



Proactive Release

The following item has been proactively released by the Rt Hon Jacinda Ardern, Prime Minister:

Noting paper: Taking a Regional Approach to COVID-19 Alert Levels

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction code:

- 9(2)(a), to protect the privacy of individuals
- 9(2)(h), to maintain legal professional privilege

Noting paper

TAKING A REGIONAL APPROACH TO COVID-19 ALERT LEVELS

To: COVID-19 Ministers

Date	15/04/2020	From	National Crisis Management Centre (NMC)
------	------------	------	---

Purpose

This paper provides Ministers with advice regarding whether and how a geographically-differentiated approach to step down from Alert Level 4 could be implemented.

Recommendations

1. **Note** that Cabinet will decide on 20 April whether to move from Alert Level 4 to Level 3, with specific advice on de-escalation to be provided by officials to support that meeting.
2. **Note** that yesterday, CBC considered a paper on how to implement a move from Alert Level 4 to Alert Level 3, including an overview of permitted activities.
3. **Note** that officials consider that a geographically-differentiated approach to de-escalation is possible if implemented for a relatively small number of regions, and that such an approach may be preferable to premature or postponed nationwide de-escalation if there is not sufficient evidence to support nationwide de-escalation.
4. **Note** that geographically-differentiated de-escalation could be implemented as follows:
 - a. Based on Civil Defence Emergency Management (CDEM)/regional council boundaries (see Attachments A and B).
 - b. With the following main forms of travel permitted between Level 4 regions and de-escalated regions:
 - i. All freight (so as to maintain critical supply chains),
 - ii. Essential workers undertaking essential travel for work,
 - iii. Relocating a home or business (only from a de-escalated region to a higher-alert region, not the other way around),
 - iv. Emergencies and giving effect to court orders,
 - v. Those who have an exemption to travel because of compassionate reasons,
 - vi. Foreign nationals leaving New Zealand,
 - vii. New Zealanders resident in the Realm returning home, and
 - viii. New Zealanders returning home after 14 days' isolation/quarantine at port of arrival.
 - c. With boundaries enforced through a mix of public information, road signs, checkpoints and road blocks.

5. **Note** that, regardless of whether step-down occurs nationally or on a geographically-differentiated basis, there is a need to introduced clearly-defined regions based on CDEM/regional council boundaries to provide guidance around inter-regional travel at Levels 2 and 3.

6. **Note** that enforcing Alert Level 3 and/or a geographically-differentiated approach requires either a continuation of the State of National Emergency, or separate states of local emergency, with the preference for continuing the State of National Emergency.

Contact for telephone discussion if required:

Name		Position	Telephone
Signed out by	Dr Peter Crabtree	All of Government Strategy and Policy Lead, NCMC	s9(2)(a)
Lead author	Bruce Parkes	Senior Policy Leader, NCMC	
Support author/s	Cam Vannisselroy	Senior Policy Advisor, NCMC	
	Jennie Kerr	Manager, NCMC	

Proactively Released

TAKING A REGIONAL APPROACH TO COVID-19 ALERT LEVELS

Purpose

1. This paper provides Ministers with advice regarding whether and how a geographically-differentiated approach to step down from Alert Level 4 could be implemented.

Background

2. New Zealand has an overall strategy of eliminating COVID-19 by keeping it out of the country and rapidly stamping out any outbreaks. To achieve this goal, New Zealand is currently at Alert Level 4 ('lockdown'), which will last until at least 22 April 2020. On 9 April 2020, COVID-19 Ministers agreed that, on 20 April 2020, Cabinet will consider whether, at the conclusion of the initial lockdown period, the government will remain at Level 4 or move New Zealand to another level or mix of levels [CAB-20-MIN-0130 refers].
3. On 9 April 2020, COVID-19 Ministers directed officials to provide advice regarding whether a regionally differentiated approach to step down could be implemented if desired, including how, under which potential conditions or pre-requisites, and with an initial sense of which regions or areas might be most suitable for such an approach.
4. This paper does not provide advice on whether New Zealand should step down from Level 4 on 23 April; this advice will be provided to support Cabinet decision-making on 20 April based on the latest-available data. However, it reports back on the feasibility of implementing such a regional approach to stepping down from Alert Level 4 and outlines the following regional approaches to management of COVID-19:
 - a) **Geographically-differentiated step-down of alert levels**, if different parts of the country are tracking differently in terms of public health factors. This paper talks about the concept predominantly with reference to step-down from Alert Level 4 to Alert Level 3. However, the paper is equally applicable to considering step-down to Alert Level 2.
 - b) **Introducing clearly-defined regions for the purposes of administering Alert Levels 3 and 2**, particularly in relation to the providing clarity on proposed restrictions on inter-regional travel, regardless of whether de-escalation happens on a nationwide or geographically-differentiated basis.
5. This paper sits alongside two other key streams of advice:
 - a) **Detailed advice on implementing a move from Alert Level 4 to Alert Level 3**, including a detailed overview of proposed permitted and restricted activities for Alert Levels 2 and 3, information on how the move to Alert Level 3 would be operationalised, information about the compliance and enforcement approach for Alert Level 3, legislative powers and authorisations required, and how this could be communicated to the public. This framework was considered by CBC yesterday.
 - b) **COVID-19 measures and reporting**. This will provide regularly to Ministers a set of measures that will inform future decisions on changing Alert Levels or the overall strategy. The first report is with COVID-19 Ministers as a separate item on today's agenda.

Geographically-differentiated step-down of alert levels

There are multiple scenarios that could arise in relation to step-down decisions

6. For the purposes of this paper three scenarios are looked at:
 - a) **Scenario 1:** COVID-19 is well under control across the entire country, and it is appropriate on public health grounds for the entire country to step down to Alert Level 3 at this point.
 - b) **Scenario 2:** COVID-19 is under control in the majority of the country, but there is a region or regions where the triggers for stepping down have not been met.
 - c) **Scenario 3:** COVID-19 is not under control in the majority of the country but there are some regions where the triggers for stepping down are met.
7. Scenario 1 – nationwide de-escalation – is clearly the most desirable as it maximises the economic and social freedoms possible, minimises implementation complexities and maintains the community spirit of all being in this together.
8. However, it is already evident that not all parts of the country have been equally impacted by the virus. It is therefore possible that the trigger points for stepping down will be met in some regions and not others.

A geographically-differentiated approach to de-escalation would involve reducing the alert level in some but not all parts of the country

9. A geographic approach to de-escalation would involve reducing the alert level in some parts of the country to Level 3 or below, while retaining Alert Level 4 in other parts of the country for a further period of time. There would need to be strict limits on movement between areas that are Alert Level 4, and de-escalated regions, so as to prevent the spread of COVID-19 from areas of the country where it is relatively contained, to areas where it is not.
10. While implementation of a geographically-differentiated approach to de-escalation is not without challenges, overall officials consider that such an approach is achievable, provided that only a small number of regions depart from the alert level in the rest of the country. More details on how such an approach would work are provided below.

Under Scenarios 2 or 3, a geographically-differentiated approach to de-escalation is preferable to a nationwide approach

11. If Scenario 2 or 3 eventuates, officials' view is that it may be more appropriate to consider implementing a geographically-differentiated approach to de-escalation rather than holding the entire country at Alert Level 4, or prematurely moving the entire country to Alert Level 3.
12. This is because many of the controls associated with Alert Level 4 impose significant restrictions on individuals, businesses and communities, with a cumulative large economic and social cost. Furthermore, we know that the social, economic, fiscal and non-COVID health costs of the Level 4 restrictions are growing. While the intent is that the health benefits over the long run justify these controls, it is imperative on government to ensure that this is the case. In other words, we should be looking for ways to achieve health outcomes at the lowest possible societal cost and not impose management controls where they are not needed.
13. A geographically-differentiated approach to de-escalation does carry risks and costs. For example, there may be material implementation costs to enforcing different alert levels in

different parts of the country (see below for discussion of enforcement). In addition, allowing higher levels of economic activity in some regions compared to others may place some businesses at a competitive disadvantage to others. However, officials consider that these costs would potentially be materially exceeded by:

- a) the economic and social benefits associated with stepping down in alert levels earlier than otherwise in parts of the country where COVID-19 is under control; and/or
 - b) the public health (and, ultimately, economic) benefits of not stepping down too early in parts of the country with active COVID-19 cases and clusters.
14. The other key risk is that a geographically differentiated approach to step-down could undermine the social licence on which our wider COVID strategy is dependent. Allowing some regions to step down sooner may detract from the “all in this together” narrative and compromise efforts at public acceptability for more stringent control measures.
15. It is also possible, however, that social licence is eroded where regions feel they are being unnecessarily held back. If there are low levels of COVID-19 in a clearly defined region like the West Coast then the local population may find it difficult to accept they should continue at Level 4. This could lead to low levels of compliance and erosion of the credibility of the alert system.

We propose regions based on Civil Defence/regional council boundaries

16. There are various ways in which the country can be divided for the purposes of geographic de-escalation. These include on the basis of existing boundaries such as territorial authorities, regional councils, District Health Boards, local Civil Defence Emergency Management (CDEM) area, or based on a bespoke geographic division based on economic centres or natural physical boundaries.
17. We consider that decisions regarding geographic de-escalation should be made largely on the basis of local CDEM areas (which almost entirely align with regional council boundaries). A map of these areas is included as **Attachment 1 and 2**.¹ This is because:
- a) **The areas are relatively large:** Given the implementation costs associated with having different parts of the country at different levels, we think that de-escalation decisions should be made at the level of relatively large geographic areas, so as to ensure that the economic and social benefits associated with moving down alert levels exceed the implementation costs, such as those associated with enforcing boundaries.
 - b) **They largely reflect economic and social geography.** CDEM/regional council boundaries generally do not cut through densely populated areas where large numbers of individuals and employees would otherwise move across the boundaries on a day-to-day basis. This would interfere with social and business activity more than is necessary.

¹ While boundaries as detailed in Attachments 1 and 2 are based on CDEM/regional council boundaries, in some cases the proposed checkpoints/roadblocks (also presented in Attachments 1 and 2) are placed away from the boundaries. This is based on initial assessments of the most practical places to place checkpoints and/or roadblocks, and for ease of awareness. We expect that enforcement officers would have further discretion to move these checkpoints and roadblocks based on operational considerations.

- c) **They will be less resource-intensive to enforce than other options.** This is because the boundaries are largely outside urban areas, in places where there are only a few main roads between regions that need to be controlled, with natural physical features (such as mountain ranges and rivers) acting as barriers between different regions. The ability to enforce boundaries between geographically-differentiated alert zones is critical to prevent the virus spreading to areas that are under control, from areas that are not, although heavy reliance will still need to be placed on voluntary compliance.
- d) **There is some public understanding of the boundaries.** Because the boundaries are based on regional council areas, the boundaries should be relatively easy to explain, and there will be some (but certainly not universal) existing public understanding of the boundaries.

- 18. In addition to the use of CDEM/regional council boundaries, New Zealand's populated islands (such as Stewart Island) can be easily de-escalated on an individual basis given their geographic separation from the rest of the country.
- 19. Underpinning the choice of geographic boundary is a critical requirement that there is appropriate underlying data about the COVID-19 cases and relative public health risk in a particular region, so as to inform an evidence-based assessment as to where the boundaries around high-alert zones should be drawn. CDEM/regional council boundaries differ in some cases significantly from DHB boundaries. However, while most reporting of COVID-19 cases to date has been at DHB level, case data is recorded down to street level and is being recorded in near-real time within Police mapping tools. While the mapping of COVID-19 data to CDEM/regional council boundaries is not without challenges, officials do not currently foresee barriers to use of case data to support de-escalation decisions at the level of CDEM/regional council boundaries.

20. s9(2)(h)



- 21. It should also be noted that the proposed boundaries do not align with iwi boundaries and relationships. For example, Ngāi Tūhoe sits across three regions in this scenario. This is not necessarily a reason to not proceed with these proposed regions. However, if we are to proceed with geographically-differentiated de-escalation, there will need to be engagement with affected iwi.

There would need to be strict rules regarding movement in and out of de-escalated regions

- 22. The current guidance under the nationwide Alert Level 4 is that all non-essential movement of people and goods should not take place. However, essential movement of goods and of people is allowed, including between (currently undefined) regions.
- 23. Yesterday, CBC considered a paper on how to implement a move from Alert Level 4 to Alert Level 3, which included an overview of proposed permitted travel and transport between regions at the same alert level. In terms of travel between regions at different alert levels, we propose a similar but more strict approach, under which the following

travel would be allowed (bolded items differ from the proposed rules for travel between regions at the same level):

- a) All freight (so as to maintain critical supply chains),
- b) **Essential workers undertaking essential travel for work,**
- c) Relocating a home or business (**only from a de-escalated region to a higher-alert region, not the other way around**),
- d) Emergencies and giving effect to court orders,
- e) Those who have an exemption to travel because of compassionate reasons,
- f) Foreign nationals leaving New Zealand,
- g) New Zealanders resident in the Realm returning home, and
- h) New Zealanders returning home after 14 days' isolation/quarantine at port of arrival.

24. This would mean that, unlike for travel between regions at the same alert level, even if a school based just inside a de-escalated region is open, an enrolled student based in a Level 4 region just outside of the de-escalated region would not be able to attend. This would also mean that non-essential workers would not be able to travel between regions for work. However, it would reduce the risk of contagion from a Level 4 region to a de-escalated region. No travel between these regions would be permitted for anyone with or displaying symptoms of COVID-19, or their close contacts.

25. Allowing travel and transport between a Level 4 region and a de-escalated region carries risks that there will be further spread of the virus between regions. However, prohibiting the transportation of goods and services to and from regions that remain at Level 4 would likely severely disrupt supply chains that operate as a network. As a risk-mitigation tool, people moving from an Alert Level 4 region to a de-escalated region would be required to comply with Alert Level 4 requirements, even while in a de-escalated region. For example, a truck driver from a Level 4 region would not be allowed to attend a gathering in a Level 3 region.

There would be multiple mechanisms for enforcing boundaries between Level 4 and de-escalated regions

26. If geographically-differentiated alert levels are decided upon, regional boundaries between Level 4 and de-escalated regions would need to be enforced (particularly given the potentially increased incentive for movement from the general public out of Level 4 regions), so as to prevent the spread of COVID-19 from Level 4 zones to de-escalated regions. This could be based on a number of complementary mechanisms:

- a) **Public information:** Information campaigns would be used to inform the public about the regional boundaries, the restrictions that apply, and their rationale.
- b) **Electronic road signage:** Fixed and portable signage could be used.
- c) **Control points (checkpoints and roadblocks):** Key roads in and out of de-escalated regions would need to be staffed or blocked to prevent (via fixed roadblocks likely operated by the New Zealand Defence Force) and discourage (via occasional temporary checkpoints likely operated by Police) non-authorized movement. Not all roads in and out of a de-escalated region would necessarily be staffed at all times, with checkpoints and roadblocks being used in a targeted manner in line with traffic data and public health risk. Officials have conducted an initial analysis of where checkpoints and roadblocks could be placed in and out of each region, which is presented as Attachments 1 and 2. This analysis identifies

84 road crossings, or control points between regions. Staffing each control point could require 12–15 FTE to enable 24/7 coverage (resource planning is underway). Therefore, given current resourcing, only a small portion of these roadblocks or checkpoints could be operated at any one time without impacting on business-as-usual activity. New Zealand will need to continue to remain in a State of National Emergency in order for complete or partial road closures to be used under the Civil Defence Emergency Management Act 2002.²

d) **Electronic checkpoints (potentially):** Utilising Automatic Number Plate Recognition may be a useful future tool for contacting vehicle owners with the intent of education or enforcement. While not an immediate or preventative tool, they may be an option for ongoing public recognition. New Zealand Police has limited capability to deploy such technology currently, but the opportunity for technology tools to encourage and support compliance will be explored across government agencies, including the use of mobile phone apps.

27. There will also need to be consideration of information and enforcement in relation to travel by sea, particularly by personal boat.
28. In order to pass through staffed checkpoints and roadblocks, officials envisage that individuals will need to be able to display information such as a letter from their employer stating that they are an essential worker, a medical certificate, a notice of compassionate grounds, or evidence of an outbound flight in the case of repatriation. The potential for forgery of letters might also justify consideration of a central register of exceptions, to enable compliance to be effectively monitored. Such a register is currently being explored by Police. Enforcement officers will also be expected to use their discretion. For example, a driver of a truck that clearly labelled with supermarket branding should not be required to provide other documentation to pass through a checkpoint.

Public health factors will be the key consideration in our advice regarding geographically-differentiated step-down

29. On 9 April 2020, COVID-19 Ministers agreed that the principal matters to be taken into consideration in determining whether we can step down from Alert Level 4 in all or part of New Zealand are:
- a) That the Director General of Health is satisfied that
- i) there is sufficient data from a range of sources including testing and surveillance that public health experts, statisticians and modellers can have reasonable certainty that undetected community transmission is unlikely;
- ii) there is sufficient capacity and capability in our testing and contact tracing, with surge capacity available in the case of an outbreak;

² While a State of National Emergency could be lifted and local states of emergency put in place either by CDEM Groups, or the Minister of Civil Defence, this is not recommended. Doing so would lead to a loss national management of the COVID-19 response which will still be necessary at Level 3 and likely Level 2. A State of National Emergency can be for the whole of New Zealand or for specific areas only. The ability to control roads is also available under the National Transition Period provisions under the CDEM Act. However, it is considered too soon in the response to use these provisions. The decision on whether or not to extend a State of National Emergency rests with the Minister of Civil Defence.

- iii) our self-isolation, quarantine and border measures are sufficiently robust and adhered to;
 - iv) there is capacity in the health system more generally, including the workforce and ICU capacity (plus the availability of PPE for those for whom it is recommended);
- b) evidence of the effects of the measures on the economy and society more broadly;
 - c) public attitudes towards the measures and the extent to which people and businesses understand, accept and abide by them; and
 - d) our ability to operationalise the restrictions, including satisfactory detailed implementation planning by the All-of-Government team and government agencies.
30. We consider that these nationwide principles are fundamentally applicable to decisions regarding geographically-differentiated step-down. Officials are continuing work on a monitoring framework to support decision-making regarding alert levels at a nationwide and/or regional level. The most important determinant of decision-making regarding geographic de-escalation will be public health metrics, namely, whether the Director-General is satisfied that de-escalation can occur in a particular geographic area. Ultimately any recommendations will be a judgement call based on all of the data about cases, confidence in data, testing and contact tracing. All of these factors are interdependent.

Use of a geographic approach should be targeted and short term

31. The complexities of having different alert levels and the limits on resourcing needed to effectively enforce boundaries suggest that geographic differentiation:
- a) should only be used for a small number of regions at any one time (i.e. most regions, or alternatively only a few regions, should be at Alert Level 3; it would be more difficult to implement a 'half-half' approach);
 - b) should be seen as a transition measure with the aim of getting all parts of the country at the same alert level; and
 - c) would be best used in those areas where there are not significant issues of regular cross boundary travel for work or school. The boundary between Auckland and Waikato and the boundary between Wellington and Manawatu-Whanganui are the most challenging (but not impossible) in this respect.
32. The 16 CDEM regions have been assessed for their practicality for controlling entry and exit points. Much of New Zealand falls into physically delineated boundaries. As outlined above, if all regions were to be managed as separate regions then at least 84 roads would need to be controlled. If only a few regions were to be differentiated then the number of control points is achievable. In addition, some regions are more readily controlled than others. For example, Te Tairāwhiti would require six control points; West Coast, five; Taranaki, four; and Northland, three. In contrast, Waikato would require 26 control points.
33. The use of a differentiated geographic approach should be seen as a transition measure reflecting the fact that some regions are at different stages. The purpose would be to get everyone to the same level as quickly as possible.
34. Advice on whether any regions, and which ones, should remain at Level 4 if the rest of the country goes to Level 3 will be contained in the advice on moving between the levels

which will be provided for Cabinet consideration on 20 April, once a full health assessment has been made and we have seen what has happened with clusters and community transmission over the next week.

Introducing clearly-defined regions for the purposes of administering Alert Levels 3 and 2

We may need to introduce regional distinctions regardless of whether alert level step downs occur on a nationwide or regional basis

35. While COVID-19 is expected to be increasingly under control by the time we return to Levels 3 and 2, it is likely that there will still be residual cases in some regions. Minimising non-essential travel beyond a person's home region is a way to reduce the risk of any regional outbreak spreading further afield.
36. Given this, regardless of whether alert level step-down occurs on a nationwide or geographically-differentiated basis, the paper considered yesterday by CBC on implementing a step-down from Alert Level 4 to 3 (and eventually 2) envisages that certain travel and transport will be restricted to (or encouraged to be) within a person's home region at both Levels 2 and 3.
37. The concept of region is already being used to an extent at Level 4, although regions are currently un-defined. Given the increase in travel at Alert Levels 3 and 2, it is necessary to clearly define to the public what a region is.

We propose regions based on Civil Defence/regional council boundaries

38. As with geographically-differentiated step-down of alert levels (see above), we propose that administrative regions for the purposes of defining allowable personal movement at Levels 2 and 3 be based on CDEM/regional council boundaries. Indicative maps are included as Attachments 1 and 2.
39. We recommend using these regional boundaries for the purposes of defining some Level 2 and 3 travel restrictions for the same reason that we recommend using them in the case of geographically-differentiated step downs: the areas are relatively large, they largely reflect economic and social geography, they are easier than other options to enforce, and they should be relatively easy to communicate.
40. Given that whatever regional boundaries are selected will be an important part of Levels 2 and 3, we consider that the earlier they are communicated, the better.

Enforcement could involve similar tools to geographically-differentiated step-down, but with a much stronger emphasis on voluntary compliance

41. We anticipate that enforcement of administrative regions could involve similar tools to those proposed for use with geographically-differentiated step-down. However, we anticipate that there would be significantly more reliance on guidance and advice, and the use of occasional checkpoints to ensure a visible reminder. It is not anticipated that road blocks would feature at all (although they could become a feature if compliance in an area was becoming an issue). This is because of the lower risk of contagion between two neighbouring regions at the same alert level as compared to a Level 4 region and a de-escalated region, and the resource that would be required to enforce the sheer number of intersecting boundaries (at least 84, according to initial analysis).

An alternative to administrative regions would be guidance based on distance or travel time

42. Clearly defining regions for the purposes of administering Level 2 and 3 has the benefit of providing individuals with very clear guidance as to where they may and may not travel for recreational purposes compared to the principles-based 'stay local' messaging promulgated to date. However, the boundaries may be perceived as arbitrary, particularly for people who live close to an administrative boundary.
43. One alternative to defining administrative regions would be to implement a distance-based approach to travel for recreation. For example, at Level 2, individuals might be allowed to travel 50 kilometres from home. However, this has the potential to be a less effective method of containing any residual cases of COVID-19. For example, if an individual from Wellington with COVID-19 visits Waikanae and interacts with someone from Palmerston North, this may facilitate transmission of the virus within Palmerston North in a way that would not be enabled under an administrative region approach. It would also be difficult for Police to enforce.

Ministry of Health comment

44. The Ministry of Health does not support different regional alert levels in the first instance. We consider it would undermine public cooperation and compliance with the public health requirements, if people see neighbouring regions treated differently. We are also concerned about the likely enforcement measures required, e.g. roadblocks. As information about regional incidence becomes clearer and more publicly available in the coming weeks, we consider there is likely to be a better case for regional de-escalation or escalation where justified by public health risk. Should there be regional differentiation in future, the Ministry agrees the regions should follow the CDEM/regional council boundaries.

Next Steps

45. If Ministers decide to proceed with a geographically-differentiated approach to de-escalation, officials will begin planning for implementation on the basis of go-live from 23 April. This will include:
 - a) Planning for implementation of checkpoints and roadblocks between regions, including determining the balance between checkpoints and roadblocks. NEMA would work with the Defence Force and Police to prepare for any required roadblocks. It is expected that these could be implemented with 3-to-5 days' planning time, if required.
 - b) Communications planning.
 - c) Collation and assessment of regional public health data to inform decisions regarding nationwide or geographically-differentiated de-escalation.
 - d) Further legal analysis of the implications of geographically-differentiated de-escalation under legislation including the Health Act 1956, Civil Defence Emergency Management Act 2002, and Bill of Rights Act 1990.
46. More advice will be provided for the Cabinet meeting of 20 April.

Consultation

47. The Ministry of Health, Ministry of Transport, Ministry for Primary Industries, Department of Internal Affairs, National Emergency Management Agency, Te Arawhiti, Ministry of Education, Ministry of Housing and Urban Development, New Zealand Defence Force,

Ministry of Foreign Affairs and Trade, Treasury, Crown Law, Justice sector (Police, Ministry of Justice, Department of Corrections, Oranga Tamariki) and Department of Prime Minister and Cabinet have been consulted.

Justice sector comment

48. Police, Corrections, Oranga Tamariki, and the Ministry of Justice do not recommend a geographically-differentiated approach in the first instance. Such an approach would create extraordinary challenges for Police, Corrections, and Courts as the justice sector operates as a national system, not a regional one, and would need to maintain existing services as well as its COVID-19 responses. Each agency operates its own regional boundaries and they do not align with the CDEM/regional council geographical boundaries proposed in this paper.
49. Police consider that enforcing a regional approach has some significant operational and social licence challenges especially at a time when increases in domestic violence, youth crime and transport crime are expected with the transition to a lower alert level. Police have some serious concerns about regional border control points, the extent of resource required to control them effectively and the social licence impact of doing so at scale. Police strongly support a graduated response model and hard 24/7 controls in any numbers would alter New Zealanders perception of government control.
50. Differential access to justice is likely to make people frustrated and volatile, and could create inequities in accessing justice, for example, in areas with larger Māori populations. The Ministry of Justice notes that a geographic approach to stepping down alert levels means that people will experience different limitations on their fundamental human rights depending on where they are and how they normally live. For example, the right to work and the right to education would be more limited for those whose work or education crosses over regional boundaries and could lead to some arbitrary distinctions. The measures taken at all alert levels limit the freedom of movement and the right to peaceful assembly and a regional approach will lead to greater restrictions for those people whose work or family life means they normally cross over regional boundaries. We also note that the proposed regions do not take account of traditional rohe boundaries, in addition to potential discrimination, this could limit rights under Te Tiriti o Waitangi and requires not just consultation but consideration of how the disproportionate impact will be mitigated.
51. If geographically-differentiated de-escalation is to be implemented, then Police considers that 'hard' roadblocks (enforced by the New Zealand Defence Force under National Emergency Management Agency authority) rather than 'soft' checkpoints (enforced by Police) are necessary. Allowing voluntary compliance (via only using targeted checkpoints) would undermine the intent and enable risk of transmission.

MPI comment

52. MPI notes that farm moving day on 1 June could still be challenging if some regions are at Alert Level 4. MPI anticipate that between 1,200 and 2,000 farm businesses will be affected and owners, workers and contractors will be anticipating moving themselves, their equipment, stock and families. It would appear that family members will still be restricted from moving from Level 4 areas. MPI suggest that families so affected could move with self-isolation as has been the case of other high risk groups.

Ministry of Education comment

53. From an education point of view, the key to regional differences in alert levels will be in where the regional boundaries are set and the degree to which students and teachers are able to travel through them. School and Early Childhood Education (ECE) staff often travel

across cities or from wider regional areas to school or ECE (e.g. Otaki to Porirua, north of Auckland to South Auckland, North Waikato to South Auckland). In terms of Early Learning, parents tend to put their child in a centre close to where they work rather than where they live. For many tertiary students, in particular those enrolled in undergraduate degrees, being unable to travel between regions will limit access for students to the provider they were previously enrolled in.

Communications

54. Regional differentiation is a harder proposition to communicate than if the country moves uniformly between levels.
55. However, the task becomes easier when the regions are large, as proposed by this paper. Larger regions allow a wider set of communications channels to be deployed, including regionalised print, radio and digital advertising.
56. Physical sign-posting is likely to be another technique deployed for regionalisation – e.g. “you are now entering a Level 2” area. Digital signposting is also a possibility that is currently being explored – e.g. a push notification to a mobile device when moving between regions. The Emergency Mobile Alert notification system run by NEMA is another potential channel for push notification of changes to regional alert levels.

Attachments:	
Attachment A:	Proposed map of COVID-19 North Island regional boundaries and enforcement points
Attachment B	Proposed map of COVID-19 South Island regional boundaries and enforcement points

ATTACHMENT A

Proposed map of COVID-19 North Island regional boundaries and potential enforcement points



