

Briefing

Review of measures to protect New Zealanders from COVID-19

Date due to MO: 4 December 2020 **Action required by:** 9 December 2020

Security level: IN CONFIDENCE **Health Report number:** 20202174

To: Hon Chris Hipkins, Minister for COVID-19 Response

Contact for telephone discussion

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Minister's office to complete:

- | | | |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <input type="checkbox"/> Noted |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn | |

Comment:

Review of measures to protect New Zealanders from COVID-19

Security level: IN CONFIDENCE **Date:** 4 December 2020

To: Hon Chris Hipkins, Minister for COVID-19 Response

Purpose

1. This report provides:
 - a. advice following review of the requirement to use face coverings in the current COVID-19 Public Health Response (Alert Level Requirements) Order 2020 (Alert Level Requirements Order) on public transport on Auckland routes at Alert Level 1;
 - b. advice on further measures that can be considered over the summer holiday period, and in particular, requiring the use of face coverings on all domestic flights at Alert Level 1; and
 - c. information on the ongoing review of the COVID-19 Elimination Strategy, including work to enhance border settings, early case identification and contact tracing.
2. As discussed, a Cabinet Paper giving effect to the policy decisions is attached for consultation with your Ministerial colleagues, pending your approval of the recommendations in this report. For this Cabinet Paper to be considered on 14 December, it will need to be lodged on 10 December.

Summary

3. Work on refining and improving New Zealand's Elimination Strategy has articulated four pillars – Keep It Out, Prepare For It, Stamp It Out and Manage the Impact.
4. The Alert Level System is a core aspect of the 'Stamp It Out' pillar of the Elimination Strategy to ensure that appropriate measures are in place to address the risk of community transmission changes.
5. New Zealand's Alert Level System is generally working well. New Zealand is at Alert Level 1, and currently has two active community cases with no apparent further community transmission.¹ Both cases were relocated to a quarantine facility and have since recovered but remain active under our classification system. There is no current evidence of COVID-19 community transmission.
6. During the November Quarantine Cluster, Cabinet agreed to impose an additional precautionary and temporary measure at Alert Level 1 while case investigation was underway, and the potential community resurgence was being managed. This additional

¹ As at Friday 4 December 2020.

measure required the use of face coverings on public transport services in Auckland and all domestic flights.

7. The case investigation is now complete, and there no evidence of further community transmission. **Therefore, I now advise that the temporary requirement to wear face coverings on public transport in Auckland at Alert Level 1 be removed.**
8. However, we recognise that leading up to and during the upcoming summer holiday period, there will be an increase in interregional travel and large gatherings, which increases the risk of COVID-19 spreading in the community, should cases get through our border.
9. There is work underway on planning for a potential resurgence over the summer holiday period, and a robust and multi-dimensional communications and engagement campaign has been developed. **I also recommend that to further reduce the risk of interregional transmission over the summer holiday period, face coverings continue to be mandated on domestic flights.**
10. As part of our Elimination Strategy review, this report also provides an overview of other work underway to enhance the current settings in our Elimination Strategy to protect New Zealanders from COVID-19.
11. As discussed, a Cabinet Paper giving effect to the policy decisions in this paper will be provided to you on 4 December 2020.

Recommendations

I recommend you:

- a) **Note** the current situation as at Friday 4 December 2020 is that there is no evidence of community transmission of COVID-19 in New Zealand. **Yes/No**
- b) **Note** my advice that there is currently no public health rationale to continue the requirement to wear face coverings on public transport in Auckland now that the case investigations for the November Quarantine Cluster have been completed. **Yes/No**
- c) **Agree** in principle to remove the requirement to wear face coverings on public transport on all Auckland routes at Alert Level 1. **Yes/No**
- d) **Note** the summer holiday season is coming up with more frequent events and increased travel by the general population, which warrants a review of our control measures to protect against COVID-19 transmission. **Yes/No**
- e) **Note** my advice that there may be sufficient justification for the use of face coverings on domestic flights over the summer holiday period at Alert Level 1 due to increased interregional travel and large gatherings. **Yes/No**
- f) **Agree** in principle to retain the requirement to use face coverings on domestic flights at Alert Level 1 over the summer holiday period (until 9 February 2021). **Yes/No**

- g) **Note** that officials are exploring options for requiring airlines to not serve food and beverages while the face coverings requirement is in place. **Yes/No**
- h) **Note** that officials, led by the All of Government Group, will ensure that communications about practicing prevention and control measures are emphasised over the summer holiday period. **Yes/No**
- i) **Note** that officials, led by the All of Government Group, are currently undertaking resurgence planning for the summer holiday period. **Yes/No**
- j) **Note** the Ministry of Health is leading work on refining and improving the Elimination Strategy, and, at this stage, there are no further mandatory measures recommended at Alert Level 1 as part of this work. **Yes/No**
- k) **Note** the contact tracing system appears to be working well based on the rapid and effective control of incursions and outbreaks to date. **Yes/No**
- l) **Note** the Ministry of Health continues to actively progress a number of measures to enhance the speed and efficacy of our contact tracing system, including the Bluetooth Exposure Notification trial and the use of wearables for guests in managed isolation. **Yes/No**
- m) **Note** that, over the next few months, the Ministry of Health will explore and monitor a range of technology solutions to enhance the efficacy of our contact tracing system. **Yes/No**
- n) **Note** you have received advice about issues identified with the use of Global Positioning System (GPS) for border workers for contact tracing purposes, including a lack of accuracy, effectiveness, privacy and equity implications, implementation and limited benefits. **Yes/No**
- o) **Agree** that based on the advice received about issues identified with the use of GPS for border workers, further work on this measure will not be progressed at this time. **Yes/No**
- p) **Agree** to provide direction to officials on 9 December 2020 to lodge the attached Cabinet paper. **Yes/No**



Dr Ashley Bloomfield
Director-General of Health
Date: 4/12/2020

Hon Chris Hipkins
Minister for COVID-19 Response
Date:

Review of measures to protect New Zealanders from COVID-19

Context

12. Work on refining and improving New Zealand's Elimination Strategy has articulated four key pillars:
 - a. Keep It Out;
 - b. Prepare For It;
 - c. Stamp It Out; and
 - d. Manage the Impact.
13. The Alert Level System is a core aspect of the 'Stamp it Out' pillar of the Elimination Strategy to ensure that there are appropriate measures in place as the risk of community transmission changes.
14. The Alert Level System is risk-based and imposes appropriate control measures proportionate to the assessed risk. It is generally working well, and New Zealand is currently at Alert Level 1 due to our robust system. Alert Level 1 means that COVID-19 is contained in New Zealand, but uncontrolled overseas, with sporadic imported cases. There is some risk that isolated local transmission could occur in New Zealand.
15. New Zealand currently has two active community cases with no apparent further community transmission.² Both cases were relocated to a managed quarantine facility and have since recovered but remain active under our classification system. There is no current evidence of COVID-19 community transmission.
16. During the November Quarantine Cluster, Cabinet agreed to impose an additional precautionary and temporary measure at Alert Level 1 while case investigation was underway, and the potential community resurgence was being managed. The additional measure required the use of face coverings on public transport services in Auckland and all domestic flights.
17. The case investigation is complete, and there is currently no evidence of community transmission of COVID-19 in New Zealand. Therefore, a review of this temporary measure is required.
18. However, leading up to and during the upcoming summer holiday period, there will be an increase in regional travel and large gatherings, which increases the risk of COVID-19 spreading in the community, should cases get through our border.
19. Officials constantly review settings in the Elimination Strategy to ensure the system remains fit-for-purpose to protect New Zealanders against COVID-19. These measures may be refined and updated based on new scientific knowledge about COVID-19, and evidence about the effectiveness of control measures in New Zealand and overseas.

² As at Friday 4 December 2020.

Use of face coverings on public transport at Alert Level 1

Current position

20. The COVID-19 Public Health Response (Alert Level Requirements) Order 2020 (Alert Level Requirements Order) mandates the use of face coverings on all public transport services (including drivers of small passenger vehicles) on Auckland routes, and all domestic flights at Alert Level 1.
21. The measure was put in place due to uncertainty about the extent of potential community transmission in the November Quarantine Cluster.

Review of the temporary face coverings requirement

22. There has been no recent community transmission of COVID-19 in New Zealand. The case investigations for the November Quarantine Cluster have closed, and there is currently no evidence of further community transmission from the cluster.
23. The use of face coverings at Alert Level 1 has been surfaced in discussions as part of the Ministry's work on 'refining and improving the Elimination Strategy'. There were a range of views from internal and external public health experts about whether face coverings were risk proportionate, and about the evidence base for face coverings and mass wearing of face coverings.³
24. Imposing measures which are not proportionate to the level of risk, or backed up by public health rationale, could risk undermining social license⁴ for the government's Elimination Strategy over the medium term. New Zealand's response has been heavily reliant on public trust and confidence. This trust and confidence hinges on a response that is proportionate to risk and backed by public health evidence.
25. Therefore, the Ministry of Health has reviewed the face coverings requirement at Alert Level 1 for Auckland and on all domestic flights. Based on our assessment of COVID-19 risk to the New Zealand population at this stage, set out in more detail below, **I now recommend removing the requirement to wear face coverings at Alert Level 1 on public transport in Auckland.** The recommendation to retain the requirement for face coverings on domestic flights at Alert Level 1 is outlined below.

Public health analysis on the current temporary face coverings requirement in Auckland

26. There are broadly two public health objectives of wearing face coverings:
 - a. for source control (i.e. reducing the spread of the disease by infected people); and
 - b. for protection (i.e. reducing the risk of people becoming infected).
27. The paramount objective depends on the risk level of community transmission. Where there is little evidence of community transmission, and less risk of people becoming infected, the primary public health benefit of wearing face coverings is source control.

³ Including COVID-19 Technical Advisory Group, Public Health Clinical Network, individual public health academics, Office of the Director of Public Health and other internal stakeholders.

⁴ Defined as ongoing approval, acceptance and adherence within the community for government measures.

Where there is evidence of risk of community transmission, the optimal approach may be to balance both source control and protection for vulnerable groups.

28. The Ministry is keeping a watching brief on new evidence into the use of face coverings and other measures. In our work on the Elimination Strategy, there were a range of views from internal and external public health experts about this.⁵
29. There is currently a lack of strong evidence demonstrating that face coverings prevent transmission of COVID-19. A recent Cochrane review of published research concluded that there was no reduction in respiratory viral infection with the use of face coverings (but that handwashing may be effective). A new Danish study looking specifically at the transmission of COVID-19 also found no reduction in transmission with the use of face coverings.
30. There is no strong public health rationale for requiring the use of face coverings at Alert Level 1, since the risk of undetected community transmission of COVID-19 is low. The emphasis is, and should continue to be, on the standard public health messages (stay home if sick, cough and sneeze etiquette, hand hygiene and physical distancing).

New Zealand Bill of Rights Act 1990 (NZBORA) analysis

31. Under section 9(1)(ba) of the COVID-19 Act, you must be satisfied that requirements do not limit, or are a justified limit, on the rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA).
32. Mandatory face coverings on public transport engages the right to freedom of expression under section 14 of NZBORA.
33. As previously advised, [HR 20202012 refers], public health advice is that the face coverings requirement at Alert Level 1 is only proportionate in so far as the risk of COVID-19 in the community is imminent. This is not currently the case, and therefore the requirement to use face coverings on public transport in Auckland at Alert Level 1, and to have different requirements apply for those living in Auckland relative to the rest of New Zealand, is unlikely to be a justified limit.

Continued review of Alert Level settings, within the context of summer holiday period

Current position

34. There is currently no evidence of community transmission of COVID-19. However, leading up to and during the upcoming summer holiday period, there will be an increase in interregional travel and large gatherings, which increases the risk of COVID-19 spreading faster through the community, should cases get through our border. This means that we will need to remain vigilant, and continue to review our Alert Level settings.

⁵ Including COVID-19 Technical Advisory Group, Public Health Clinical Network, individual public health academics, Office of the Director of Public Health and other internal stakeholders.

35. The dynamics of the peak summer holiday period (21 December to 9 February) create a number of challenges for managing any potential resurgence. These include:
- a. a high level of population movement and significant concentrations of people (on holidays and seasonal workers) in areas in which they are non-resident, and which may have limited health and other services;
 - b. extended and more frequent social gatherings, including large events such as concerts and festivals; and
 - c. a proportion of the health workforce and other workforces critical to the response being on leave.

Christmas resurgence planning

36. Significant work is underway to ensure system-wide preparedness to mitigate the additional challenges posed by any possible resurgence during the summer holiday period. This includes surge workforce planning, and ensuring the health system is ready to respond rapidly if required.
37. To mitigate the risk of resurgence over the summer holiday period, a multi-dimensional communications and engagement campaign has been developed. New Zealanders will be encouraged to continue following recommended public health behaviours through summer. These include using the COVID Tracer App, isolating and getting tested if unwell, hand hygiene, and following sneeze and cough etiquette (i.e. into the elbow).
38. The campaign includes paid advertising on radio, television, social media, online and in outdoor locations such as bus stops. It also includes proactive media, targeted engagement with businesses and the events sector, and partnering with iwi and central and local government to promote positive COVID-19 behaviour messaging.

Introducing face coverings on flights over the summer holiday period

39. Previous advice is 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]. There are also studies that conclude the risk of in-flight transmission is rare. However, there may be sufficient justification for the use of face coverings on domestic flights over the summer holiday period at Alert Level 1 due to increased interregional travel and large gatherings.
40. As a precautionary measure, I recommend that, as well as increased communications over the summer holiday period, you consider mandating face coverings on domestic flights over the summer holiday period (until 9 February 2021) for the following reasons:
- a. there is a slightly higher risk of potential community transmission of COVID-19 being transferred between regions and spreading faster through this mode of transport over the summer holiday period, and greater challenges for contact tracing, particularly when compared to other modes of transport such as private cars, ferries, trains and buses;
 - b. the use of face coverings during interregional air travel serves as a good reminder to the public that the pandemic is ongoing, even at Alert Level 1, and that constant vigilance is required; and

c. the use of face coverings on domestic flights will support New Zealand's effort to build a face covering wearing culture in the event that we move into a higher Alert Level.

41. In addition, airlines are familiar with the requirement, and have been requiring passengers to use face coverings for some time. Strong messaging from airlines during interactions with customers will continue to be important.

42. You have asked officials to explore the possibility of encouraging airlines not to serve any food or beverages on services in order to reduce the public health risk involved in removing and replacing face coverings.

43. s 9(2)(g)(i)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

New Zealand Bill of Rights Act 1990 analysis

44. Under section 9(1)(ba) of the COVID-19 Act, you must be satisfied that any amendment does not limit or is a justified limit on the rights and freedoms in NZBORA.

45. Mandatory face coverings on flights engages the right to freedom of expression under section 14 of NZBORA.

46. s 9(2)(h)
[Redacted]
[Redacted]

47. I consider that mandating face coverings on flights over the summer holiday period can be demonstrably justified as part of a general precautionary approach, particularly during the period of increased interregional travel and large gatherings. Flights could increase the risk of COVID-19 being transmitted throughout the country at much faster rates than other modes of transport, and close contacts may be harder to trace.

48. In addition, the face covering requirements would be targeted: they would only be required during periods of unavoidable prolonged close contact on flights, rather than at other times when people are out of their homes. With a range of possible exceptions, essential communications can still occur despite face covering requirements.

Giving effect to your decision on face coverings

49. To remove the requirement to wear face coverings on public transport in Auckland, and to require them only on domestic flights, you must amend the Alert Level Requirements Order.

50. To amend an Order under section 11 of the COVID-19 Act, 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. You must also consider how to respond to those risks to address the effects of the spread of COVID-19, be satisfied that the amendment aligns with the purpose of the COVID-19 Act, and is consistent with the NZBORA. Appendix 1 has further detail on the process and considerations required for amending an Order.

51. I recommend that you retain the requirement to wear face coverings on domestic flights at Alert Level 1 over the summer holiday period (until 9 February 2021).
52. Pending Cabinet approval of the accompanying Cabinet Paper, you will be provided with a draft amendment to the Alert Level Requirements Order which will remove the requirement to wear face coverings on public transport in Auckland at Alert Level 1. The requirement to wear face coverings on domestic flights will be retained.

Work underway to refine current settings in our Elimination Strategy

53. Officials are continually reviewing the effectiveness of public health measures within the Alert Level System and under the COVID-19 Elimination Strategy. These measures may be refined and updated based on new science about COVID-19, evidence about the effectiveness of control measures in New Zealand and overseas, or the application of Alert Levels at different times.
54. The following factors are considered when reviewing and refining the measures within the Elimination Strategy:
 - a. evidence of effectiveness – both internationally and nationally and how they apply to the New Zealand situation;
 - b. proportionality – a key public health premise is that governments should employ the least restrictive means necessary to protect public health. Meeting this standard requires that any measure that interferes with civil liberties must be based on rigorous assessment of risk and effectiveness;
 - c. legal obligations – in particular consistency with the NZBORA, and the Privacy Act 2020;
 - d. the workability of the measure – it should be easily implemented, including equity of access, and enforceable; and
 - e. the impact of the measure on ongoing social licence for New Zealanders.
55. Consideration of measures should also have regard to the principles of Te Tiriti o Waitangi:
 - a. the guarantee of tino rangatiratanga, which provides for Māori self-determination;
 - b. the principle of equity, which requires the Crown to commit to achieving equitable health outcomes for Māori;
 - c. the principle of active protection, which requires the Crown to act, to the fullest extent practicable, to achieve equitable health outcomes for Māori;
 - d. the principle of options, which requires the Crown to provide for and properly resource kaupapa Māori health and disability services; and
 - e. the principle of partnership.
56. As discussed at the 24 November 2020 strategy session, the Ministry has been leading work on refining and improving the Elimination Strategy. This examines the key pillars of the strategy, and ways that these can be refined and improved. The Ministry and the Department of Prime Minister and Cabinet (DPMC) will provide you with a briefing on 4 December 2020 about the next steps following this work. This includes responses to questions raised by Ministers in the strategy session, an articulation of the strategy

moving forward and a proposed work programme. There will be a report back on this work and a risk-based approach to the border in January 2021.

57. The below provides a summary of areas that officials have already discussed with you, and some further areas for consideration.

Refining our border settings – ‘Keep It Out’

58. The Ministry is undertaking the following work as part of refining the implementation of our border settings to ‘Keep It Out’.

Reviews of incursions arising from the border

59. Since the entirety of New Zealand first moved back to Alert Level 1 in June 2020, there have been six documented instances of transmission from MIQ into the community. This suggests a MIQ to community incursion rate of around 1 per 50 imported COVID-19 cases. There has been one instance of transmission from the maritime border to the community. The Auckland August outbreak was likely to have been the result of transmission from the border.
60. Officials undertake comprehensive case investigations to determine the source of the infection and potential areas for further transmission of COVID-19. These are based on the factors such as movements of the case, who they may have contact with, and genomic sequencing of their test results.
61. Reviews are undertaken when there has been an identified opportunity for improvement in practices at the border, such as these recent incursions. They have resulted in the continual improvement in the speed of our response to stopping COVID-19 transmission into the community. There is further detail on these reviews, such as the Sudima (maritime workers) review, in Appendix 2.

Refining and improving how we manage risk at the border

62. Where an incursion from the border has occurred reviews are undertaken to identify all opportunities for improvement in practices. This has resulted in continual improvement to the speed of our response in stopping COVID-9 transmission into the community.
63. At the maritime border, officials are working with stakeholders to identify opportunities to reduce risk such as testing and isolation regimes, and through sequencing of crew changes and crew movements to minimise contact between crews and port workers.
64. At the air border infection prevention and control (IPC) measures have been reviewed by officials to establish that current IPC practices are being undertaken for processing international returnees at New Zealand airports. Opportunities for improvements have been identified and are underway.

Refining the legal arrangements at the border

65. We are also preparing amendments to the Air Border, Isolation and Quarantine and Maritime Border Orders, to ensure that our borders remain robust and fit for the purpose of preventing COVID-19 from entering our communities.
66. When these amendments are undertaken, we ensure we work with other Government agencies and relevant industries to issue relevant guidance on the amendments, and

ensure continued compliance with the requirements. Guidance is used by industries and individuals to understand and comply with the Border Order requirements.

Clarifying when exemptions from managed isolation are appropriate

67. A robust process is in place for granting exemptions from the requirements of managed isolation and refinements to the exemptions process are continually being undertaken. Applications are considered on a case by case basis, and to date very few exemptions have been granted. An exemption will only be approved where there is confidence that the health risk of transmission is low.

Carefully assessing appropriate safeguards for quarantine-free travel

68. The Government is currently considering establishment of quarantine-free travel with countries in which the spread of COVID-19 cases have been controlled. To provide assurance to the community that quarantine-free travel is as low risk as possible, additional health measures will be introduced. These measures will include, for example, requiring passengers to be in good health when travelling to New Zealand.

Ensuring we identify cases rapidly - 'Prepare For It'

69. Robust communications, testing, and surveillance are key aspects of the 'Prepare For It' pillar of the Elimination Strategy.
70. Our testing and surveillance approach is being regularly updated based on the latest evidence. For example, the Ministry of Health is monitoring developments in testing technologies that may improve the efficacy and speed of testing regimes. These include:
- a. evaluation of new rapid testing technologies that maintain sensitivity;
 - b. evaluation of less-invasive tests that could be used to more frequently test high risk border workers;
 - c. genomic strategies to obtain detailed genetic information to manage clusters and monitor viral lineages;
 - d. serology testing which could be used to monitor antibodies to the virus that causes COVID-19; and
 - e. environmental testing (e.g. wastewater or surface swabs) to provide early indicators of the virus that causes COVID-19 in the environment.
71. Also note that some of the recent community cases have self-identified when they have suspected themselves of having contracted COVID-19, and undertaken testing which allowed for early detection of the cases within the community. This can, in part, be attributed to the strong communications that have been employed around the COVID-19 response.

Further enhancements to contact tracing - 'Stamp It Out'

72. Contact tracing is one of the key aspects of the 'Stamp It Out' pillar. The purpose of contact tracing is to obtain information about the contacts of the persons with a positive case or suspected case of COVID-19 in order to identify the source of the infection and to quarantine close contacts to limit the transmission of COVID-19.

73. Technology is one of the key tools to enable rapid and effective contact tracing. We are always exploring new ways to enhance our contact tracing toolkit.

The COVID-19 Tracer App and other technologies to improve contact tracing

74. The New Zealand COVID Tracer App is a key tool in our contact tracing kit. Users keep a digital diary of their movements allowing quick ascertainment of possible contact with a case.
75. The App has been downloaded on over two million phones, and over 130 million QR code poster scans have been recorded. However, daily use varies greatly depending on the public perception of risk of a community outbreak. On 21 November 2020, with the country at Alert Level 1, for example, only 403,000 active devices were using it (around 20 percent).
76. A report on how New Zealanders could be encouraged to use the App leveraging behavioural science techniques was commissioned from PWC by the Ministry. The report identified four behavioural barriers that could be tackled to increase usage of the App:
- a. removing friction, or the effort required to scan, for example by looking at QR code locations and continuing to investigate passive recording of diary entries;
 - b. using positive social norms to encourage scanning, for example creating a sense of being part of a collective effort by employing targeted social norm messaging or providing an opportunity for businesses to make a commitment to encouraging scanning;
 - c. focus on key moments and interventions to encourage scanning, for example identifying critical moments when people would be more open to improving their scanning habits; and
 - d. using techniques to make scanning a habit, for example displaying a reinforcing message when people scan.
77. The report highlighted that mandatory App scanning may make some people less willing to scan, disproportionately affecting some community groups, and that it may also erode future adherence with lockdowns. It recommended that any decision to mandate it should consider the behavioural impacts in implementation. Therefore I do not recommend making the use of QR codes mandatory.

Further technological supports underway to support contact tracing

78. In light of this evidence around the potential adverse impacts of requirements around contact tracing, the Ministry is also working on a number of measures to enhance the speed and comprehensiveness of our contact tracing system. This includes:
- a. the Bluetooth Exposure Notification trial (10 December 2020) to inform our advice on faster contact tracing;
 - b. exploring the use of wearables for guests in managed isolation and potentially health staff working at the border and in testing centres;
 - c. working to understand how contact tracing technology can support vulnerable groups;
 - d. delivering the roadmap for the NZ COVID Tracer App, including:

- i. considering how to show test results and potentially vaccine results in the App; and
- ii. considering how to encourage arrivals to New Zealand to increase adherence to our contact tracing processes.

Potential work to further support contact tracing

79. Any changes to contact tracing system requirements need to be considered as part of the broader workings of the system and maintaining social licence to act now and in future at higher Alert Levels. The PWC review findings on activities to increase QR code scanning, also demonstrated that most additional activities (to what are already being considered by the government) would only have small additional effects on behaviour.
80. These findings should be considered when exploring any requirements around contact tracing, and potentially other health measures. They also should be explored in light of other considerations such as privacy, NZBORA, equity impacts, and the workability (implementation and enforcement).
81. We note that you have specifically asked about the use of Global Positioning System (GPS) by border workers for contact tracing purposes. The Ministry has undertaken preliminary analysis with our internal stakeholders, and other agencies, on this proposal and these are some of the issues that have been identified:
 - a. the accuracy of the technology itself for this purpose i.e. signal strength is reduced inside buildings (where COVID-19 is often transmitted) and therefore is unlikely to meet our standards for contact tracing accuracy;
 - b. there is limited use of this technology for contact tracing overseas, and evidence of its effectiveness;
 - c. the privacy and data sharing considerations are likely to be difficult to resolve;
 - d. potential impacts on equity, particularly equity of access i.e. who would pay for the technology and data required to use it;
 - e. it may have limited benefit to the wider public health response if only used by border workers; it would need to be used by wider stakeholders to assist with widespread transmission detection;
 - f. identified difficulties with implementation and enforcement; and
 - g. preliminary legal advice on the NZBORA implications.
82. Due to these identified issues, I recommend that no further work on this measure is done at this time. We will continue to explore and refine new and current technological supports for contact tracing.

Consultation

83. We have consulted with external stakeholders on a draft Cabinet Paper (with both options), including Ministry of Transport, Ministry of Business Innovation and Employment, and Customs. Agencies agree with the proposal to remove the face covering requirement at Alert Level 1. Feedback on a draft Cabinet Paper has been incorporated into this Briefing where relevant.

84. The Ministry of Health Data and Digital and Public Health teams have also contributed to this Briefing.

Next steps

85. If you agree to:
- a. remove the requirement to wear face coverings on public transport in Auckland at Alert Level 1; and
 - b. retain the requirement to wear face coverings on domestic flights at Alert Level 1, the next step is to advise officials to lodge the attached Cabinet Paper.
86. The Ministry of Health will continue the communications and engagement campaign on COVID-19 public health measures, particularly surrounding behaviour in the summer holiday period.
87. The Ministry of Health and DPMC will provide you with a briefing in the week of 7 December 2020 about the next steps following work on refining and improving the Elimination Strategy for COVID-19.
88. The Ministry of Health will continue to actively progress the measures to enhance the speed and efficacy of our contact tracing system, and will continue to explore and monitor a range of other technology solutions.

ENDS.

PROACTIVELY RELEASED

Appendix 1: Overview of the Order making process

Under 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.

There is currently an Epidemic Notice in place, which allows Orders to be made under section 11 of the COVID-19 Act.

As the Minister of Health, you may make Orders under section 11 of the COVID-19 Act.

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, the Minister of Health and the Minister of Justice on any proposed orders; and
- you must be satisfied that this order is appropriate to achieve the purpose of that Act.

My advice 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 is set out below.

Appendix 2: Improvements made following reviews of incursions arising from the border

Since the October and November 2020 Managed Isolation and Quarantine Facility (MIQF) worker infections, the following actions have been taken to bolster MIQF safety and security:

- The Personal Protective Equipment (PPE) guidance in the MIQF Infection Prevention and Control (IPC) Standard Operating Procedures (SOP) was updated to include guidance on the use of N95/P2 particulate respirators.
- MIQF IPC leads in each region were asked to ensure all MIQF staff completed refresher IPC training by 13 November 2020.
- Canterbury District Health Board (CDHB) are now requiring confirmed or probable cases of COVID-19 to be accommodated in rooms with opening windows and/or balconies to improve air flow.
- The use of CCTV to monitor communal spaces e.g. hallways at MIQF has increased to better identify any breaches.
- A ban on non-essential visitors to MIQFs has been implemented until further notice. All non-essential visitors to MIQFs must now be approved centrally.
- Communications have been distributed to all Regional Isolation and Quarantine Coordination Centres (RIQ-CCs) by MBIE MIQ encouraging the use of face coverings on public transport and reminding workers of key public health messages.
- A joint Ministry of Health and MBIE MIQ commissioned 'lessons learned' review of the International Mariners and registered nurse infections, completed in December 2020.

Multiple workstreams are also in progress in response to the International Mariners and registered nurse infections and the November Quarantine Cluster. This work requires close interagency collaboration. The following work is planned or underway:

- The Ministry of Health developed a national incident review process to respond to COVID-19 infections among workers in high-risk workplaces.
- Continual updates to the Ministry of Health evidence review of the role of ventilation systems in the transmission of COVID-19.
- A Canterbury District Health Board commissioned review of the ventilations systems in all Christchurch MIQFs, due by 20 December 2020.
- An integrated, multi-agency operational plan led by MBIE MIQ for tranche two of the International Fishers review which will give effect to the public health and operational requirements and the risk mitigation actions for the end to end process.
- A Ministry of Health developed public health risk assessment matrix to apply to future group/class exemption cohorts, which is being trialled by the Ministry of Health and MBIE MIQ in the planning for the next tranche of International Mariners and international sports teams and will feed into the above operational plan.
- A joint MBIE MIQ and Ministry of Health developed infection prevention and control (IPC) training platform to standardise and assure the IPC training of all MIQF staff nation-wide, due to be operational by December 2020.

- A joint Ministry of Health, MBIE MIQ, and NZDF plan to implement the required N95/P2 particulate respirator fit testing programmes, with planning to be completed in the week of 7 December 2020.
- A joint MBIE MIQ and Ministry of Health plan to identify operational solutions that decrease the IPC risk associated with smoking areas in MIQFs.
- A Ministry of Health review of the modes of transmission of COVID-19.
- The Ministry of Health is scoping the work that would be required to further investigate the risk of airborne transmission of COVID-19 within a MIQF setting.
- An NZDF review to identify opportunities to prevent the risk of onward transmission of COVID-19 from NZDF MIQF workers to the wider community.

Infection prevention and control principles at airports

The Ministry of Health (Ministry) Infection Prevention and Control (IPC) has recently visited three New Zealand (NZ) international airports; Auckland, Wellington and Christchurch, to establish current IPC practices being undertaken for processing international returnees at the NZ border (the Border).

All airports had adequate supplies of PPE and implementation of usage was observed at all three airports. Hand sanitiser was available for staff and the public to enable effective hand hygiene. Staff swab testing regimes were in place. An awareness of physical distancing, separation of symptomatic travellers, and cleaning of airport spaces/high touch points before deep cleaning or fogging processes were observed.

Auckland and Christchurch airports staff reported ventilation systems and air flow provide constant flow of clean air, with no recycled air occurring in the terminal buildings.

A secure Air Movements Terminal is used at Wellington airport which is separate from the general public entry points to Wellington airport.

Christchurch Airport has well established links to IPC expertise from Canterbury District Health Board for IPC education and advice, with effective implementation of IPC practices observed.

Opportunities for improvement

While there is existing guidance for transport providers developed by Ministry of Transport, we believe there is value in extending the National Operations Framework for MIQFs and MIQF IPC SOPs to include the Border to avoid any inconsistencies in IPC practices. This will be implemented in the next update of the National Operations Framework at the end of January 2020.

We will ensure Border agencies have effective links to IPC specialists to ensure IPC training in alignment with MIQF IPC SOPs and consistent practices are implemented (e.g. IPC training induction/refreshers).