#### In Confidence

Office of the Minister for COVID-19 Response

Social Wellbeing Committee

### CREATING A RISK RESPONSIVE BORDER: PROPOSED RISK ASSESSMENT FRAMEWORK FOR VERY HIGH RISK COUNTRIES AND JURISDICTIONS

#### Proposal

1 This paper seeks Cabinet's agreement to a proposed country risk assessment framework, to be implemented now and used initially to assess the risk facing New Zealand from travellers arriving from very high risk countries.

#### **Relation to government priorities**

2 This proposal relates to our ongoing response to COVID-19 and ensuring our border settings are fit for purpose to keep New Zealanders safe. This paper also aligns with the Government's *Elimination Strategy* and *Reconnecting New Zealanders* strategy as we create border settings that are responsive and adaptive.

#### **Executive Summary**

- 3 Our border controls are one of our primary defences to restrict the entry of COVID-19 into New Zealand. The 'Keep it Out' pillar has been at the core of our *Elimination Strategy*. This has continued to be an effective approach as the virus has evolved and we have responded quickly to situations which represent a high risk to New Zealand.
- 4 As we begin to reconnect with the world and re-open our borders to some countries as part of the *Reconnecting New Zealanders* strategy, there is a need to continue to ensure our border settings are responsive and adaptive to travellers arriving in New Zealand from countries and jurisdictions that present a 'very high risk' (VHR).
- 5 Country risk assessment will continue to be part of our overall approach to risk, as highlighted in the Prime Minister's *Reconnecting New Zealanders* paper. The proposed risk assessment framework can be used now to assess the risk of travellers arriving from VHR countries and jurisdictions, and can also be used, as needed, in the future context of the *Reconnecting New Zealanders* strategy.
- 6 Currently, we use arrivals data at our border to assess whether travellers arriving from a country or jurisdiction present a VHR. This approach has enabled us to respond rapidly to situations as required, such as immediate spikes in cases at our border. To take the next step, we need to consider a broader range of public health factors when assessing risk to enable a

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sustainable and responsive approach to managing in-bound travellers that present a VHR.

- 7 I seek Cabinet's agreement to adopt a new risk assessment framework that will enable our border to be more responsive to potential risk of travellers arriving from VHR countries and jurisdictions. This would move away from the current approach where set thresholds or criteria must be met in order to apply risk mitigation measures, and consider a broader range of public health factors.
- 8 The key differences in the proposed risk assessment framework from our existing settings are that:
  - there is an assessment of the COVID-19 situation within the country, rather than arrivals data only;
  - a broader range of public health factors are assessed, including testing rates in the country, and how quickly case numbers are increasing;
  - it will involve a detailed assessment by public health professionals.
- 9 The proposed country risk assessment framework will give us a more nuanced understanding of the risk that travellers from each country or jurisdiction pose to New Zealand. An overview of the proposed risk assessment framework is attached as Appendix A.
- 10 In the short term, the proposed risk assessment framework can be implemented now to assess whether travellers arriving from a country or jurisdiction present a VHR to New Zealand. Possible mitigation measures are currently limited (i.e. pre-departure testing, travel restrictions). In the medium term other options will become available as work progresses on the *Reconnecting New Zealanders* strategy. Any response should be proportionate to the overall level of risk facing New Zealand.
- 11 Over time, taking a wider range of public health factors into account will enable us to differentiate between very high, high, medium and low risk countries and jurisdictions, and will allow for a proportionate response to the nature of risk posed. These risk categories would be framed as a 'traffic light' system with consistent criteria for each category. The *Reconnecting New Zealanders* Cabinet paper outlines the types of considerations that will need to be made as we move through each phase of our reconnection.
- 12 I note the Prime Minister is bringing a paper alongside this paper on the *Reconnecting New Zealanders* strategy. The proposed risk assessment framework and 'traffic light' system will form part of the work programme of the strategy, as the next phase will require a country risk assessment process to inform appropriate risk categories. **\$9(2)(f)(iv)**

#### 13 s 9(2)(f)(iv)

#### Background

- 14 It is becoming increasingly clear that situations of concern in other countries will become a long-term feature of our COVID-19 response. Outbreaks are likely to occur in different countries over time as different variants emerge, and countries apply different strategies to manage the virus and manage complex vaccination rollouts at different speeds. As a result, we are going to see situations and risk levels changing in different countries at different times, and a more sustainable and responsive approach is required to enable us to manage the risk of travellers arriving from countries or jurisdictions that pose a high risk to New Zealand.
- 15 In April 2021, the Government created a new category of VHR countries to manage the risk of high numbers of positive COVID-19 cases arriving in New Zealand. This was in the context of the review of the initial suspension of travel from India.
- 16 Under our current settings, Brazil, India, Pakistan and Papua New Guinea are classified as VHR and travellers from those countries have been subject to travel restrictions since April 2021 (when the new VHR country category was introduced). The current air border settings do not include an expiry date and will remain the status quo until further decisions are made. However, it was signalled that further work would be undertaken to further refine the risk assessment framework and establish a regular review cycle.
- 17 The proposed risk assessment framework, subject to Cabinet's agreement, would reassess each country against a broader set of public health criteria to determine whether travellers arriving from those countries still present a VHR to New Zealand. This would then go to the *Reconnecting New Zealanders* Ministerial Group for a decision.

# An approach that takes a wider range of factors into account when assessing traveller risk

- 18 Currently, decisions about the public health risk posed to New Zealand by travellers from other countries and jurisdictions are based on an assessment of the risk presenting at the New Zealand border. For example, the current criteria for a country to be considered VHR are:
  - where there have been more than 50 cases of COVID-19 per 1000 arrivals to New Zealand;
  - where there have been more than 15 travellers on average per month arriving into New Zealand.

- 19 To take the next step, a broader set of public health considerations can be used to inform country risk assessment based on the latest information about the situation in the country. This may include incidence, testing rates, the predominant variant circulating, the epidemic curve, the effectiveness of their response, the capacity and capability of their health system, and our confidence in the data we are receiving.
- 20 Rather than setting fixed thresholds or criteria that must be met for risk mitigation measures to be imposed, we can assess a broader picture of country risk based on a number of public health considerations. The assessment would be made on the balance of the overall public health considerations and using professional judgment, similar to the current process for considering Alert Level changes.
- 21 This public health assessment would include consideration of factors in the country, during transit, and upon arrival in New Zealand, for example:
  - the potential volume and flow of travellers that may arrive in New Zealand from the country or jurisdiction;
  - where there has been a high proportion of cases of COVID-19 per 1000 arrivals, for designating a country into a higher risk category (not designating a lower risk);
  - number of tests per positive COVID-19 case (indicating insufficient testing/ under reporting);
  - case fatality rate (indicating likelihood of undetected cases, or whether there is a highly fatal variant);
  - the prevalence of variants of concern in the country;
  - weekly new cases per million population;
  - Estimated Dissemination Ratio (EDR) how quickly case numbers are increasing or decreasing;
  - vaccination rates (and type of vaccine) in the country (we anticipate available information on this will improve over time);
  - our confidence in the capacity and capability of the country's health system to effectively manage a new spike in cases or a larger outbreak;
  - our confidence in the pre-departure testing measures in the country or jurisdiction;
  - the country's strategies for managing outbreaks (including effectiveness in dealing with any previous outbreaks).
- 22 Shifting away from fixed thresholds would allow for a more proportionate response to the level of risk posed. The level of public health risk, and nature of the risk (e.g. arising pre-departure or during transit, or caused by a variant

of concern) is likely to vary from country to country, and it may not be useful or practical to assess all countries against the same fixed thresholds.

- 23 While the assessment process will consider a broader range of criteria, countries and jurisdictions would be placed into a category based on the overall level and nature of risk. Initially the model will only focus on VHR, but over time this can be expanded to include high, medium and low risk countries and jurisdictions (presented as a 'traffic light' system). Options for what risk mitigation measures would be applied against each country risk category will be progressed as part of the *Reconnecting New Zealanders* strategy.
- 24 An overview of the proposed risk assessment framework is attached as Appendix A.

#### The current settings for in-bound travellers

Category	Description
India, Brazil, PNG and Pakistan	<ul> <li>Travel restrictions (NZ citizens only)</li> <li>Pre-departure test from government-approved laboratory</li> <li>14-day MIQ stay (day 0/1, 3 and 12 testing in MIQ, room restrictions until day 0/1 test result received)</li> </ul>
Outside Australia and the Pacific	<ul> <li>Pre-departure test</li> <li>14-day MIQ stay (day 0/1, 3 and 12 testing in MIQ, room restrictions until day 0/1 test result received)</li> </ul>
Most of the Pacific	<ul> <li>14-day MIQ stay (day 3 and 12 testing in MIQ)</li> </ul>
Australia and Cook Islands	<ul> <li>No MIQ required (Australia and the Cook Islands)</li> </ul>

25 In-bound travellers fall into four categories:

- 26 The proposed framework can be used to inform appropriate country risk categories, as we move to assess in-bound travellers based on a wider range of factors. This can be framed as a 'traffic light' system s9(2)(f)(v)
- 27 I note the Prime Minister is bringing a paper alongside this paper, seeking endorsement to a phased approach to progressively open up our border to groups of travellers based on a range of factors. The proposed risk assessment and 'traffic light' system framework will form part of this work, as the next phase will require a process for country risk assessment to inform appropriate risk categories.
- 28 Initially, I seek Cabinet's agreement to implement the proposed risk assessment framework to assess the risk of travellers arriving from VHR countries and jurisdictions. Over time, it can be expanded to assess whether a country is very high, high, medium or low risk that can be used as part of the

Reconnecting New Zealanders strategy, and as long as country risk remains one of the relevant considerations for reconnecting with the rest of the world.

#### How a country risk assessment would be made

29 The proposed country risk assessment framework builds on and further refines our current processes, and involves five stages:

Step in process	rocesses, and involves five stages: Description
1. Surveillance	The Ministry of Health's weekly surveillance would assess, at a high level, the public health considerations outlined above. This serves as a triage process for countries and jurisdictions that may warrant a more detailed public health assessment (as this cannot be undertaken for all countries and jurisdictions).
2. Assessment	If a country or jurisdiction has been identified as presenting a potentially VHR through the Ministry of Health's weekly surveillance, the Director-General of Health would undertake a detailed assessment considering the level and nature of public health risk posed and what category they would fit in.
3. Analysis	Following the detailed risk assessment above, an inter-agency process would determine appropriate risk responsive mitigation measures and what strategies could be deployed to manage or reduce that risk, for example pre-departure testing. This process will ensure that any policy and operational constraints are considered, including that a particular measure is consistent with law and existing Government policy.
. Decision	Based on the above assessment, advice would be provided to the <i>Reconnecting New Zealanders</i> Ministerial Group for a decision to be made on a country or jurisdiction's risk status (e.g. high risk or VHR) and what measures may be applied for travellers arriving in New Zealand from that country or jurisdiction.
5. Implementatio n	If a country has been classified as VHR, the Ministry of Health would report to me every four weeks to ensure that any risk mitigation measures imposed are still justified or be reduced, and whether any other countries or jurisdictions of concern may be considered for assessment as VHR. The appropriate action would be taken to add or remove countries from the VHR designation.

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- 30 The review process above would also provide a pathway for de-escalation, and risk mitigations measures may be removed if the public health situation in the country or jurisdiction had improved over the four-week period.
- 31 I note that the information we receive through the Ministry of Health's weekly surveillance is reliant on the data that is reported by other countries and jurisdictions. To take account for this, our confidence in the data we are receiving is one of the factors that will be considered as part of the public health assessment.
- 32 This process would reflect the requirement for Orders made under the COVID-19 Public Health Response Act 2020 that measures are likely to contribute to preventing the risk of the outbreak or spread of COVID-19. For example, if public health advice is that a travel restriction from a given country or jurisdiction will contribute to preventing an outbreak of COVID-19 in New Zealand, then that satisfies that requirement.
- 33 If Cabinet agrees to the proposed risk assessment framework, I will direct the Ministry of Health to undertake a detailed assessment of the countries currently classified as VHR and any other countries or jurisdictions of concern, and work with relevant agencies to provide advice to consider whether any further action should be taken. This will be triaged according to any immediate countries or jurisdictions of concern that are identified by the Director-General of Health.

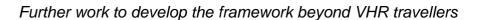
#### Implementation

#### Indicative risk assessments using the proposed framework

- 34 As part of testing whether the proposed framework is fit for purpose, the Director-General of Health has provided me with indicative country risk assessments using the framework for Brazil, India, Pakistan, and Papua New Guinea.
- 35 If Cabinet agrees to the proposed risk assessment framework I will direct the Ministry of Health to undertake a formal risk assessment for each country currently classified as VHR and any other countries or jurisdictions of concern, and work with relevant agencies to provide advice in the next 24 hours to consider whether any further action should be taken. The *Reconnecting New Zealanders* Ministerial Group will then make a decision on the updated risk status of each country and what measures may be applied.
- 36 The assessment would check whether they are a VHR country (red category) and whether existing public health measures should continue to apply (such as pre-departure testing and cohorting in MIQ) or if there are any additional measures required.
- 37 New Zealand has strong foreign policy, economic and international development interests in ensuring that any system to differentiate travellers from foreign jurisdictions by COVID-19 risk level includes a clear methodology for understanding why any risk mitigation measures are applied, how they

would be removed or reduced, alongside a process for the Ministry of Foreign Affairs and Trade (MFAT) to communicate with the governments of directly affected countries or jurisdictions at least 24 hours in advance of any public announcements. Any measures imposed will have implications for our bilateral relationship(s) which will need to be carefully managed by MFAT.

38 Initially the proposed risk assessment framework will be used to assess only countries and jurisdictions that are potentially VHR. **\$9(2)(f)(iv)** 



- 39 At present, possible mitigation measures are limited (i.e. pre-departure testing, travel restrictions). s 9(2)(f)(iv)
- 40 A 'traffic light' system of country risk that will categorise country risk through the proposed framework, based on the overall level and nature of the risk to New Zealand, is illustrated by diagram 1 below.

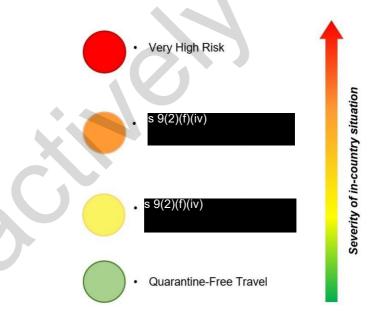


Diagram 1: potential future 'traffic light' system

Note: under each traffic light, appropriate public health measures will be applied, for example pre-departure testing.

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s 9(2)(f)(iv)

#### **Financial Implications**

42 There are operational and resourcing implications for agencies if Cabinet agrees to shift to the proposed framework. While the Ministry of Health's regular surveillance function will be able to assess country risk under the new framework, over time the more detailed country risk assessments will require additional technical, epidemiological and public health resources than is currently available.



#### Legislative Implications

- 44 The existing legislative settings are sufficient to implement the proposed risk assessment framework. Any required changes can be made by amending the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, which is currently used to classify countries as VHR.
- 45 The proposed risk assessment process would also satisfy the requirement that the Minister for COVID-19 Response must have regard to advice from the Director-General of Health when making any COVID-19 Orders.

#### **Population Implications**

46 In considering any new border measures, our primary objective remains to keep New Zealanders safe from COVID-19. The risk of negative health effects of COVID-19, including death, could disproportionately affect older people and people with relevant underlying conditions. Disabled people, Māori and Pacific peoples are more likely to experience these impacts, as they have higher rates of underlying health conditions and co-morbidities. The proposed framework will make our border more responsive to risk to protect our people, in particular higher-risk groups.

#### **Human Rights**

- 47 Any changes to our border settings, and the potential impact on the movement of people, will need to consider the impact on human rights, particularly the proportionality of any strengthened or new measures.
- 48 From a human rights perspective, any limitations on New Zealanders arriving in New Zealand or other public health measures (quarantine, testing requirements etc.) must be justified by being proportionate to the level of risk presenting to New Zealand. There is a specific requirement in the COVID-19 Public Health Response Act 2020 that the Minister be satisfied that any limit

an order would impose on rights protected by the New Zealand Bill of Rights Act (NZBORA) is a justified limit (s9(ba)).

- 49 As the proposed approach will ensure that risk mitigation measures are more proportionate to the severity and nature of the public health risk presented by travellers from different countries, it is likely risk mitigation measures will provide a more balanced and equitable approach.
- 50 Any risk mitigation measures imposed on travellers are only intended to be temporary and will reviewed every four weeks to ensure they are still justified. Human rights analysis will be undertaken at the time of deciding on appropriate measures so that I am satisfied that they are consistent with the NZBORA.

#### Consultation

51 This paper was developed by the Ministry of Health. The following agencies were consulted: NZ Customs Service; Department of Prime Minister and Cabinet; Ministry of Business, Innovation and Employment (Managed Isolation and Quarantine and Immigration); Ministry of Justice; Ministry for Primary Industries; Ministry for Pacific Peoples; Ministry of Foreign Affairs and Trade; Ministry of Transport; Crown Law Office and the Treasury.

#### Communications

- 52 Any changes to our border settings and our approach to assessing country risk will need to be clearly communicated to the New Zealand public, including clear guidance on how decisions are made and the rationale for any risk mitigations being imposed. Relevant information can be provided on the Ministry of Health and Unite COVID-19 websites.
- 53 MFAT would also need to notify the governments of any directly affected countries or jurisdictions. It is preferred that a minimum notice period of 24-hours is provided in order to notify affected governments prior to any public announcement.

#### Proactive Release

54 I intend to proactively release this paper and its associated minute within the standard 30 business days from the decision being made by Cabinet, with any appropriate redaction where information would have been withheld under the Official Information Act 1982. Any previous advice I have received on this matter will be proactively released at the same time for completeness.

#### Recommendations

The Minister for COVID-19 Response recommends that the Committee:

1 **agree** to the proposed risk assessment framework for travellers arriving in New Zealand from very high risk countries and jurisdictions, which includes a broader range of public health considerations;

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- 2 **note** the proposed framework can assess the risk to New Zealand from travellers arriving from any country or jurisdiction using a 'traffic light' system, but will initially apply to very high risk travellers only, **s**9(2)(f)(iv)
- **agree** that the risk assessment process will involve five stages:
  - 2.1 surveillance: weekly surveillance of the international public health situation, led by the Ministry of Health, to identify countries and jurisdictions of concern for further assessment;
  - 2.2 assessment: from the above surveillance, the Ministry of Health will undertake a detailed public health assessment of any countries or jurisdictions of concern to determine the overall level of risk to New Zealand;
  - 2.3 analysis: following the detailed public health assessment, an interagency process would determine appropriate risk responsive mitigation measures for travellers from countries and jurisdictions that pose a very high risk;
  - 2.4 decision: advice provided to the *Reconnecting New Zealanders* Ministerial Group to make a final decision, alongside public health advice from the Director-General of Health;
  - 2.5 implementation: MFAT to notify affected countries or jurisdictions at least 24 hours prior to announcement, and any necessary changes made to border settings;
- 4 **note** that the information we receive through the Ministry of Health's weekly surveillance is reliant on the data that is reported by other countries and jurisdictions;
- 5 **note** that the Director-General of Health has provided me with indicative country risk assessments for Brazil, India, Pakistan, and Papua New Guinea;
- 6 **agree** that, subject to Cabinet's agreement to the proposed risk assessment framework, the Ministry of Health will undertake a detailed assessment of countries currently classified as very high risk, and any other countries or jurisdictions of concern, in the 24 hours following Cabinet's decision;
  - **agree** that final decisions on a country or jurisdiction's risk classification and appropriate measures will be made by the *Reconnecting New Zealanders* Ministerial Group, following the process in Recommendation 3;
- 8 **agree** that the Ministry of Health will report to me and the *Reconnecting New Zealanders* Ministerial Group every four weeks to ensure that any risk mitigation measures imposed are still justified or should be reduced, in line with the requirements in the COVID-19 Public Health Response Act 2020;
- 9 **note** that any changes to our border settings and our approach to assessing country or jurisdiction risk will need to be clearly communicated to the New

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Zealand public, and any bilateral impacts carefully managed by MFAT with the governments of directly impacted countries or jurisdictions;

- 10 s 9(2)(f)(iv)
- 11 **note** that I intend to proactively release this paper and its associated minute within the standard 30 business days from the decision being made by Cabinet;
- 12 s 9(2)(f)(iv)

Authorised for lodgement

Hon Chris Hipkins

Minister for COVID-19 Response

## Appendix A: Creating a risk responsive border: concept A3

# Appendix A: Overview of proposed country risk assessment framework

# Managing the risk to New Zealand from travellers arriving from very high risk countries and jurisdictions as we reconnect with the world

As we begin to re-open our borders to some countries and reconnect with the world through the *Reconnecting New Zealanders* framework, we need to create **border settings that are responsive and adaptive** to the risk presenting to New Zealand from travellers arriving from very high risk countries and jurisdictions. As we expect to see situations of concern occur throughout the world in the longer-term (rather than short term spikes that may subside quickly), a more sustainable and responsive approach is required to mitigate the risk of travellers arriving from very high risk countries and jurisdictions.

Moving through the re-engagement phase of our *Reconnecting New Zealanders framework* will require new tools and processes. We currently make decisions based on a country-level risk assessment. To take the next step, **we need to assess a broader picture of risk based on a number of public health considerations** (rather than fixed thresholds or criteria) so we can apply an appropriate response that is proportionate to the overall level of public health risk to New Zealand.

## Broader range of public health factors

# 'Traffic light' risk categories

Shifting to a **more responsive border** will also require a more nuanced approach to how we assess the risk of travellers arriving from very high risk countries and jurisdictions

Currently, decisions about the public health risk posed to New Zealand by travellers from other countries and jurisdictions are based on an assessment of the risk presenting at the New Zealand border.

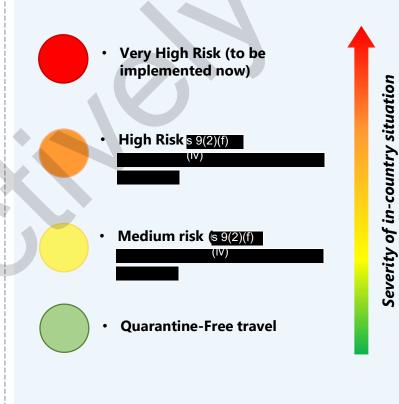
Rather than setting fixed thresholds that must be met for any risk mitigation measures to be imposed, **we can assess a broader picture of country or jurisdiction risk** based on a number of public health considerations.

# Factors included in the country risk assessment

- Potential volume and flow of travellers that may arrive in New Zealand from the country or jurisdiction
- Number of tests per positive COVID-19 case (indicating insufficient testing/under reporting)
- Case fatality rate (indicating likelihood of undetected cases)
- Weekly new cases per million population
- Estimated Dissemination Ratio (EDR) 'how quickly case numbers are increasing or decreasing'
- Vaccination rates (and type of vaccine) in the country (we anticipate this information will improve over time)
- Our confidence in the capacity and capability of the country's health system to effectively manage a new spike in cases or a larger outbreak
- Our confidence in that data we are receiving from the country
- Our confidence in the pre-departure testing measures in the country or jurisdiction

The proposed framework can be used to inform appropriate country risk categories, as we move to assess in-bound travellers based on a wider range of factors. **This can be framed as a 'traffic light' system.** 

A 'traffic light' system of country risk that will categorise country risk through the proposed framework, based on the overall level and nature of the risk to New Zealand, is illustrated by the diagram below.



s 9(2)(f)(iv)

# Enhanced assessment process

- Surveillance: weekly surveillance of global situation
- The Ministry of Health's main tool for identifying the public health situation in countries and jurisdictions, which can be compared against previous weeks' data to identify trends of concern
- Surveillance includes public health data reported to global data consortium (such as Johns Hopkins)
- This process will identify countries or jurisdictions of concern for more detailed public health risk assessment (Step 2)

#### **2** Assessment: more detailed public health assessment

- If a country or jurisdiction has been identified as potentially very high risk through weekly surveillance, Public Health officials would undertake a more detailed assessment
- The country or jurisdiction would be individually assessed, considering a range of public health criteria (far left column)
- Detailed assessment of the overall level of risk to New Zealand posed, including the nature of that risk

#### Analysis: Inter-agency process to consider broader impacts

- Following Step 2, an inter-agency process would determine appropriate measures that could manage or reduce the risk to New Zealand
- This ensure wider policy and operational factors are considered, such as the impact on our front-line border staff, and economic and connectivity implications

#### Decision: Advice provided to Ministers

- Final advice provided to the *Reconnecting New Zealanders* Ministerial Group
- Would be accompanied with specific public health advice from Director-General of Health, in line with the COVID-19 Public Health Response Act 2020
- Public announcements and implementation of any decision will be subject to final implementation process (Step 5)

#### 5 Implementation: Communication and effect to decision

- MFAT to notify the governments of any directly affected jurisdictions. Preferred minimum notice period of 24-hours
- Review country risk assessment (Step 2) every **four weeks** to ensure any measures are still justified or fit for purpose, or need to be reduced (report to *Reconnecting New Zealanders* Ministerial Group)

The country's strategies for managing outbreaks