

# Health Report

## Advice on Alert Level restrictions in response to Maritime Company cluster

**Date due to MO:** 22 October 2020      **Action required by:** 22 October 2020

**Security level:** IN CONFIDENCE      **Health Report number:** 20201879

**To:** Hon Chris Hipkins, Minister of Health

### Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)

### Action for Private Secretaries

**Return** the signed report to the Ministry of Health.

**Date dispatched to MO:**

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# Advice on Alert Level restrictions in response to Maritime Company cluster

## Purpose of report

This report sets out my interim advice in relation to moving Alert Levels following the recent identification of 3 cases of COVID-19 in the community.

## Summary

- On 16 October 2020 a port worker in Auckland tested positive for COVID-19. An investigation into how this worker contracted COVID-19 is underway. On 21 October, two workplace contacts of the port worker also tested positive and are now in quarantine at the Jet Park Hotel.
- Genome sequencing has been completed on the first case and shows that the case is not related to the genome lineage for any of the New Zealand community clusters. The Ministry's current hypothesis is that the port worker contracted COVID-19 from recently arrived overseas crew while completing work onboard a maritime vessel.
- My interim advice based on the available evidence at 22 October is that the circumstances of the new community outbreak need to be further investigated and that **Alert Level 1 should be maintained nationwide**. I will review this advice on a daily basis as more information becomes available.
- New Zealand is currently at Alert Level 1. Alert Level 2 is justified where the disease is contained but the risk of community transmission is growing. Given current information there is nothing to suggest that either New Zealand as a whole or specific regions should be escalated to Alert Level 2.
- The public health factors to be considered in relation to decisions on levels on the COVID-19 Alert System were agreed by Cabinet on 4 May 2020. These factors continue to be relevant when considering moving alert levels in relation to the new outbreak. They are my confidence that:
  - transmission is restricted to households and known clusters
  - that testing and contact tracing capacity is adequate
  - that border control and isolation measures are robust and compliance is high and
  - that the health system has sufficient capacity to manage COVID-19 cases, including adequate PPE for people for whom it is recommended.
- At this point I am not fully confident that transmission of COVID-19 is contained to household and known clusters. However, there are currently only three cases that are all epidemiologically linked and with a suspected link to the border, which does not indicate a strong rationale for changing Alert Levels.
- There is sufficient capacity in the health system (testing, contract tracing and workforce capacity) to respond to an outbreak and our recent experience in the Auckland outbreak showed that our containment systems are working well.

- Based on the known spread of COVID-19, we may see additional new cases. It is likely to be several days before the extent of the current cluster is known and before we can have confidence as to whether the outbreak extends beyond this cluster.
- Given the upcoming Labour weekend holiday, I recommend that public health advice is reinforced (such as the use of physical distancing, hand hygiene, use of the contact tracing app and use of face coverings on public transport).
- Our experience with the recent outbreak has identified additional control measures that may contribute to our COVID-19 response at Alert Level 1.
- **I recommend that face coverings be temporarily (to be reviewed in two weeks) made mandatory on public transport nationwide.** While this may not normally be justified at Alert Level 1 (as per previous advice HR 20201558 refers), I believe there is sufficient justification during the holiday period while the current outbreak is investigated and contained and the risk of further cases emerging remains.
- During the holiday weekend an increased number of people are likely to use public transport which may make physical distancing difficult and contribute to any undetected community spread. People currently residing in Auckland (where the cases have been identified) are likely to travel throughout New Zealand which justifies a nationwide policy. This policy will support the overall emphasis on normalising the use of face coverings particularly in the lead up to the Christmas period when there will be widespread domestic travel.
- Rapid contact tracing forms a vital part of our 'stamp it out' strategy for a COVID-19 outbreak. To facilitate contact tracing, people and businesses, and other organisations need to keep a record of people's movements in readily accessible forms.
- Officials will work to provide further advice on options to support more widespread use of QR codes at Alert Level 1. In the interim officials will liaise with the Hospitality sector to strongly encourage businesses in this sector to request their customers to scan in or provide contact details.

## Recommendations

We recommend you:

- Note** my advice that based on information currently available, Alert Level One should be maintained nationwide; I will review this advice daily and advise you if any information comes to light that affects this advice.  Yes/  No
- Agree** that messaging around the use of public health measures such as physical distancing, maintaining hand hygiene, use of face coverings on public transport and contact tracing should be reinforced.  Yes/  No
- Agree** to make face coverings mandatory on public transport nationwide with the policy to be reviewed in two weeks.  Yes/  No
- Agree** that the Ministry should provide further advice on options to support more widespread use of QR codes at Alert Level 1.  Yes/  No

Not at this stage but we should keep under constant review

- e) **Note** that officials will liaise with the Hospitality sector to strongly encourage businesses in this sector to require their customers to scan in or provide contact details. **Yes/No**
- f) **Consult** on the attached draft order COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020, which would implement mandatory face coverings on public transport nationwide. **Yes/No**



Dr Ashley Bloomfield  
Director-General of Health



Hon Chris Hipkins  
**Minister of Health**  
Date: 23/10/2020

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# Advice on Alert Level restrictions in response to Maritime Company cluster

## Background

1. On 16 October 2020 a port worker in Auckland tested positive for COVID-19. An investigation into how this worker contracted COVID-19 is underway. On 21 October, two workplace contacts of the port worker have also tested positive and are now in quarantine at the Jet Park Hotel.
2. Genome sequencing has been completed on the first case and shows that the case is not related to the genome lineage for any of the New Zealand community clusters. The Ministry's current hypothesis is that the port worker contracted COVID-19 from recently arrived overseas crew while completing work onboard a maritime vessel.
3. The affected maritime vessel *Sofrana Surville* is currently in Brisbane. Australian authorities have undertaken PCR and serology testing on all crew and have provided preliminary advice that
  - a. one crew member is currently infectious,
  - b. one is near the end of a recent infection, and
  - c. one has evidence of past infection.
4. Australian authorities are attempting genomic sequences of the cases. While these results are preliminary and further serology and genome sequencing will be undertaken, it lends support to this vessel and/or its crew as being the most likely source of the port worker and his colleague's infection.
5. Auckland Regional Public Health Service is currently making contact with all close contacts of cases. 57 community close contacts were identified in relation to the Port worker. 49 cases have been contacted and are currently in self-isolation. Follow-ups on the additional contacts are underway.
6. A significant number of COVID-19 cases have also been identified amongst fishing crew recently arrived in New Zealand. 237 crew are currently in managed isolation in Christchurch and 18 have tested positive for COVID-19. As crew are sharing rooms in the facility, it is expected that further positive cases will be identified. The fishing crew are not considered to pose a risk to the community as they are all in managed isolation. The managed isolation system has been successfully managing positive cases and I am confident that this will continue.

## Factors to consider when making decisions about COVID-19 Alert Levels

7. The public health factors to be considered when making decisions about COVID-19 Alert Levels were agreed by Cabinet on 4 May 2020. These factors continue to be relevant in the context of the new outbreak. They are my confidence that:
  - a. transmission is restricted to households and known clusters
  - b. testing and contact tracing capacity is adequate

- c. border control and isolation measures are robust
- d. public compliance is high and
- e. there is sufficient health and disability system capacity to manage COVID-19 cases, including adequate PPE for people for whom it is recommended.

### **Surveillance and contact tracing**

- 8. Auckland Regional Public Health Service is currently making contact with all close contacts of cases. 57 community close contacts were identified in relation to the Port worker. 49 cases have been contacted and are currently in self-isolation. Follow-ups on the additional contacts are underway.
- 9. New Zealand's contact tracing capacity is sufficient to manage 350 cases per day, and meets the World Health Organization's guidelines for responsiveness, testing speed and notification of results.

### **Health and disability system capacity**

- 10. Hospitals are well-placed to manage cases that do require hospital care and have plans in place to manage a surge in demand associated with new outbreaks.

### **Border controls**

- 11. Robust border controls are critical to the continued success of our elimination strategy. The air and maritime borders remain closed to non-residents and a limited number of others, except by ministerially-approved exception. Although we have not yet confirmed the origin of the new cluster, at present the evidence does not suggest this is the result of systemic failure in border controls.
- 12. Contact tracing of the cases confirmed thus far, and the results of the mass testing currently taking place of air and maritime border staff, should help to identify any gaps in our primary line of defence. On 20 October 267 air border staff, 16 maritime crew, and 242 maritime port staff were tested for COVID-19. All results have been negative so far.
- 13. A review of a range of maritime border measures is currently underway and advice will be provided to you on any recommendations.

### **Compliance and public sentiment**

- 14. The Ministry of Health considers there is good support for and compliance with the Government's approach and control measures. Public perception that restrictions are justified by the risk makes a significant contribution to public support.
- 15. The public response to the Auckland resurgence demonstrated that the public continues to understand the serious nature of a COVID-19 outbreak. There was a clear increase in the number of community tests and a significant uptake in COVID-19 App registration and use.

### **Advice on possible Alert Level change**

- 16. Alert Level 2 is justified where the disease is contained but the risk of community transmission is growing. On balance, given current information there is not sufficient

evidence to demonstrate that the threshold has been met for either New Zealand as a whole or specific regions to be escalated to Alert Level 2.

17. At this stage, we have only identified three positive cases in the community with a clear link to the border. This connection suggests that the case may have contracted COVID-19 at the border. Identifying the case early may have allowed us to respond quickly to minimise the spread of the virus.
18. In contrast, in the August Auckland resurgence early cases had no clear link with the border meaning it was more likely that wider community spread may have occurred. In that case this justified a stronger precautionary reaction until the extent of the community spread had been identified. In addition, in the Auckland outbreak the initially identified case reported being symptomatic for a considerable period before the positive test result was received and the case went into isolation.
19. However, I am not fully confident that transmission of COVID-19 is restricted to household and known clusters. My interim advice based on the available evidence at 22 October is that the circumstances of the new community outbreak need to be further investigated and that alert level one should be maintained nationwide. I will review this advice on a daily basis as more information becomes available.
20. Based on the known spread of COVID-19, we may see additional new cases. It is likely to be several days before the extent of the current cluster is known and before we can have confidence as to whether the outbreak extends beyond this cluster.

### **Reinforcing public health measures at Alert Level 1**

21. Given the upcoming Labour weekend holiday, I recommend that public health advice is reinforced (such as the use of physical distancing, hand hygiene, use of the contact tracing app and use of face coverings on public transport). Although the recent resurgence in Auckland has reminded New Zealanders of the dangers of complacency, we have still seen a reduction in testing rates and use of the COVID-19 tracer app since the beginning of October. However, as was the case with the Auckland resurgence we can expect to see a surge in registration and use of the app and an increase in community tests.
22. In particular these messages should be reinforced in light of the increased amount of travel and socialisation which often occurs over the holiday weekend.

### **Mandating QR codes to support contact tracing**

23. Our experience with the recent outbreak has identified additional measures that may contribute to our COVID-19 response at Alert Level 1. Rapid contact tracing forms a vital part of our 'stamp it out' strategy for a COVID-19 outbreak. To facilitate contact tracing, people and businesses, and other organisations need to keep a record of people's movements in readily accessible forms. The Ministry will provide further advice on options to support more widespread use of QR codes at Alert Level 1. In the interim officials will liaise with the Hospitality sector to strongly encourage businesses in this sector to require their customers to scan in or provide contact details.

## Mandating face coverings on public transport

24. I recommend that face covering should temporarily be made mandatory on public transport nationwide. Requiring mask use in this context will support New Zealand's effort to build a mask wearing culture, particularly as New Zealand moves into the busy Christmas period.
25. There are broadly two public health objectives of wearing masks and face coverings: for source control (i.e. reducing the spread of the disease by infected people) and for protection (i.e. reducing the risk of people becoming infected). Which of these objectives is paramount depends on the nature of the public health risk of community transmission. Where this is low, and there is less risk of people becoming infected, the primary public health benefit of mask wearing is source control. If the risk of community transmission is higher, the optimal approach may be to balance both source control and protection for vulnerable groups.
26. The use of a face coverings alone is insufficient to adequately mitigate the risk of infection, and other personal and community-level measures such as physical distancing, good hygiene and restricting social gatherings must also be in place to limit COVID-19 transmission.
27. Our previous approach to face covering at different alert levels is outlined below.
  - a. At Alert Level 1 people are encouraged to prepare their pandemic kits by obtaining a set of four reusable face coverings or masks
  - b. At Alert Level 2 face coverings are mandatory on public transport. This is the only mandatory mask wearing requirement we have under current settings. As with Level 1, people are encouraged to prepare their pandemic kits by sourcing masks and are also encouraged to wear face coverings in enclosed spaces or where it is not possible to physical distance.
  - c. At Alert Level 3 and 4, in addition to mandatory use on public transport face coverings are strongly recommended in enclosed spaces where physical distancing is not always possible and contact with other people outside your bubble may occur.
28. Our previous advice has been that there is not a strong public health case to compel the use of face coverings in public settings at Alert Level 1 (HR 20201558 refers). However, I believe there is sufficient justification during the holiday period and while the current outbreak is being investigated and contained. During the holiday weekend an increased number of people are likely to use public transport which may make physical distancing difficult and contribute to any undetected community spread. There is a justification for a nationwide policy given that many people will travel extensively across New Zealand during the holiday period.
29. A change in the policy on the use of face coverings at Alert Level 1 may create confusion amongst the public, but this can be mitigated by strong messaging around the need for wearing of face coverings in the context of the current outbreak. Requiring mask use in this context will also support New Zealand's effort to build a mask wearing culture, particularly as New Zealand moves into the busy Christmas period.
30. As face coverings were previously a nationwide requirement on public transport at Alert Level 2, many New Zealanders will already have access to face coverings and increasing

familiarity with their use. The Ministry is confident that public retailers have sufficient stock of face coverings to provide for people who may not already have acquired face coverings.

## Implementing an Order to make face coverings on public transport mandatory

31. Under the COVID-19 Public Health Response Act 2020 (the COVID-19 Act), an Order may be made if either:
- a state of emergency has been declared (under the Civil Defence Emergency Management Act 2002),
  - an Epidemic Notice is in force (under the Epidemic Preparedness Act 2006), or
  - it has been authorised by the Prime Minister.
32. There is currently an Epidemic Notice in place, which allows Orders to be made under section 11 of the COVID-19 Act.
33. As the Minister of Health, you may make Orders under section 11 of the COVID-19 Act.
34. To make an order under section 11 you must have:
- received advice from the Director-General about –
    - the risks of the outbreak or spread of COVID-19; and
    - the nature and extent of measures that are appropriate to address those risks; and
  - you must have regard to any decision by the Government on how to respond to those risks and avoid, mitigate or remedy the effects of the outbreak or spread of COVID-19 (including taking into account any social, economic or other factors) and
  - you are required to consult with the Prime Minister and Minister of Justice on any proposed Orders.
  - you must be satisfied that this Order is appropriate to achieve the purpose of that Act and that the Order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990.
35. Mandatory face coverings on public transport may engage the right to freedom of expression under section 14 of the New Zealand Bill of Rights Act 1990.
36. <sup>s 9(2)(h)</sup> [REDACTED]
- The masking requirements are targeted, in that they would apply only during periods of unavoidable prolonged close contact, rather than at other times when people are out of their homes. And, with a range of exceptions permitted, essential communication can still occur despite the face covering requirements.

37. Under the COVID-19 Act an Order must be published on the Gazette at least 48 hours before it comes into force unless you determine that the Order should come into force urgently to prevent or contain the outbreak or spread of COVID-19.
38. It is likely that the test for urgency is met given the significant movement of New Zealand population for the long weekend, while a cluster continues to be under investigation.

### **Next steps**

39. My interim advice based on the available evidence at 22 October is that the circumstances of the new community outbreak need to be further investigated and that **Alert Level 1 should be maintained nationwide**. I will review this advice on a daily basis as more information becomes available.
40. If you are satisfied that the grounds for making the Order are met and face covering should be required on public transport nationwide you should consult with the Prime Minister and the Minister of Justice on the attached draft Order.
41. In two weeks, I will review the position in relation to the mandatory use of face coverings on public transport and provide further advice. I will also provide further advice on options to support more widespread use of QR codes at Alert Level 1 within the next week.

**ENDS.**

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Appendix One: Draft COVID-19 Public Health Response (Alert Level Requirements)  
Amendment Order (No 4) 2020

The final order is publicly available at:  
[https://www.legislation.govt.nz/regulation/  
public/2021/0263/latest/whole.html](https://www.legislation.govt.nz/regulation/public/2021/0263/latest/whole.html)

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