

# Briefing

## COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021: reduction in Alert Levels in the Wellington region

**Date due to MO:** 29 June 2021      **Action required by:** 29 June 2021

**Security level:** IN CONFIDENCE      **Health Report number:** 20211492

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

**Copy to:** Rt Hon Jacinda Ardern, Prime Minister  
Hon Andrew Little, Minister of Health  
Hon Kris Faafoi, Minister of Justice

### Contact for telephone discussion

Name	Position	Telephone
<b>Dr Ashley Bloomfield</b>	Director-General of Health Te Tumu Whakarae mō te Hauora	s 9(2)(a)
<b>Sue Gordon</b>	Deputy Chief Executive COVID-19 Health System Response	s 9(2)(a)

### 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 Withdrawn |  |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:

# COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021: reduction in Alert Levels in the Wellington region

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**Security level:** IN CONFIDENCE                      **Date:** 29 June 2021

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

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## Purpose of report

- 1 This report provides you with my public health advice and recommends that you sign the Covid-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021, which will be provided to you directly by the Parliamentary Counsel Office after Cabinet has made its decision.
- 2 This Order will lower Alert Levels in the Wellington region (including the Wairarapa and Kapiti Coast) from Alert Level 2 to Alert Level 1 at 11:59pm on Tuesday 29 June 2021.

## Summary

- 3 On Wednesday 23 June 2021 you received advice regarding a traveller from Sydney, New South Wales (NSW), Australia who had spent the previous weekend in the Wellington region (19/20 June 2021) [HR 20211473 refers]. After returning home the traveller tested positive for COVID-19 (Case A).
- 4 At 11:30am on 23 June 2021 a Public Health Risk Assessment for Community Concern was completed. The assessment recommended adopting a precautionary approach and moving to Alert Level 2 for the Wellington region. This assessment was made due to there being a known active case, potentially with the Delta variant, in several settings in Wellington whilst infectious. A number of those locations had been crowded and there was the potential that members of the public were exposed and possibly incubating the virus.
- 5 Case A has been epidemiologically and genomically linked to the NSW Sydney outbreak, and it is likely that he was infectious with the Delta variant at the time he was in Wellington.
- 6 You signed an Order moving the Wellington region to Alert Level 2 on 23 June 2021 from 6:00pm, as a precautionary measure while officials established whether there was any community spread. It was recommended this be reviewed on Sunday 27 June 2021.
- 7 On Sunday 27 June you agreed to retain the Alert Level 2 settings in the Wellington region until 11:59pm, Tuesday 29 June, to enable further testing to be undertaken and results received [HR20211494 refers].

- 8 As at 8:00am on Tuesday 29 June, I can confirm there have been no positive cases of COVID-19 detected in the community in the greater Wellington region. Though we are still waiting on the results of some tests, there have been a high number of tests undertaken with negative results returned and it has been over a week since Case A was in Wellington. Additionally, we note that Case A had received a single dose of the AstraZeneca vaccine. While I cannot be 100 percent confident, the **results strongly suggest that Case A has not resulted in community spread of COVID-19 in New Zealand.**

*Breakdown of contact tracing and testing numbers*

- 9 After being alerted to Case A, contact tracing and testing commenced promptly in the Wellington region. As at 8:00am on Tuesday 29 June there are 2,608 contacts identified in relation to this. In total, of the 2,608 contacts, 2,349 have returned a negative test result (90%), 41 results are not yet overdue (meaning the result is pending, following the test being taken at the appropriate time after exposure), 140 are overdue (these are being followed up by the Ministry's contact tracing team), 10 are exempt from testing because they are children, 8 contacts require no further action (based on the determination of a health professional) and 60 are pending.
- Of the 2 **close plus contacts**, 2 have returned a negative test result (100%)
  - Of the 957 **close contacts**, 877 have returned a negative test result (92%), 16 are not yet overdue, 33 are overdue, 3 are exempt from testing, 8 require no further action and 20 are pending
  - Of the 1,649 **casual plus contacts**, 1,470 have returned a negative result (89%), 25 are not yet overdue, 107 are overdue, 7 are exempt from testing and 40 are pending.
- 10 Of all contacts, there are 606 symptomatic contacts of which 542 have returned a negative test result (89%), 4 are not yet overdue, 27 are overdue, 1 requires no further action and 31 are pending.
- 11 A breakdown of the symptomatic contacts as at 8:00am on 29 June is:
- Of the 260 **symptomatic close contacts**, 241 have returned a negative test result (93%), 8 results are overdue, 1 requires no further action and 3 are pending.
  - Of the 343 **symptomatic casual plus contacts**, 307 have returned a negative result (90%), 3 are not yet overdue, 4 results are overdue, 1 requires no further action and 20 are pending.
- 12 Wastewater testing in the Wellington region has returned negative results to date, the most recent test results being from samples taken on Monday 28 June (received at 6:00pm).
- 13 Therefore, **I am recommending that the Alert Level 2 in the Wellington region be reduced to Alert Level 1 as at 11:59pm on Tuesday 29 June 2021.**
- 14 The draft Order, which will be provided to you directly by the Parliamentary Counsel Office, will give effect to this once signed. The Order is based on the template Alert Level Order on which you consulted Ministers prior to Christmas and will return Wellington to the same Alert Level 1 conditions as were in place prior to last weeks' increase to Alert Level 2.

## Recommendations

I recommend that you:

- a) **Note** that as at 8:00am on Tuesday 29 June there have been no positive cases of COVID-19 detected in the community in the Wellington region. **Noted**
- b) **Note** my advice as the Director-General of Health on the prerequisites for making an Order under the COVID-19 Public Health Response Act 2020, including:
- i) the risks of an outbreak or spread of COVID-19, and
  - ii) the nature and extent of measures that are appropriate to address those risks.
- c) **Note** that my advice as Director-General of Health is that the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 is in line with the purpose of the COVID-19 Public Health Response Act 2020 to prevent, and limit the risk of, the outbreak or spread of COVID-19. **Noted**
- d) **Confirm** that prior to signing the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 you have consulted on the Order with the Prime Minister, Ministers of Health and Justice and any other Ministers you think necessary. **Yes/No**
- e) **Agree** to sign the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021, which will be provided to you directly by the Parliamentary Counsel Office after Cabinet has made its decision. **Yes/No**



Dr Ashley Bloomfield  
**Te Tumu Whakarae mō te Hauora**  
Director-General of Health  
Date: 29/06/2021



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

Date: 29/6/2021

# COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021: reduction in Alert Levels in the Wellington region

## Background

- 1 On Wednesday 23 June 2021 you received advice regarding a traveller from Sydney, NSW, Australia who had spent the previous weekend in the Wellington region (19/20 June 2021) [HR 20211473 refers]. After returning home the traveller tested positive for COVID-19 (Case A). The traveller has been epidemiologically linked to the NSW outbreak, and it has been confirmed they were infectious with the Delta variant at the time they were in Wellington.
- 2 At 11:30am on 23 June 2021 a Public Health Risk Assessment for Community Concern was completed. The assessment recommended adopting a precautionary approach and moving to Alert Level 2 for the greater Wellington region. This assessment was made due to there being a known active case, potentially with the Delta variant, in a number of settings in Wellington whilst infectious. A number of those locations had been crowded and there was the potential that members of the public were exposed and possibly incubating the virus.
- 3 Case A has been epidemiologically and genomically linked to the NSW Sydney outbreak, and it is likely that he was infectious with the Delta variant at the time he was in Wellington.
- 4 You signed an Order moving Wellington to Alert Level 2 on 23 June 2021 from 6pm, as a precautionary response while officials established whether there was any community spread. It was recommended this be reviewed on Sunday 27 June.
- 5 On Sunday 27 June, you agreed to retain the Alert Level 2 settings in the Wellington region until 11:59pm, Tuesday 29 June, to enable further testing to be undertaken and results received [HR20211494 refers].

## Public Health Advice

- 6 As at 8:00am on Tuesday 29 June, I can confirm there have been no positive cases of COVID-19 detected in the community in the greater Wellington region. Though we are still waiting on the results of some tests, there have been a high number of tests undertaken with negative results returned and it has been over a week since Case A was in Wellington. Additionally, I note that Case A had received a single dose of the AstraZeneca vaccine. While I cannot be 100 percent confident, the **results strongly suggest that Case A has not resulted in community spread of COVID-19 in New Zealand.**

### *Breakdown of contact tracing and testing numbers*

- 7 After being alerted to Case A, contact tracing and testing commenced promptly in the Wellington region. As at 8:00am on Tuesday 29 June there are 2,608 contacts identified in relation to this. In total, of the 2,608 contacts, 2,349 have returned a negative test result (90%), 41 results are not yet overdue (meaning the result is pending, following the test being taken at the appropriate time after exposure), 140 are overdue (these are being followed up by the Ministry's contact tracing team), 10 are exempt from testing because they are children, 8 contacts require no further action (based on the determination of a health professional) and 60 are pending.
  - a. Of the 2 **close plus contacts**, 2 have returned a negative test result (100%)
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  - c. Of the 1,649 **casual plus contacts**, 1,470 have returned a negative result (89%), 25 are not yet overdue, 107 are overdue, 7 are exempt from testing and 40 are pending.
- 8 Of all contacts, there are 606 symptomatic contacts of which 542 have returned a negative test result (89%), 4 are not yet overdue, 27 are overdue, 1 requires no further action and 31 are pending.
- 9 A breakdown of the symptomatic contacts as at 8:00am on 29 June is:
  - a. Of the 260 **symptomatic close contacts**, 241 have returned a negative test result (93%), 8 results are overdue, 1 requires no further action and 3 are pending.
  - b. Of the 343 **symptomatic casual plus contacts**, 307 have returned a negative result (90%), 3 are not yet overdue, 4 results are overdue, 1 requires no further action and 20 are pending.
- 10 Wastewater testing in the Wellington region has returned negative results to date, the most recent test results being from samples taken on 28 June (received at 6.00pm).
- 11 To give me confidence that a return to Alert Level 1 at this time is the right course of action, I have considered whether:
  - a. most contacts have been identified
  - b. contacts have been adhering to self-isolation requirements
  - c. a very high proportion (around 90%) of identified close contacts have been tested and have returned a negative test.
- 12 While there are a large number of contacts arising from Case A, the high number of tests across the greater Wellington region and across New Zealand has provided a sense of reassurance that community transmission is unlikely. I note that from 23 June to 28 June 42,993 tests have been conducted in the Wellington region.
- 13 In addition, as contacts have been required to self-isolate this has further reduced potential for community transmission of any undetected cases. I am not aware of any situations where contacts have not been adhering to self-isolation requirements. All identified contacts have been receiving daily welfare phone calls from Healthline.
- 14 A very high proportion ( 92%) of identified close contacts have been tested and have returned a negative test.

- 15 Therefore, **I am recommending that the Alert Level 2 in the Wellington region be reduced to Alert Level 1 as at 11:59pm on Tuesday 29 June 2021**, with the same Alert level 1 conditions as were in place prior to last weeks' increase to Alert Level 2.

*Ongoing precautionary measures*

- 16 Until we receive all results from testing of contacts, there will be a residual risk that a positive test could be returned. To address this, as a precautionary measure, contacts will still be required under the current section 70 Notice issued under the Health Act 1956 to self-isolate (for up to 14 days if a close contact) and return a negative test or tests.
- 17 Everyone, especially those in the Wellington region, should be advised to continue to be alert to COVID-19 symptoms and get tested if symptoms develop, and to scan in when out and about.

**Process for amending a section 11 Order**

- 18 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.
- 19 There is currently an Epidemic Notice in place, which allows Orders to be made under section 11 of the COVID-19 Public Health Response Act 2020 (the Act).
- 20 As the Minister for COVID-19 Response, you may make Orders under section 11 of the COVID-19 Act.
- 21 To make or amend an Order under section 11 of the COVID-19 Public Health Response Act 2020 (COVID-19 Act) you must:
- receive advice from the Director-General of Health 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
  - 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
  - be satisfied that the proposed Order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990, and
  - consult with the Prime Minister, Ministers of Health and Justice and any other Ministers you think necessary, and
  - be satisfied that the Order is appropriate to achieve the purpose of the COVID-19 Act.
- 22 The requirement to have consulted with the Prime Minister and Ministers of Health and Justice, and other relevant Ministers on the draft Order has been fulfilled through the Cabinet policy decisions made on Monday 27 June 2021 and the previous consultation on the form of the template Alert Level Order, which this Order is based upon.

- 23 In the ordinary course, an Order must be notified in the Gazette 48 hours before it comes into force. However, an Order decreasing Alert Levels may be in force in less than 48 hours if the effect of the order is only to remove or reduce requirements imposed by a COVID-19 order.
- 24 I have considered if there are any implementation implications impacting on the notice period for changing Alert Levels. I do not consider these to be significant and recommend that the move to lower Alert Levels commences from 11:59pm on Tuesday 29 June 2021.

## **New Zealand Bill of Rights Act**

- 25 A matter for you to consider each time an Order is proposed under the COVID-19 Public Health Response Act 2020 is whether the exercise of such powers is consistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990.
- 26 The Order will only be lawful if it limits those rights to the extent that can be demonstrably justified in a free and democratic society.
- 27 A reduction in Alert Level from Level 2 to Level 1 decreases the restrictions on individual rights and freedoms, including freedom of movement, peaceful assembly, and the right to manifest religion, for those living in the greater Wellington region. Those restrictions could only remain in place if they were justified by the public health risk.
- 28 The public health advice is that the high number of tests across New Zealand has provided a level of reassurance that no community transmission has occurred, and as such a reduction in Alert Level restrictions is a reasonable and proportionate response to the current public health risk.
- 29 It is open to you to consider that the Order is consistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990.

## **Equity**

- 30 There are two factors to balance in considering equity implications:
- a. we know from historical examples that Māori and Pacific peoples are likely to be disproportionately affected by a widespread epidemic
  - b. we also know these communities are also likely to be disproportionately affected by the impact of any controls, for example, they are less likely to be able to work remotely.
- 31 The moves that have already been taken to strongly and quickly control the outbreak were intended to prevent the spread of COVID-19 to all New Zealanders, including these vulnerable populations in particular. As such, the measures were intended to promote equity of health outcomes. We note that imposing restrictions to achieve better health outcomes could involve worse economic outcomes for vulnerable populations in the short term.
- 32 As the risk of community transmission has abated, the relaxation of the temporary controls and restrictions on gathering sizes will reduce the impact of controls and therefore the impact on equity (e.g. in terms of any economic harms involved).



## **Next steps**

- 33 Following your signing of the Covid-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021, which will be provided to you directly by the Parliamentary Counsel Office after Cabinet has made its decision, it will be gazetted and will come into force at 11:59pm on Tuesday 29 June 2021.

ENDS.

PROACTIVELY RELEASED