

# COVID-19: Managing Risks Associated with International Maritime Crew Transfers

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<b>To:</b>	Hon Chris Hipkins, Minister for COVID-19 Response		
<b>Copy to:</b>	Hon Michael Wood, Minister of Transport Hon Meka Whaitiri, Minister of Customs		

## Contact for telephone discussion

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## Minister's office to complete:

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 Withdrawn |  |

Comment:

# COVID-19: Managing Risks Associated with International Maritime Crew Transfers

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**Security level:** IN CONFIDENCE      **Date:** 1 March 2021

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**To:** Hon Chris Hipkins, Minister for COVID-19 Response

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## Purpose of briefing

1. This briefing outlines progress to date on further reducing COVID-19 risks associated with maritime crew transferring to and from New Zealand. It also signals some issues for further amendments to the COVID-19 Response Act (Maritime Border) Order 2020 (the MBO).

## Summary

2. The Ministry of Health, in conjunction with relevant Government agencies, has recently reviewed COVID-19 risks and mitigation measures at the maritime border. This work has focused mainly on international crew transfers, as this was identified as the key area of elevated risk for port workers and transferring crew (a summary of key risks and mitigations is provided in **Appendix 1**).
3. While the review revealed that the regime is largely working as intended, officials have noted the need for more comprehensive guidance for (and greater visibility of) COVID-19 risk management procedures for interactions involving port-based workers and foreign crew.
4. Guidance is being developed by Maritime New Zealand and the Ministry of Health, with the intention of rolling this out to ports later in March. Officials are also investigating appropriate powers of inspection of COVID-19 risk management practices within a port workplace health and safety context.
5. Officials are currently also identifying additional aspects of the MBO which could require further amendment for managing COVID-19 risks at the maritime border. These include clarifying trigger points for the 14-day isolation period applying to foreign ships, testing off-signing crew prior to departure by air from New Zealand, and provisions which address risks and opportunities associated with the cruise ship industry.

## Recommendations

Officials recommend you:

- a) **Note** that the international transfer of crew to and from New Zealand ports is **Noted** an area of elevated COVID-19 risk.

- b) **Note** that an end-to-end assessment of the crew transfer process by officials has revealed that the regime is largely working as intended, but areas for improvement have been identified. **Noted**
- c) **Note** that cross-agency work, due for completion in March, is currently underway to improve COVID-19 guidance (and procedures) for ports and greater visibility of how COVID-19 risk management practices are being applied in ports. **Noted**
- d) **Note** that a further briefing will be provided to you in March for additional proposed amendments to the COVID-19 Response Act (Maritime Border) Order 2020.



Dr Ashley Bloomfield

**Director-General of Health**

Date: 3/03/2021



Hon Chris Hipkins

**Minister for COVID-19 Response**

Date: 25/3/21

I'd like advice about whether on-boarding crew who are transiting through New Zealand should be required to have been vaccinated before they are allowed into NZ. CH

# COVID-19: Managing Risks Associated with International Maritime Crew Transfers

## Background

### Maritime border controls help give effect to New Zealand's Elimination Strategy...

1. The maritime border controls discussed in this briefing fall mainly within 'Pillar 1 (Keep it out) health response of the COVID-19 Elimination Strategy and relate to the health and safety of transferring crew and port-based workers in a port context.
2. COVID-19 controls at the maritime border are intended to support New Zealand's Elimination Strategy, while recognising the need to maintain international trade and supply chains, our commitment to the Maritime Labour Conventions (MLC) and support international movements in maritime labour.

### ...and are generally fit for purpose

3. The COVID-19 Response Act (Maritime Border) Order 2020 (the MBO) limits the entry of foreign ships to those involved in cargo carriage or fishing, or those that have otherwise been approved by the Ministry of Foreign Affairs and Trade (for a foreign state ship) or by the Director General of Health. Foreign ships which are permitted entry to New Zealand must advise New Zealand authorities of any person on the ship with COVID-19 like symptoms in advance of their arrival to New Zealand.
4. On arrival to New Zealand, persons are prohibited from disembarking the ship (except to perform essential tasks around the ship) until a minimum 14-day isolation period has passed, with no one displaying symptoms during this period. They must also have been assessed as 'low risk' by a medical officer of health. This includes returning a negative test.
5. Certain port-based personnel are permitted to embark ships whose crew are isolating, to undertake necessary tasks (e.g. pilotage, maintenance) and are required to take reasonable steps to minimise the risk of an outbreak or spread of COVID-19 including maintaining physical distancing, minimising time on the ship and wearing PPE. They are also subject to a similar COVID-19 testing regime to other border workers.
6. International crew transfers present particular challenges in managing COVID-19 risks at the maritime border. Off-signing crew can depart directly for an international flight without completing the 14-day isolation period or mandatory health risk assessment. On-signing crew from other countries can transfer directly to a departing ship from a designated New Zealand airport. They are exempt from the obligation to isolate in an MIQ facility if their ship is departing New Zealand as soon as is reasonably practicable.
7. Transfers of exempt crew to and from airports are conducted by MIQ transport operators, and must be undertaken in accordance with directions of the Chief Executive of the Ministry of Business Innovation and Employment, given on advice from a medical officer of health or a health protection officer and as quickly and directly as is reasonably practicable.

## But further improvements have been identified...

8. The Ministry of Health, in conjunction with the New Zealand Customs Service, Maritime New Zealand, the Ministry of Foreign Affairs and Trade, Ministry of Business Innovation and Employment, Immigration New Zealand and the Ministry of Transport, led an end-to-end assessment of maritime border risks. This assessment was conducted during January.
9. The scope for the assessment included the end-to-end mapping of the 'journey' associated with international crew transfers, including overseas crew arriving by air to join a ship in New Zealand and those departing overseas by air after having arrived in New Zealand on a ship.
10. Those involved in the assessment were tasked with identifying significant COVID-19 risks and how current mitigations could be improved to:
  - a) improve the consistency of controls applying to New Zealand ports; and
  - b) minimise any undue disruption or harm to crew, shipping or port activities.
11. Border officials concluded that risks associated with the arrival or departure of crew at airports and transfers between ports and airports are relatively low, because they are conducted according to standard MIQ procedures and transportation which apply to any traveller traversing the air border.
12. The international crew transfer process departs from standard MIQ processes because crew arriving on a foreign ship (and crew arriving by air to replace these crew) are permitted to isolate on the ship while in a New Zealand port, rather than a designated MIQ facility. The crew can also depart an MIQ facility earlier than the 14-day isolation period if transferring to a ship or airport for overseas departure.
13. Because of New Zealand's geographical isolation, ships arriving in New Zealand have generally been at sea for days, if not a week or more, which provides more opportunity for the ship to isolate (while at sea) and for any COVID-19 infections to become evident prior to arriving in a New Zealand port. Ships' masters are also required to declare any symptomatic persons aboard their ship as part of their advance notice of arrival obligations.
14. Unlike returnees, crew arriving in the country by air are permitted to isolate on their ship in a New Zealand port, rather than an MIQ facility, and can leave the ship to perform essential tasks around the ship. While these ships must depart from New Zealand as soon as is practicable, this practice does pose risks for the crew they are replacing and for port workers. For this reason, the risk assessment focused predominantly on the risks associated with each part of this process. These are described in **Appendix 1**.

## ...which address key areas of elevated risk at ports

15. The risks of transmission are higher on ships because it is impractical to confine crew to individual cabins for the purposes of isolation, and they can come into contact with existing crew and port workers during the normal course of their duties, which can extend to areas of the port adjacent to their ship. Further, areas like the bridge or an engine room of a ship are enclosed spaces which pose elevated COVID-19 risks for port-based personnel such as marine pilots and engineers. New testing requirements for transferring crew which require a negative COVID-19 test before departing for New Zealand) are unlikely to wholly mitigate this risk.
16. While port-based operators are aware of, and are responding to these risks, by providing PPE for example, there is a lack of standardised guidance for COVID-19 risk management in

ports. This is highlighted when comparing the detail and quality of standard operating procedures which apply across all MIQ facilities in New Zealand. Officials believe that ports would benefit from a similar standard of guidance (and standards).

### **...and which focus on the quality and consistency of COVID-19 controls applied at ports**

17. The Ministry of Health, Maritime New Zealand and WorkSafe New Zealand are currently working on enhancing COVID-19 risk management guidance for port-based activities, aligned with standard operating procedures applied in MIQ facilities.
18. The guidance is intended to apply to transferring crew in the following instances at a port where:
  - a) on-signing crew wholly replace an off-signing crew
  - b) on-signing crew partially replace an off-signing crew
  - c) a handover occurs between on-signing and off-signing crew
  - d) crew interact with port-based workers when isolating or transferring from or to an isolating ship.
19. It will also cover port-based workers in higher risk areas (including marine pilots and others working in confined spaces on isolating ships) and other port-based workers operating in or around isolating ships and their crew.
20. When completed, the risk management guidance will draw on the legislative framework provided in the Health and Safety at Work Act 2015, and persons conducting a business within or undertaking port-based work be expected to incorporate this advice into their workplace health and safety operating procedures.
21. The Ministry of Health is currently working with Maritime New Zealand and Worksafe New Zealand to identify an appropriate legislative framework and resourcing requirements for providing visibility that COVID-19 risk management processes are being rigorously observed in the port context.

### **Further work is also underway on additional proposals for amending the MBO**

22. The MBO is the main legal tool available to manage COVID-19 risks at the maritime border. The Ministry of Health and border agencies continue to review this Order to ensure that the provisions in the MBO remain appropriate, fit for purpose and are operationally sustainable. Officials have identified a range of areas where the MBO could be improved. These include the following:

#### **Clarifying the 14-day isolation period for foreign ships**

23. The MBO includes provisions for setting the starting point of the 14-day isolation period for ships arriving in New Zealand. The isolation period commences when a ship departs a foreign port for New Zealand and is restarted if there is any contact with anyone outside of the crew's isolation bubble during this period. This includes contact with new crew joining the ship at any point.
24. Clarifying this requirement in respect to boarding a ship by an on-signing crew member acknowledges the elevated risks surrounding international crew transfers.

## Limiting on-signing crew to ports which are a last port of New Zealand call

25. To further minimise the sites at which COVID-19 transmission could occur, officials will also consider whether it is appropriate to designate specific ports for on-signing crew, which would also be the last points of departure from New Zealand.
26. Consideration would need to be given to minimising the time and distance spent in transit between airports and seaports and assessing possible impacts on MIQ facility capacity, should crew need to await the arrival of their ship at a designated port. The practicality of this would also need to be explored with stakeholders, including the shipping industry and MIQ transport operators.

## Policy settings for the cruise ship industry

27. Officials are also considering the settings that apply to cruise ships. As Director-General of Health, I have granted permission for two cruise ships to enter New Zealand for refit and repair work to be undertaken. This has raised the issue of how cruise ships in New Zealand may operate.
28. Regulation of this issue is best placed in the MBO to ensure a firm legal basis for decision making, with mechanisms to respond to changing risk profiles associated with changes to alert levels and the future establishment of quarantine-free travel zones. This work will entail analysing the public health implications of various levels of cruise ship activity and engaging broadly with other Government agencies in order to form a consistent Government position on this issue.

## Negative test result not currently required for crew arriving from overseas by air who join a ship departing from New Zealand

29. In November 2020 it was agreed that replacement crew would be required to undergo a test but not be required to await the results before departing on a ship leaving New Zealand. [HR20201964 refers]. That decision was informed by the need to balance public health risks with the need to manage impacts on the shipping industry.
30. Subsequently, we have had experience of an on-signing crew member on the oil tanker 'Leikanger', who tested positive for COVID-19 after the tanker departed from New Zealand. We would appreciate an opportunity to discuss options for managing these issues in the future.

## Next steps

31. A further briefing will be provided to you later in March which will address possible MBO amendments. It will include those outlined above, plus any others that have been identified through engagement with border agencies and other stakeholders.
32. An indicative timeline for the next suite of MBO amendments is as follows:

Briefing to you for a policy decision on amendments to the Maritime Border Order	29 March
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Briefing to you with the draft Maritime Border Order amendments, for ministerial consultation	Mid-April
Briefing to you with the finalised amendments for your sign-out	Early May
Amendments in force	Mid-May

ENDS.

PROACTIVELY RELEASED



Appendix 1: Summary of the process and key risks associated with international crew signing on to foreign-going ships in New Zealand

Summary of maritime border risks and mitigations identified at cross-agency workshop, 19 January 2021						
Risk status as assessed on 19 January	Location of risk	Nature of risk	Possible interventions	Possible vehicle for intervention	Lead agency	Progress to date
Medium	Crew exchange process at the port/ship	On-signing crew infect off-signing crew, including through handover process	Protocols for minimising contact between on-signing and off-signing crew	Guidance	MoH/MNZ	Underway; scheduled for completion in March
			Protocols for safe handover where social distancing not achievable e.g. through appropriate PPE, hygiene	Guidance	MoH/MNZ	Underway; scheduled for completion in March
Medium	On board ship in port and port areas immediately adjacent to the ship i.e. where crew members are permitted to undertake essential tasks	Crew infect port-based workers	Clarify that arrival of exempt crew resets the 14 day isolation requirement for all crew	Maritime Border Order amendment	MoH	Proposal for change will be included in March briefing on Maritime Border Order amendments
			Prioritise vaccination for port workers undertaking essential tasks on board or working in port areas immediately adjacent to a ship in isolation or quarantine	MoH vaccination strategy	MoH	Underway; commenced in February
			Protocols which reflect the level of risk associated with various activities on board or immediately adjacent to a ship in isolation or quarantine. Should adopt same (or similar) practices /PPE standards/training etc as those working within MIQ facility - where this is relevant	Guidance	MoH/MNZ	Underway; scheduled for completion in March
			Consider randomised testing of crew on board the ship	Maritime Border Order amendment	MoH	No further action at this point, due to increased testing of on-signing and off-signing crew (March briefings will include associated Air and Maritime Border Order amendment proposals for this testing regime - currently enforced if necessary under Health Act s70 powers)
			Include Health and Safety processes relating to COVID-19 risk management within WorkSafe inspection scope	MNZ/WorkSafe inspection report (to include input from infection prevention and control specialists)	MoH	Investigating legal mechanisms for this; first inspection could occur later in April
Medium	On board ship when putting to sea	Crew infect pilots	Protocols which adopt equivalent practices /PPE standards/training etc as those working within MIQ facility, where this is relevant	Guidance	MoH/MNZ	Underway; scheduled for completion in March
			Prioritise vaccination for pilots	MoH vaccination strategy	MoH	Underway; commenced in February
			Include Health and Safety processes relating to COVID-19 risk management within WorkSafe inspection scope	MNZ/WorkSafe inspection report (to include input from infection prevention and control specialists)	MoH/MNZ/Worksafe	Investigating legal mechanisms for this; first inspection could occur later in April
Low	Arrival at, and transit from, airport	Arriving crew not legally obliged to proceed to MIQ if symptomatic (unless Health Act s70 powers are used)	Include requirement for arriving crew to undergo health screening, with legal obligation to proceed to MIQ facility if required	Air border Order Amendment	MoH	Proposal for change will be included in March briefing on Air Border Order amendments
		Guidance for ships on shipping movements/responsibilities where positive case(s) are on board could be incomplete	Protocols for ships masters on how to respond positive case in terms of shipping and crew movements in NZ waters and entry to port	MNZ to check whether International Maritime Organisation guidance is sufficient	MNZ	Not started
		Ships taking on on-signing crew (arriving by air from overseas) do not necessarily do this at a last port of New Zealand call. This increases opportunities for COVID-19 exposure to New Zealand port workers	Consider whether it is feasible to ensure that on-signing crew board their ship at the last port of New Zealand call	Maritime Border Order	MoH	Not started. Any change to requirements could be proposed in April, following discussions about feasibility with MNZ, MIQ transport operators and the shipping industry
Low	Crew disembark from ship into NZ (rather than directly departing NZ)	Can only do so if meet 14 day isolation requirements and permitted by medical officer, but no independent oversight of this process	Include Health and Safety processes relating to COVID-19 risk management within WorkSafe inspection scope	MNZ/WorkSafe inspection report (to include input from infection prevention and control specialists)	MOH	Investigating legal mechanisms for this; first inspection could occur later in April
Risk mixed as Pacific island nations have a variety of their own controls	Pacific island ports	Ships departing NZ infect Pacific island nations	Require all crew and ships to complete 14 days isolation/quarantine and test negative prior to departure for Pacific island destinations (for Pacific island nations identified by MFAT)	Maritime Border Order amendment	MoH	No further action at this point, due to increased testing of on-signing and off-signing crew (March briefings will include associated Air and Maritime Border Order amendment proposals - currently enforced if necessary under Health Act s70 powers)