



BRIEFING

Order for signing – Amendment to the Isolation and Quarantine Order to allow early departure for recent arrivals from Samoa, Tokelau, Tonga and Vanuatu

Date:	5 November 2021	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	2122-1684

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Agree to sign the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 4) 2021 to allow people who entered MIQ from Samoa, Tonga, Tokelau or Vanuatu before 8 November 2021 to leave MIQ early provided they meet the low risk indicators; and have not been in any country other than New Zealand, Samoa, Tokelau, Tonga or Vanuatu in the 14 days prior to 8 November 2021.	4pm, 5 November

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Kara Isaac	General Manager, MIQ Policy	Privacy of natural persons	✓
Privacy of natural persons	Principal Policy Advisor, MIQ Policy		

The following departments/agencies have been consulted
Ministry of Health, Crown Law Office

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <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 Withdrawn |

Comments



BRIEFING

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Purpose

To seek your agreement to sign the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 4) 2021 to allow people who entered MIQ from Samoa, Tonga, Tokelau or Vanuatu before 8 November 2021 to leave MIQ early provided they:

- meet the low risk indicators
- have not been in any country other than New Zealand, Samoa, Tokelau, Tonga or Vanuatu in the 14 days prior to 8 November 2021.

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Note** that you agreed to allow people who entered MIQ from Samoa, Tonga, Tokelau or Vanuatu between 25 October and 8 November to leave MIQ from 8 November provided they are not contacts of a positive case; are asymptomatic; and have tested negative for COVID-19 on their most recent routine test [2122-1579 refers].
- Noted*
- b **Agree**, as per public health advice, to also make it a condition of early release that these people must have not been in any country other than New Zealand, Samoa, Tokelau, Tonga or Vanuatu in the 14 days prior to 8 November 2021.
- Agree / Disagree
- c **Note** that MIQ will ask affected people about their travel prior to 8 November but that there is no way to verify this.
- Noted*
- d **Note** that to amend a COVID-19 order you must:
- have had regard to advice from the Director-General about (i) the risks of the outbreak or spread of COVID-19, and (ii) the nature and extent of measures that are appropriate to address those risks
 - be satisfied that the order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990
 - consult with the Prime Minister, Minister of Health, and Minister of Justice.

Noted

- e **Agree** to sign the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 4) 2021 that gives effect to paragraphs a and b above.

Agree / Disagree



Kara Isaac
General Manager, MIQ Policy
Managed Isolation and Quarantine, MBIE

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Hon Chris Hipkins
Minister for COVID-19 Response

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Background

1. From 8 November, eligible travellers from Samoa, Tokelau, Tonga and Vanuatu will be able to fly to New Zealand under a quarantine-free travel arrangement and no longer have to enter managed isolation and quarantine (MIQ) [HR20212 refers].
2. On 4 November, you agreed to allow people who entered MIQ from Samoa, Tonga, Tokelau or Vanuatu after 25 October to leave MIQ from 8 November provided they are not contacts of a positive case; are asymptomatic; and have tested negative for COVID-19 on their last routine test [2122-1579 refers].
3. This briefing seeks your agreement to:
 - a. an additional condition that these people must not have been in any country other than New Zealand, Samoa, Tokelau, Tonga or Vanuatu in the 14 days prior to 8 November
 - b. sign the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 4) (the Amendment Order) to give effect to these decisions.

COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 4) 2021

4. The Amendment Order amends clause 11 of the Isolation and Quarantine Order so that the chief executive of MBIE can end a person's period of isolation or quarantine sooner than 14 days provided the person:
 - a. arrived in New Zealand by air from Samoa, Tokelau, Tonga or Vanuatu before 8 November 2021
 - b. meets the low-risk indicators, based on the advice of a suitably qualified health practitioner
 - c. has not been in any country other than New Zealand, Samoa, Tokelau, Tonga or Vanuatu in the 14 days prior to 8 November 2021.
5. A person meets the low-risk indicators when:
 - a. they have returned a negative COVID-19 test; or a medical officer of health or health protection officer has determined that medical examination or testing is inappropriate; and
 - b. other medical tests or information relating to the person (if any) indicate that the person is at low-risk of having or transmitting COVID-19.
6. The public health advice that these recent Pacific arrivals can only be released early if they are asymptomatic and are not close contacts of a positive case will be captured in the second limb of the low-risk indicator assessment.
7. The Amendment Order will mean that people are not automatically released from MIQ on 8 November, but will be let out from that date once they meet the low-risk indicators.

Requirement not to have been anywhere else 14 days prior

8. The requirement that a person must not have been in any country other than New Zealand, Samoa, Tokelau, Tonga or Vanuatu in the 14 days prior to 8 November is an additional requirement that has been recommended by public health. It is necessary to mitigate any additional risk posed by a person if they have recently travelled to, or transited through, another country that has a higher COVID-19 risk.

9. We do not anticipate that this requirement will impact many people in practice because Samoa, Tokelau, Tonga and Vanuatu have had tight border restrictions for some time.
10. MIQ will ask people whether they meet this condition but will not undertake any further verification. This is consistent with how this information is provided elsewhere in a person's journey (e.g. on passenger arrival cards at the airport). We do not consider it will be operationally onerous to request this information given the small number of people affected.
11. As this requirement was not included in our original advice to you, we seek your agreement to this condition now.

Statutory prerequisites

12. When amending a COVID-19 Order, section 9 of the COVID-19 Public Health Response Act 2020 requires that you must:
 - a. have regard to 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 (whether voluntary or enforceable) that are appropriate to address those risks
 - b. be satisfied that the order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990
 - c. have consulted the Prime Minister, Minister of Justice, Minister of Health, and you may consult any other Minister you think fit
 - d. be satisfied that the order is appropriate to achieve the purpose of the Act.
13. We provided advice on these prerequisites on 1 November [2122-1579 refers]. We consider that a, b and d have been met, and we recommended that you consult with your colleagues on the previous policy paper.

Next steps

14. The Parliamentary Counsel Office will separately provide you the Amendment Order today for signing. The notice should be signed today (5 November) to allow sufficient time for Gazetting. The Amendment Order will come into force at 11.59pm on 7 November.
15. MIQ is communicating with the people who will be affected by this early release and making travel arrangements to support their onwards travel. We also note that these people may be liable under the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020. Their invoices will be prorated according to the number of total days they spent in MIQ.

NB: The COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 4) 2021 can be found here: <https://www.legislation.govt.nz/regulation/public/2021/0357/latest/LMS588757.html>