face-to-face onsite learning from 26 October 2021;
- OR**
- 14.3 allow all young people in years 11 to 13 to return to school for face-to-face onsite learning from 26 October 2021;
- 15 note the Ministry of Education will provide further advice about options for more children and young people to return to early learning services and

schools operationalising the options outlined in recommendation 14, following engagement with education sector leaders;

- 16 agree that Ministers with Power to Act review the decision to reopen Auckland schools and early learning services based on the advice referred to in recommendation 15;
- 17 agree to Out of School Care and Recreation (OSCAR) programmes reopening in Auckland alongside the reopening of schools and early learning services reopen to all students, subject to the same vaccination and testing requirements and public health controls that apply to schools and early learning services;

*Mandatory vaccination of Corrections staff*

- 18 agree the next amendment to the COVID-19 Public Health Response (Vaccinations) Order 2021 should require vaccination for roles that provide work or services for the Department of Corrections that require the worker carrying out that role to usually or regularly be admitted entry into a prison;
- 19 agree the scope of the amendment proposed in recommendation 18 does not apply to anyone who is visiting a prisoner, as opposed to visiting a prison for the purpose of conducting work, and that specifically the following are out of scope:
  - 19.1 a private visitor as defined in the Corrections Act 2004, such as a family member;
  - 19.2 a statutory visitor as defined in the Corrections Act 2004, e.g. an Ombudsman, a member of the Human Rights Commission or a Visiting Justice; and
  - 19.3 a specified visitor as defined in the Corrections Act 2004, e.g. people providing religious or cultural services, or other pastoral care to prisoners;
  - 19.4 legal advisors; and
  - 19.5 any other person who is providing support or assistance to a prisoner, e.g. those covered by regulation 193 of the Corrections Regulations 2005 that provides for assistance with proceedings for prisoners.

*Other matters*

- 20 agree that Cabinet's decision today will be communicated by the Prime Minister.

Hon Chris Hipkins  
**Minister for COVID-19 Response**

Appendix 1 – Vaccination uptake, by District Health Board and Ethnicity as at Thursday 14 October 2021

All of Auckland

Table with columns for District Health Board, Ethnicity (Māori, Non-Māori Non-Pacific, Pacific Peoples), and Age Groups (65 and over, 50 to 64, 35 to 49, 20 to 34, 12 to 19, All Ages (12+)). Rows include Auckland Region, Auckland, Counties Manukau, and Waitemata.

All of New Zealand

Table with columns for District Health Board, Ethnicity (Māori, Non-Māori, Pacific Peoples), and Age Groups (65+, 50-64, 35-49, 20-34, Dec-19, All Ages (12+)). Rows include National, Northern, Midlands, Central, and Southern regions.





# Cabinet

## Minute of Decision

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*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.*

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### COVID-19 Response: 18 October Review of Alert Level Settings

**Portfolio**                      **COVID-19 Response**

On 18 October 2021, Cabinet:

#### Background

- 1        **noted** that since Tuesday, 17 August 2021, 1,945 community cases of COVID-19 have been identified in New Zealand (as of 9.00 am Sunday 17 October);
- 2        **noted** that on 11 October 2021, Cabinet agreed to:
  - 2.1      keep Auckland at the current Alert Level 3 from 11.59 pm Tuesday, 12 October 2021 (stage one of the three-stage reduction);
  - 2.2      keep the Waikato Alert Level 3 area and Northland at their current Alert Level 3 until 11.59 pm Thursday, 14 October 2021, subject to further public health advice and confirmation by Ministers with Power to Act on Wednesday, 13 October 2021;
  - 2.3      keep the rest of New Zealand outside the Alert Level 3 areas at Alert Level 2 from 11.59 pm Tuesday, 12 October 2021;
  - 2.4      review Alert Level settings for all New Zealand on Monday, 18 October 2021;

[CAB-21-MIN-0415]
- 3        **noted** that on Wednesday, 13 October 2021, Ministers with Power to Act agreed to keep Waikato and Northland at Alert Level 3 until 11.59 pm Monday, 18 October 2021, with a further public health risk assessment on Sunday, 17 October 2021;
- 4        **noted** that the public health risk assessment of community transmission within:
  - 4.1      Auckland is now high;
  - 4.2      areas of New Zealand outside of Waikato, Northland, and Auckland is low;

**Alert Levels**

- 5 **noted** that the Director-General of Health’s interim public health advice is:
  - 5.1 Auckland should remain at Alert Level 3 stage one until at least 11.59 pm Monday, 25 October 2021;
  - 5.2 the rest of New Zealand (excluding Waikato and Northland) should remain at Alert Level 2 until at least 11.59 pm Monday, 25 October 2021;
- 6 **noted** the advice of the Director-General on the latest situation and appropriate Alert Level settings in Northland and the Waikato Alert Level 3 area;
- 7 **agreed** that an appropriate measure in response to the level of public health risk is:
  - 7.1 keep Auckland at Alert Level 3 (stage one of the three-stage reduction); and
  - 7.2 keep the relevant parts of the Waikato at Alert Level 3 until 11.59 pm on Friday, 22 October 2021, subject to further public health advice to be provided on Thursday, 21 October 2021, and confirmation by COVID-19 Ministers with Power to Act on Friday, 22 October;
  - 7.3 move Northland to Alert Level 2 from 11.59 pm on Tuesday, 19 October 2021;
  - 7.4 keep the rest of New Zealand at Alert Level 2;
- 8 **agreed** that Cabinet next review Alert Level settings for all New Zealand on Monday 1 November 2021;

**Alert Level boundaries**

- 9 **noted** that in relation to permissions to cross Alert Level boundaries, the Minister for COVID-19 Response will bring a proposal to Cabinet on Monday, 1 November 2021:
  - 9.1 considering whether to allow workers involved in building and construction of infrastructure that contributes to government priority projects to cross boundaries;
  - 9.2 to enable students, teachers and support staff to cross boundaries to get to their schools or early childhood centres in the Auckland region when they reopen (if it is decided to reopen education services before 1 November then this permission will be sought by the Minister of Education either from Ministers with Power to Act in the week beginning 17 October 2021 or from Cabinet on 26 October 2021);

10 s9(2)(f)(iv)

**Alert Level 3 settings**

- 11 **noted** that the announcement of the staged reduction in Auckland’s Alert Level 3 settings has caused some confusion and uncertainty about which activities are permissible and which businesses and services can reopen at what stage;
- 12 **agreed** that the post-Cabinet announcement include a clear signal that Auckland is unlikely to shift to stage two of the modified Alert Level 3 settings in the near term and that more detail about what is permissible at stage two will be provided ahead of any shift;

## Reopening Auckland schools and early learning services

- 13 **noted** that currently only children and young people whose parents are required to work are able to attend school and early learning services in Auckland onsite;
- 14 **noted** that on 11 October 2021, Cabinet agreed in principle to a set of public health controls to mitigate the transmission risk associated with the future reopening of Auckland's schools and early learning services to all learners at Alert Level 3 [CAB-21-MIN-0415];
- 15 **authorised** a group of Ministers comprising the Prime Minister, Minister of Education, Associate Minister of Education (Maori Education), Associate Minister of Education (Hon Jan Tinetti) and Associate Minister of Health (Hon Ayesha Verrall) to have Power to Act to take decisions on the options on the scope and timing for the reopening of schools and early learning services in Auckland;
- 16 **noted** that the Ministry of Education will provide further advice about options for more children and young people to return to early learning services and schools, following engagement with education sector leaders;
- 17 **agreed** to Out of School Care and Recreation (OSCAR) programmes reopening in Auckland alongside the reopening of schools and early learning services to all students, subject to the same vaccination and testing requirements and public health controls that apply to schools and early learning services;

## Mandatory vaccination of Corrections staff

- 18 **agreed** that the next amendment to the COVID-19 Public Health Response (Vaccinations) Order 2021 should require vaccination for roles that provide work or services for the Department of Corrections, which require the worker carrying out that role to usually or regularly be admitted entry into a prison;
- 19 **agreed** that the scope of the amendment proposed in paragraph 18 does not apply to anyone who is visiting a prisoner, as opposed to visiting a prison for the purpose of conducting work, and that specifically the following are out of scope:
- 19.1 a private visitor as defined in the Corrections Act 2004, such as a family member;
  - 19.2 a statutory visitor as defined in the Corrections Act 2004, e.g. an Ombudsman, a member of the Human Rights Commission, or a Visiting Justice; and
  - 19.3 a specified visitor as defined in the Corrections Act 2004, e.g. people providing religious or cultural services, or other pastoral care to prisoners;
  - 19.4 legal advisors; and
  - 19.5 any other person who is providing support or assistance to a prisoner, e.g. those covered by regulation 193 of the Corrections Regulations 2005 that provides for assistance with proceedings for prisoners;

## Other matters

- 20 **agreed** that Cabinet's decision today be communicated by the Prime Minister.

Michael Webster  
Secretary of the Cabinet