

29 April 2020

Brook Barrington  
Chief Executive  
Department of the Prime Minister and Cabinet  
Level 8, Executive Wing  
Parliament Buildings  
Wellington

Dear Mr Barrington,

### **Moving from Level 4 to Level 3**

Thank you for all the work you and your team have been undertaking at this time.

The purpose of this OIA is to gain a deeper understanding into the information and processes that the New Zealand Government has relied upon to make the decision to move from Alert Level 4 to Level 3. Although we appreciate it is important not to overburden key agencies at this time, we also believe it is important to collect and understand the information and processes that led to the final decision.

Moving from Level 4 to Level 3 on Monday 27 April at 11.59 pm was a significant decision. Due to lockdown constraints, high levels of uncertainty and limited time, this decision was made with less expert analysis and public debate than would ordinarily be expected for a decision of this magnitude.

The McGuinness Institute has always focused on low probability high magnitude events with a particular focus on New Zealand's long-term future. The COVID-19 pandemic, declared as such by the World Health Organization (WHO) on 12 March 2020, is one such event.

Given this context, our specific questions are as follows:

1. What are the key reasons for Cabinet making the decision on Monday 20 April 2020 to move New Zealand from Alert Level 4 to Alert Level 3?
2. We appreciate that there was a considerable number of documents that were relied upon to make the decision; to this end:
  - a. Can you provide the agenda and attendees of the Monday Cabinet meeting?
  - b. Can you provide soft copies of all Cabinet papers relevant to the decision, including minutes of Cabinet, Cabinet policy papers, and Cabinet committee decisions? This may include, for example, other relevant documents distributed to Cabinet prior to the agenda.
  - c. Can you list the titles, dates and authors of all other specific documents provided to Cabinet for decision making (i.e. reports, papers, memos, letters, advice, emails and/or internal policies or guidelines)?
  - d. Can you please provide links to or soft copies of all of the documents listed above?

3. Was a cost-benefit analysis undertaken of a range of options for if/when New Zealand was to be moved out of Level 4?
  - a. If yes, could these options be described in detail? We would appreciate a soft copy of the detailed cost-benefit analysis.
  - b. If no, was this due to timing issues? Please explain.

4. Can you confirm the number of people working in Level 4 and the number of people working in Level 3 that were not working from home?

Note: We are interested in trying to understand the risk profile of Level 3 versus Level 4 for spreading the virus. Our aim is to have the official estimated number for Level 4 and the official estimated number envisaged under Health Act (COVID-19 Alert Level 3) Order 2020. We found tentative figures regarding the workforce in two separate media articles, but it would be good to have these numbers confirmed. On 16 April 2020, *NewsHub* reported (see [here](#)) that around 500,000 New Zealanders were essential workers, while on 25 April 2020 *NZ Herald* reported (see [here](#)) that number could be up to 680,000.

- a. Can you confirm the approximate number of people that were not working from home in Level 4?
  - b. Can you confirm (i) the approximate number of additional workers expected to not be working from home in Level 3 and (ii) the approximate number of children expected to be physically attending school in Level 3?
5. Does Cabinet expect to progress a legislative instrument specific to Level 2 (i.e. a Health Act (COVID-19 Alert Level 2) Order 2020)?
6. What does elimination mean in practice?

Note: Ahead of the move from Alert Level 4 to Alert Level 3 on 16 April the Prime Minister stated: ‘We have the opportunity to do something no other country has achieved – elimination of the virus’ (see [here](#)). She then went on to say on 20 April that ‘elimination doesn’t mean zero cases, it means zero tolerance for cases’ (see [here](#)).

In 2006, the WHO referred to ‘elimination as reduction to zero of the incidence of disease or infection in a defined geographical area; and eradication as permanent reduction to zero of the worldwide incidence of infection’. See [here](#) for further discussion.

- a. Can you explain what that means in practice? In particular, is the goal to eradicate the virus (an eradication strategy) or is New Zealand adopting an accept and manage outbreaks approach (a mitigation strategy)? This distinction is well explained by Michael Baker et al. in ‘New Zealand’s elimination strategy for the COVID-19 pandemic and what is required to make it work’ (open access) in the *New Zealand Medical Journal* (3 April 2020), found [here](#).
  - a. In terms of public policy terminology, if ‘elimination’ does not mean zero cases, could the word ‘eradication’ be used to describe permanent zero cases is there a preference for ‘permanent eradication’? We believe the language needs to be improved in order that the goal and the resulting strategy to achieve that goal is clearly communicated to New Zealanders. This is creating unnecessary confusion in the media. See for example in *Stuff* [here](#) and *RNZ* [here](#).

7. The language around the Alert Levels has changed (see table below).
  - a. Can you explain what led to these changes?
  - b. Is the language around Level 1 likely to change from 'Prepare' to something else?
  - c. Is there an Alert Level for permanent zero active cases in New Zealand while cases are still active globally? The answer to this question relates indirectly to your answer to question 6 (b).

	Alert Level keyword (as at 23 March 2020)	Alert Level keyword (as at 16 April 2020)
Alert Level 4	Eliminate	Lockdown
Alert Level 3	Restrict	Restrict
Alert Level 2	Reduce	Reduce
Alert Level 1	Prepare	Prepare

8. How does Government make the decision to move from one level to another?
  - a. What would need to happen for Government to move back to Level 4?
  - b. What criteria is being used by Government to move from one level to another?
  - d. What is the goal each level is trying to achieve? For example, what does 'prepare' mean in practice when we return to Level 1 (the answer to this question relates to your answer to question 7(b))?
  - c. What is DPMC's advice to Government on how such decisions should be made?
9. How has the Government's pandemic response to date been different from what was originally planned under the *2017 New Zealand Pandemic Influenza Plan*?

Note: We understand on 28 January 2020 MoH set up the National Health Coordination Centre (NHCC) in response to the outbreak. However, we are less sure when the NHCC evolved into the National Crisis Management Centre (NCMC) and at what point this evolved into being managed by DPMC. We are aware that the National Emergency Agency (NEMA) was established on 1 December 2019 to replace the Ministry of Civil Defence & Emergency Management (MCDEM) and is hosted by DPMC.

The Institute has been reviewing the processes for a pandemic since the introduction of the Epidemic Preparedness Act 2006. We believed the 2017 plan was unnecessarily complex, and therefore had some sympathy as to why some parts of the 2017 plan were not followed and why new systems needed to be implemented. However, we believe these changes need to be explained and examined to prepare for future pandemics. The purpose of these questions is to shed some light on both the timeline and the current roles and responsibilities of the MoH, the New Zealand Police, NEMA and DPMC. We expect you may be able to direct us to an explanatory document that answers many of these questions.

- a. Why was the alert system changed from the colour-coded alert system (see Table 3: Health and disability sector alert codes on p. 36 of the *2015 National Health Emergency Plan*) to the four alert levels New Zealand has at present?
- b. Is a review of the *2015 National Health Emergency Plan* being considered?
- c. What is the title of the group/organisation/committee tasked with reporting on the whole of government response to the Prime Minister/Cabinet?
- d. Is the NHCC still in existence and who does/did the NHCC report to?

- e. When was the NCMC established? Does the NCMC still exist?
- f. Did DPMC take over from the NHCC or the NCMC (if yes, please explain when and the type of relationship)?
- g. What role did NEMA have in New Zealand's pandemic response and how does their current involvement align with what was envisaged under the *2017 New Zealand Pandemic Influenza Plan*?
- h. Will documents published by MCDEM be reviewed and updated by the replacement agency NEMA? Some of these documents date back to 2005.
- i. What role did New Zealand Police have in New Zealand's pandemic response and how does their current involvement align with what was envisaged under the *2017 New Zealand Pandemic Influenza Plan*?
- j. Is a review of the *2017 New Zealand Pandemic Influenza Plan* being considered?
- k. Is it time to remove the term 'influenza' from the title *2017 New Zealand Pandemic Influenza Plan* to become the *New Zealand Pandemic Plan* (to reflect that viruses that cause pandemics are not limited to an influenza virus)?
- l. What other processes, instruments or institutions have been/are being created to help advise Government in the future that are not mentioned in the *2017 New Zealand Pandemic Influenza Plan*? Please explain.
- m. Has there been any thought on how Government might better share information and improve trust, transparency and openness going forward during a pandemic?

10. Are there any processes in place to collate lessons learnt?

Note: We consider that it is highly likely New Zealand will be faced with another epidemic (and possibly a pandemic) in the short to medium term. As there has not been a vaccine developed to date for any human coronavirus we believe New Zealand must learn lessons quickly and actively prepare for the next novel virus.

- a. Please advise who is responsible for collating reflections and lessons learned?
- b. What would DPMC do differently?
- c. Is a public or government inquiry (under the Inquiries Act 2013) into the Government's response to the pandemic likely?
- d. What has been actioned to improve New Zealand's ability to cope with the next epidemic or pandemic?

We acknowledge this OIA raises a large number of questions, but we considered it more efficient to provide DPMC with one comprehensive OIA instead of a series of smaller OIAs over a number of weeks. Thank you in advance.

Kind regards



Wendy McGuinness  
Chief Executive