

Briefing

Bangladesh Men's Cricket Team exemption from requirements of the Isolation and Quarantine Order

Date due to MO:	12 February 2021	Action required by:	17 February 2021
Security level:	IN CONFIDENCE	Health Report number:	20210221
To:	Hon Chris Hipkins, Minister for COVID-19 Response		
Copy to:	Hon Grant Robertson, Minister for Sport and Recreation		

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)
Sue Gordon	Deputy Chief Executive, COVID-19 Health System Response	s 9(2)(a)

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:

Forward the report to the Minister for Sport and Recreation.

Bangladesh Men's Cricket Team exemption from requirements of the Isolation and Quarantine Order

Purpose of report

1. This report accompanies a proposed exemption notice from certain requirements of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Order) to permit the Bangladesh Men's Cricket Team (the team) to train in designated bubbles while in managed isolation. It provides a summary of the exemption and the rationale for our advice to grant this exemption.

Summary

2. This paper seeks your agreement to the necessary exemption for the Bangladesh Men's Cricket Team, which is scheduled to arrive in New Zealand on 24 February 2021.
3. The team is made up of 35 players and support staff who are travelling from Bangladesh to Christchurch via Singapore. All team members will undertake 14 days of managed isolation in Christchurch before playing six matches as part of the Summer of Cricket.
4. To be able to play international-grade sport, the team requires an exemption from standard managed isolation and quarantine (MIQ) requirements so that team members can train in designated bubbles while in managed isolation. The exemption is not for any other purpose except training (i.e. socialising is not permitted under the exemption) and all other managed isolation facility (MIF) requirements continue to apply to the team.
5. The proposed exemption would allow the team to train at a MIF and an approved training venue (sports MIF) while in managed isolation under strict parameters, including:
 - a. all team members will be required to isolate individually upon arrival in New Zealand;
 - b. all team members will have COVID-19 tests on days 0/1, 3, 6 and 12; and
 - c. provided they return a negative day 6 test and/or the Medical Officer of Health is satisfied that they are unlikely to transmit COVID-19, team members will be permitted to train in **five designated bubbles of up to seven people**.
6. Officials consider that there is a high risk of exposure to COVID-19 prior to arrival given high levels of COVID-19 in Bangladesh and the limitations of the in-country testing regime. However, the proposed conditions and risk mitigations for this exemption (as outlined in this paper) are in line with this level of risk.
7. Officials are reasonably confident based on interactions with the team to date, that team members will comply with the conditions of the exemption. However, the Minister for COVID-19 Response has the power to revoke the exemption for some or all team members should any member of the team breach the exemption conditions.

Recommendations

We recommend you:

- a) **Note** that under the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Order), you may exempt a class of persons from any requirements under the Order, with conditions, where you are satisfied the prerequisites are met.
- b) **Note** that under the Order, you must take into account the advice of the Director-General of Health when deciding whether to grant an exemption and what, if any, conditions to impose on an exemption.
- c) **Agree** to the exemption to permit the Bangladesh Men's Cricket Team to train at the managed isolation facility (MIF) and at an approved training venue (Sports MIF) while in managed isolation, subject to strict parameters and conditions as set out in this briefing and the attached exemption notice. Yes/No
- d) **Note** that the team will only be allowed to leave the MIF at the end of their 14-day isolation period if they have been assessed as meeting low-risk indicators (these timeframes will need to be extended if any team member tests positive as determined by the Medical Officer of Health) and where appropriate, return a negative day 12 test.
- f) **Sign** the attached exemption notice that exempts the Bangladesh Men's Cricket Team from requirements of the Order (as set out in this briefing) by 17 February 2021. Yes/No



Dr Ashley Bloomfield

Director-General of Health

Date: 12/2/21



Hon Chris Hipkins

Minister for COVID-19 Response

Date: 16/2/2021

Bangladesh Men's Cricket Team exemption from requirements of the Isolation and Quarantine Order

Background

1. The Bangladesh Men's Cricket Team (the team) is the fourth of five sporting teams that Border Exception Ministers agreed to approve to come to New Zealand via managed isolation between January and March 2021 (MBIE Briefing 2021-1626 refers).
2. The 35-member team is scheduled to arrive in Christchurch on 24 February 2021 where all members of the team will undertake 14 days of managed isolation before playing six matches as part of the Summer of Cricket.
3. The team is travelling to New Zealand to participate in the Summer of Cricket series, which is on the list of Government-approved events at H5.30.15 of the Immigration Instructions.
4. To be able to play international grade cricket, the team requires an exemption from standard managed isolation requirements so that team members can train in designated bubbles while in managed isolation.
5. For this to happen, an exemption needs to be made under clause 15A of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Order). Under the Order, you have the authority to make an exemption for any class of persons if you are satisfied that:
 - a. the exemption is necessary or desirable in order to promote the purposes of the COVID-19 Public Health Response Act 2020;
 - b. the exemption is necessary to facilitate the execution of a government-approved event or a major government-approved programme; and
 - c. the extent of the exemption is not broader than reasonably necessary to address the matters that give rise to the exemption.

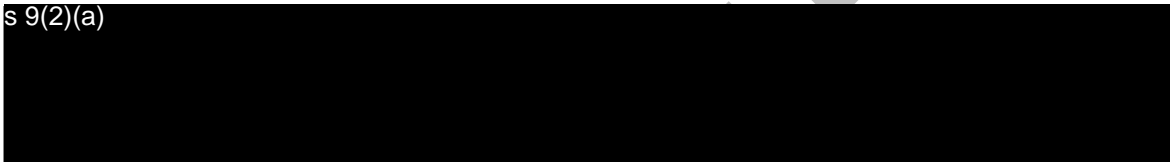
What does the exemption permit?

6. Under the proposed exemption, the team will be subject to the standard requirements that apply to any other person in a MIF, with the following limited exceptions:
 - a. provided they return a negative day 6 test and/or satisfy the Medical Officer of Health that they are unlikely to transmit COVID-19, the team will be able to train in five designated bubbles of seven people¹, at the following locations:
 - i. on-site in an outdoor covered gym area at the MIF

¹ A bubble can include players, management, coaching, physio and any other team staff.

- ii. off-site at a specific Sports Managed Isolation Facility (the Lincoln University High Performance Centre).

Conditions of the exemption

7. To meet the criteria for the exemption to apply, team members are required to:
 - a. have a COVID-19 reverse transcription polymerase chain reaction (rt-PCR) test within 72 hours prior to commencing their travel to New Zealand;
 - b. undergo a symptom check within 48 hours prior to commencing travel; and
 - c. complete an enhanced testing regime for COVID-19 at the MIF (on days 0/1, 3, 6 and 12).
8. The results of the 72-hour pre-departure tests need to be provided to the Office of the Director of Public Health prior to the departure. Test results and/or medical assessments are also required under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020. Evidence of a negative result or relevant certificate must be produced upon request by a health protection officer, staff member or representative of the relevant air carrier, immigration officer and/or enforcement officer.
9. s 9(2)(a) 
10. The team must also adhere to strict conditions once the exemption applies, including complying with physical distancing, mask use and strict transportation requirements between the MIF and the off-site training facility.
11. If at any point during their time in the MIF a team member tests positive for COVID-19 or develops symptoms, the exemption will be put on hold for all members of the team until a risk assessment and investigation is complete and further actions, if any, are determined. Team members would not be able to train during this time.
 - a. In the event of a positive acute case after bubbles have been formed, all members of the affected training bubble would be considered close contacts and would be treated according to the standard MIF protocols for close contacts of acute cases.
12. As is standard practice, all team members (unless they have already returned a positive PCR result earlier in their stay) will be tested on day 12 of isolation and will only be allowed to leave the MIF if they have been assessed as meeting the low-risk indicators after a minimum of 14 days post arrival.

The exemption meets the purposes of the COVID-19 Act

13. The primary purpose of the COVID-19 Act is to support the public health response to COVID-19. Any exemption request should be considered in conjunction with associated conditions to reduce the risk of the spread of COVID-19 to the New Zealand community.
14. Officials have evaluated the risks associated with the exemption proposal taking into account the team's risk of exposure to COVID-19, the measures in place to reduce the risk of spread of COVID-19 to the community and the compliance of the team.

15. Having undertaken this evaluation, officials advise that there is a high risk that team members will be exposed to COVID-19 prior to arrival. To mitigate the increased risk of exposure to COVID-19 it is recommended that bubbles are only formed once they meet low risk indicators after Day 6 testing and that these bubbles are small.
16. Bubble size of seven players was chosen as this allows each bubble to consist of five players and two support staff. This means that even if two bubbles test positive after Day 6, from a health perspective, the team may still be able to continue with the tournament.

Team members have a high risk of exposure to COVID-19 before they arrive in New Zealand

17. As at 24 January 2021 68.9% of reported COVID-19 cases in Bangladesh were from Dhaka.² The case trend is stable with a rate of 2.0/100,000. s 9(2)(g)(i)

18. Cricket New Zealand have worked with the New Zealand High Commission to identify a recommended private testing laboratory - The International Centre for Diarrhoeal Disease Research, Bangladesh (ICDDR). The ICDDR provides rt-PCR testing and the team have agreed to carry out all testing through this facility.

The team is required to comply with strict protocols prior to departure and in transit

19. Bangladesh Cricket Board have advised that the team will be operating under strict protocols for the 14 days prior to departure for New Zealand and during transit, as set out below.
 - a. **Testing and medical examinations:** All team members will undergo three rounds of rt-PCR testing:
 - i. 18-19 February;
 - ii. 20 February; and
 - iii. 21-22 February. This final round doubles up as the 72-hour pre-departure test.
 - b. It is mandatory for all team members to complete daily self-reported symptom checks through the team's health screening app, from 10 February 2021 through to departure on 23 February 2021.
 - c. **Education:** The team have had several educational briefings with their own team management regarding COVID-19 prior to an initial return to training and prior to the West Indies-Bangladesh series. The team have experience operating in a Bio Secure Environment and have been provided guidelines including;
 - the use of personal protective equipment;
 - avoidance of public places 14 days prior to flying;
 - no public transport; and
 - restricting close contacts to only immediate family.

² World Health Organisation COVID-19 Bangladesh situation report 31 January 2021

New Zealand Cricket will also deliver a formal briefing with team management to outline, in detail, the protocols and requirements for safe transit to New Zealand. This briefing will be via remote group meetings.

We will provide a translated team guide to all team members prior to arrival as this is likely to prove more effective than a verbal team briefing in English.

- d. **Action if someone tests positive, displays symptoms or is identified as a close contact prior to departure:** If a member of the team tests positive on the 20 February and/or 21-22 February tests they will not be permitted to travel.

Any member of the team that comes into close contact with a positive case will include this in the teams' health screening app. This notifies the team physician who will assess the situation and take action to isolate the team member as soon as possible.

20. **Travel:** All 35 members of the team are currently in Bangladesh. Those outside of Dhaka will travel by private vehicle and meet in Dhaka three days prior to departure. The team will fly from Dhaka to Singapore on a commercial Singapore Airlines flight. They will remain on the aircraft for the 90-minute transit period in Singapore as the same aircraft is used for the second leg from Singapore to Christchurch. For the duration of both flights the team have been allocated a separate seating zone.
21. The measures in place for pre-departure and during transit are reliant on the team members undertaking these obligations, and it is not possible or practical for the New Zealand Government to enforce these requirements.

Stringent measures will be in place when the team arrives in New Zealand

22. Once the team arrives in New Zealand, the following measures will be in place to reduce the risk of spreading COVID-19 to the community.
- a. The team will undertake 14 days of managed isolation and adhere to strict infection prevention and control measures. Team members have been informed about our MIQ requirements and rules.
 - b. The team will be isolating at the Chateau on the Park Hotel in Christchurch. As previously advised [HR 20201688 refers] Canterbury Region Isolation and Quarantine (C-RIQ) have advised that during this period the team will be accommodated on a different floor to other returnees and in a separate wing to reduce the risk of interacting with returnees. Regular returnees may be accommodated on the Ground Floor during their stay but will not utilise the same entry/exit points.
 - c. In addition to the standard MIQ facility requirements, strict infection prevention and control protocols are required to be followed for both the on-site training at the MIF and the off-site training at the sports MIF, including transport and equipment use³. The C-RIQ have recently hosted six international sporting teams so have experience in logistics around managing bubbles and training.

³ Encompassed under the Criteria for assessing a proposed sport MIQ facility [HR 20201383 refers] alongside the accompanying Standard Operating Procedures.

- d. The enhanced testing regime outlined in this report should mitigate any risk of undetected cases of COVID-19 amongst team members. If any members of the team display symptoms of COVID-19 upon arrival at Christchurch Airport, they will be moved into a quarantine facility and will not be permitted to join the rest of the team until they have met the low risk indicators for COVID-19. They still need to complete a minimum of 14 days in isolation and/or quarantine.
- e. In addition, under Clause 9 of the Order, a Medical Officer of Health or Health Protection Officer can direct any team member to report for, and undergo, medical examination and testing for COVID-19 at any time throughout their period of isolation.

Compliance with exemption conditions

- 23. There have been cases of non-compliance by sporting teams that have been granted exemptions. Significant lessons have been learned from these earlier tours, and agencies have worked together with Cricket New Zealand to improve processes to enhance compliance and lift the understanding of New Zealand's requirements.
- 24. The Minister for COVID-19 Response has the power to revoke the exemption for some or all team members should any member of the team breach the exemption conditions.
- 25. In addition, if there is a breach of the conditions of the exemption, or a member (or multiple members) do not meet the conditions of the exemption, the Director-General may notify the Bangladesh Cricket Board that the exemption is suspended or revoked.
- 26. Prior to the team's arrival, the Bangladesh Cricket Board is required to sign a Confirmation as a part of the Crown Services Agreement between New Zealand Cricket and the Ministry of Business, Innovation and Employment. This confirms that the Bangladesh Cricket Board understands the exemption and its requirements and has communicated the requirements to the team.
- 27. The Bangladesh Cricket Board has advised that any breaches of protocol will be taken seriously. Minor breaches will result in management issuing the team member with a written warning. Team management will liaise with the CEO of the Bangladesh Cricket Board in the event of a major breach and this may result in immediate expulsion, suspension and/or financial penalties.
- 28. In addition, section 26(2)(a) and (b) of the COVID-19 Act provide for offences against the Order of imprisonment for a term of up to six months, or a fine of up to \$4,000.

Other purposes under the COVID-19 Act

- 29. The exemption will benefit communities economically and the cricket matches are scheduled to be played in six major centres. The matches will be of benefit to New Zealanders as they are an important social event, boosting national morale.
- 30. Canterbury District Health Board (CDHB) have indicated that they are able to manage any health support needed. The final agreement, including funding arrangements, is subject to CDHB Chief Executive and the Director-General of Health approval.

Other factors to be considered

31. The exemption discretion must be exercised consistently with the New Zealand Bill of Rights Act 1990 (BORA):
 - a. you have previously been advised that officials consider the requirements of managed isolation to be reasonable limitations on the rights of individuals, given the public health risk to the New Zealand community of transmission of COVID-19
 - b. team members will be subject to less restrictive isolation requirements than most other returnees and, we consider that any limitations on their rights are reasonable.
 - c. the exemption also has the potential to impact freedom of movement (section 18 of the BORA) by displacing returning New Zealanders if there is insufficient capacity at Managed Isolation and Quarantine Facilities to accommodate the team and any New Zealanders wishing to return home.
32. There is currently significant pressure on MIFs from New Zealanders who want to return home at this time and allocating MIF space to the team could raise BORA considerations. However, Cabinet has agreed to a number of improvements to the allocation of space within MIQ facilities which seeks to balance the legal right of New Zealanders to return home and the need for critical workers and other non-New Zealanders to enter the country [CBC-20-MIN-0137 refers].
33. MIQ notes we are currently looking at ways to strengthen MIQ including further restricting movements of returnees within our facilities for example the introduction of policy advising returnees to remain in their room when awaiting their day 11/12 results.
34. Granting this exemption will provide further freedom to these teams not offered to others in managed isolation. This may give rise to issues of equity and fairness, which is something frequently reported on in the media, and may further hinder any social licence we have to continue granting these exemptions.
35. The decision to agree to host the team was made by Border Exceptions Ministers within the context of the Government's social and economic objectives. Officials consider that the space in MIFs that has been allocated to the team does not create an unjustified limitation on the right of New Zealand citizens to enter New Zealand, as it does not cause an unreasonable shortfall of MIF spaces.
36. Ministry of Health officials have consulted with the Ministry of Business, Innovation and Employment, Sport New Zealand and CDHB on the proposal to grant this exemption.

Next steps

37. We recommend that you grant the attached exemption to allow the Bangladesh Men's Cricket team to train in five small bubbles of seven people following negative day 6 testing and medical assessment.

ENDS.

Gazette notice

COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

Exemption of Bangladesh Men's Cricket Team from requirements of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

1. Pursuant to clause 15A of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 ("Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby declare that the persons who satisfy each of the following criteria are exempt from clauses 8(2) and 8(3) of the Order:
 - a. persons who travel to New Zealand on or about 24 February 2021 to participate in the 'Summer of Cricket' series (as listed as a Government-approved event at H5.30.15 of the Immigration Instructions) as part of the Bangladesh Men's Cricket team, which includes (but is not limited to) players, coaches, team management and other support staff;
 - b. who have undergone a COVID-19 reverse transcription polymerase chain reaction test (RT-PCR) within 72 hours prior to commencing their travel to New Zealand;
 - c. who have undergone a symptom check within 48 hours prior to commencing their travel to New Zealand;
 - d. who have undergone medical testing and examination for COVID-19 and serology testing within 24 hours of their arrival at their allocated MIQF in which they are residing and satisfy a medical officer of health that they are unlikely to transmit COVID-19; and
 - e. who have undergone medical testing and examination for COVID-19 on or around the third day and on or around the sixth day after arrival in New Zealand ("Day Six Test") and, after the Day Six Test only, satisfy a medical officer of health that they are unlikely to transmit COVID-19;
(collectively "Members of the Bangladesh Cricket Team").
2. The exemption will begin at 11.59pm on 17 February 2021.
3. This exemption expires after every person subject to this exemption completes their period of isolation or quarantine, or at 11.59pm on 24 March 2021 (whichever occurs earliest).
4. For the purposes of this exemption, a "Bubble" is a group of the Members of the Bangladesh Cricket Team who may intermingle and train with each other, and "Bubble" includes any secondary bubble that is formed.
5. For the purposes of this exemption and subject to (f) below, Members of the Bangladesh Cricket Team must be allocated to one of five bubbles made up of no

more than seven people in each bubble. Persons in each Bubble can only intermingle and train with other persons in the same allocated Bubble.

6. The exemption from clauses 8(2) and 8(3) is subject to the following conditions:

- a. all Members of the Bangladesh Cricket Team seeking to rely on this exemption must undergo medical examination and testing to assess whether they have COVID-19, on the twelfth day after arrival in New Zealand;
- b. while a medical officer of health undertakes investigations (if any) relating to, or for the purpose of, this exemption, the Members of the Bangladesh Cricket Team must act consistently with the requirements of clause 8(2) and 8(3) of the Order until advised otherwise by that medical officer of health;
- c. each member of the Bangladesh Cricket Team must satisfy a medical officer of health, after medical examination and referenced in (a) above, that they are unlikely to transmit COVID-19;
- d. all Members of the Bangladesh Cricket Team must only travel between the training facility that has been designated a low-risk managed isolation and quarantine facility ("MIQF") for the purposes of the Members of the Bangladesh Cricket Team to undertake training ("training facility") and their allocated MIQF in which they are residing. This travel must be as direct as reasonably practicable;
- e. the travel between the training facility and the MIQF in which they are residing must be undertaken in vehicles that have been designated by the Crown for this purpose;
- f. all Members of the Bangladesh Cricket Team must not have any in-person contact with any other person who is not in their Bubble, except to the extent required to undertake the travel to and from the training facility and the MIQF in which they are residing and except as contemplated by the Order (for example, contact may be required with the driver of the designated vehicle and any site manager);
- g. all Members of the Bangladesh Cricket Team must wear medical face coverings as provided by the relevant site manager while traveling in the designated vehicles to and from the training facility and their allocated MIQF in which they are residing;
- h. all Members of the Bangladesh Cricket Team must maintain physical distancing (to the greatest extent practicable) from all other residents (i.e. those persons not subject to this exemption) at the MIQF at which they are residing and any other location and in accordance with this exemption; and
- i. all Members of the Bangladesh Cricket Team may only access the areas of the MIQF in which they reside (their room) and spaces designated for official team business and the training facility, both as advised by the relevant site manager.

7. If any person is required to stay in a high-risk MIQF or otherwise fails to satisfy a medical officer of health that they are unlikely to transmit COVID-19, the exemption from clauses 8(2) and 8(3) of the Order may cease to apply to that person (upon notice given by the Director-General of Health to Cricket Bangladesh).

8. If any person, or groups of persons, subject to this exemption does not meet or comply with a condition of this exemption, or breaches a condition of this exemption, the exemption from clauses 8(2) and 8(3) of the Order will cease to apply upon the giving of notice by the Director-General of Health to Bangladesh Cricket in respect to either all persons subject to this exemption or any person (or groups of persons) as named in the notice. The exemption may either cease to apply in its entirety, for a fixed time period as set out in the notice or until remedial conditions set out in the notice are met.
9. If any person subject to this exemption breaches the Order, or is arrested, charged or is suspected of committing an offence punishable by imprisonment, the exemption from clauses 8(2) and 8(3) of the Order will cease to apply upon the giving of notice by the Director-General of Health to Bangladesh Cricket in respect of the persons named in that notice. The exemption may either cease to apply in its entirety, for a fixed time period as set out in the notice or until remedial conditions set out in the notice are met.
10. Subject to the terms of this exemption, all other provisions of the Order continue to apply until the exemption expires.

Dated at Wellington this 16th day of February 2021.



Hon CHRIS HIPKINS, Minister for COVID-19 Response.