

# Briefing

## Australian Women's Cricket Team exemption from requirements of the Isolation and Quarantine Order

<b>Date due to MO:</b>	3 March 2021	<b>Action required by:</b>	5 March 2021
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	20210392
<b>To:</b>	Hon Chris Hipkins, Minister for COVID-19 Response		
<b>Copy to:</b>	Hon Grant Robertson, Minister for Sport and Recreation		

### Contact for telephone discussion

Name	Position	Telephone
<b>Dr Ashley Bloomfield</b>	Director-General of Health	s 9(2)(a)
<b>Sue Gordon</b>	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.

# Australian Women's Cricket Team exemption from requirements of the Isolation and Quarantine Order

## Purpose of report

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

## Summary

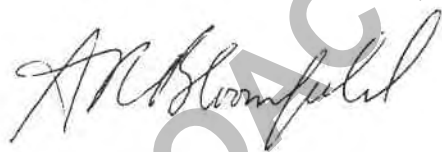
2. This paper seeks your agreement to the necessary exemption for the team, which is scheduled to arrive in New Zealand on 13 March 2021.
3. The team is made up of a total of 29 players and support staff travelling from Sydney to complete managed isolation in Christchurch. Cricket Australia is in the final stages of confirming a Qantas charter flight from Sydney to Christchurch for the team's travel to New Zealand. All team members will undertake 14 days of managed isolation in Christchurch before playing six matches against the White Ferns 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 a designated bubble 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, and 12; and
  - c. provided they return a negative day 3 test and the Medical Officer of Health is satisfied that they are unlikely to transmit COVID-19 and that they meet the low risk indicators, team members will be permitted to train in **a full team bubble of 29 people**.
6. Officials consider that there is a low risk of exposure to COVID-19 prior to arrival given low levels of COVID-19 in Australia. 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 confident 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 Australian Women'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 return a negative day 12 test and 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).
- f) **Sign** the attached exemption notice that exempts the Australian Women's Cricket Team from requirements of the Order (as set out in this briefing) by 5 March 2021. **Yes/No**



Dr Ashley Bloomfield  
**Director-General of Health**  
Date: 02 / 03 /2021



Hon Chris Hipkins  
**Minister for COVID-19 Response**  
Date: 5/3/21

# Australian Women's Cricket Team exemption from requirements of the Isolation and Quarantine Order

## Background

1. The Australian Women's Cricket Team (the team) is the last 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 29-member team is scheduled to arrive in Christchurch on 13 March 2021 where all members of the team will undertake 14 days of managed isolation before playing six matches against the White Ferns as part of the Summer of Cricket.
3. The team is travelling to New Zealand to participate in the Summer of Cricket, 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 a designated bubble 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 not inconsistent with 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 facilitate that event or programme.

## 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 3 test, meet the low risk indicators and satisfy the Medical Officer of Health that they are unlikely to transmit COVID-19, the team will be able to train in a full team bubble of 29 people<sup>1</sup>, at the following locations:
    - i. on-site in an outdoor covered gym area at the MIF
    - ii. off-site at a specific training facility (the Lincoln University High Performance Centre).

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

## Conditions of the exemption

7. To meet the criteria for the exemption to apply, team members are required to:
  - a. have a COVID-19 polymerase chain reaction (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 a testing regime for COVID-19 at the MIF (on days 0/1, 3, and 12) and a medical examination for COVID-19 within 24 hours of their arrival at the MIF.
8. They must also comply with 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.
9. 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.
10. All members of a training bubble would be considered close contacts in the event of a positive test and would be treated according to the standard MIF protocols for close contacts of positive cases.
11. As is standard practice, all team members 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

12. 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.
13. 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.
14. Having undertaken this evaluation, officials advise that there is a low risk that team members will be exposed to COVID-19 prior to arrival. To mitigate the risk of exposure to COVID-19 it is recommended that the bubble is only formed after negative day 3 testing.
15. A full team bubble was chosen based on an assessment of the risk of the team and the current Australian risk level, both of which are deemed as low. This also allows the team to train in their preferred arrangement. There is still a risk that if a team member tests positive after they have formed a bubble for training, the rest of the team would be deemed close contacts.

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

16. Australia is currently deemed low risk with a total of 40 active cases, 25 of which are in Victoria.<sup>2</sup> Some restrictions apply in Victoria including mandatory facemasks indoors and restrictions on gatherings.

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

17. Cricket Australia have advised that the team will be operating under isolation protocols for the 11 days prior to departure for New Zealand and during transit. The team will spend 2 March to 10 March in their home states adhering to “soft isolation” protocols. The Cricket Australia protocols include avoiding indoor interactions as much as possible and any household members employed in “high risk” jobs such as working on a COVID ward in a hospital will be unable to continue working as part of the household bubble. From 11 March to 13 March the team will increase these protocols to isolate within the home as far as possible.
  - a. **Testing and medical examinations:** The team will undertake PCR testing on 2 March, 6 March and 10 March, prior to departure on 13 March. In addition, all team members will complete daily illness monitoring using Cricket Australia’s Athlete Management System app.
  - b. **Education:** New Zealand Cricket will deliver a formal briefing to outline, in detail, the protocols and requirements for managed isolation and safe transit to New Zealand.
  - c. **Action if someone tests positive, displays symptoms or is identified as a close contact prior to departure:** If a team member answers “yes” to any of the COVID-19 symptoms in the daily health check, they will need to undertake a COVID-19 test. In the event that a team member tests positive or is deemed a close contact this will be communicated immediately to New Zealand Cricket. The team member will not be permitted to travel unless cleared by the Australian and New Zealand Public Health Departments.
  - d. **Travel:** Team members will be travelling from their home ports of Melbourne, Brisbane, Adelaide, Hobart and Perth on commercial domestic flights. They will arrive in Sydney on 12 March and individually isolate at the Rydges Sydney International Airport. Private transfers will be booked to transfer all passengers from the domestic airport to the Rydges to reduce contact with any members of the general public at the domestic terminal. Cricket Australia is in the final stages of confirming a Qantas charter flight from Sydney to Christchurch for the team’s travel to New Zealand.

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

18. 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.

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<sup>2</sup> As at 22 February 2021, source Australian Department of Health.

- 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 different floors to other returnees and, in a separate wing to reduce the risk of interacting with returnees.
- 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 use<sup>3</sup>. The C-RIQ have recently hosted eight international sporting teams so have experience in logistics around managing bubbles and training.
- d. 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 team until they have undertaken the full 14 days of 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*

19. 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.
20. 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.
21. The Director-General may also notify Cricket Australia that the exemption is suspended or revoked 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.
22. Prior to the team's arrival, Cricket Australia 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 Cricket Australia understands the exemption and its requirements and has communicated the requirements to the team.
23. Cricket Australia has advised that any breaches of protocol will be taken seriously and will be managed in accordance with the Cricket Australia Code of Conduct, which could lead to sanctions or other action under the Code of Conduct or the players General Contract conditions.
24. 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.

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

25. Once in New Zealand, 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**

26. The exemption will benefit communities economically and the matches are scheduled to be played in Hamilton, Napier, Auckland and Tauranga. The matches will be of benefit to New Zealanders as they are an important social event, boosting national morale.
27. Canterbury District Health Board have indicated they are able to manage any health support needed for the proposal. The final agreement, including funding arrangements, is subject to CDHB Chief Executive and the Director-General of Health approval.

### **Other factors to be considered**

28. 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 MIQs to accommodate the team and any New Zealanders wishing to return home.
29. 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].
30. Granting this exemption will provide further freedom not offered to other returnees giving rise to issues of equity and fairness to others, particularly given MBIE is considering further restrictions on movements of returnees. In addition, it may further hinder any social licence we have to continue granting these exemptions.
31. 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.
32. 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**

33. We recommend that you grant the attached exemption to allow the Australian Women's Cricket team to train in a full team bubble of 29 people following negative day 3 testing and medical assessment.

ENDS.

PROACTIVELY RELEASED

## Gazette notice

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

#### Exemption of Australian Women'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 13 March 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 Australian Women'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 polymerase chain reaction test (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 within 24 hours of their arrival at their allocated MIQF in which they are residing and a medical officer of health is satisfied that they meet the low risk indicators and 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 after arrival in New Zealand and satisfy a medical officer of health that they are unlikely to transmit COVID-19;(collectively "Members of the Australian Women's Cricket Team").
2. The exemption will begin at 11.59 pm on 6 March 2021.
3. This exemption expires after every person subject to this exemption completes their period of isolation or quarantine, or at 11.59pm on 30 March 2021 (whichever occurs earliest).
4. For the purposes of this exemption, a "Bubble" is a group of the Members of the Australian Women's Cricket Team who may intermingle and train with each other. For the purposes of this exemption, the Members of the Australian Women's Cricket Team are permitted to form a Bubble with each other.
5. The exemption from clauses 8(2) and 8(3) is subject to the following conditions:

- a. all Members of the Australian Women's Cricket Team seeking to rely on this exemption must undergo medical examination and testing to assess whether they are likely to 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 Australian Women's 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 Australian Women's Cricket Team must satisfy a medical officer of health, after medical examination and testing on each day referenced in (a) above, that they are unlikely to transmit COVID-19 and that they are satisfied that they meet the low risk indicators;
  - d. all Members of the Australian Women's 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 Australian Women's 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 Australian Women's 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 Australian Women's Cricket Team must wear a surgical mask 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 Australian Women's Cricket Team must maintain physical distancing (2m) 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 Australian Women's 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.
2. 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 Australia).

3. If any person, or group 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 Cricket Australia 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.
4. 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 Cricket Australia 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.
5. Subject to the terms of this exemption, all other provisions of the Order continue to apply until the exemption expires.

Dated at Wellington this 5<sup>th</sup> day of March 2021.

  
Hon CHRIS HIPKINS, Minister for COVID-19 Response.