

Briefing

Testing requirements for border workers handling quarantine free travel flights

Date due to MO: 8 April 2021

Action required by: 12 April 2021

Security level: IN CONFIDENCE

Health Report number: 20210839

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

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)
Maree Roberts	Deputy Director-General, System Strategy and Policy	s 9(2)(a)

Minister's office to complete:

☐ Approved

☐ Decline

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by events

☐ See Minister's Notes

☐ Withdrawn

Comment:

Testing requirements for border workers handling quarantine free travel flights

Security level: IN CONFIDENCE

Date: 8 April 2021

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

Purpose of report

1. This report provides advice on the options for testing requirements for workers at the border and associated with quarantine free travel (QFT) flights.

Summary

2. Mandatory testing requirements specified under the COVID-19 Public Health Response (Required Testing) Order 2020 (RTO) currently apply to airside and landside workers who interact with international arriving or transiting crew and passengers at any airport where aircraft arrive from outside of New Zealand.
3. From 19 April 2021 green QFT flights will commence flying from Australia to New Zealand. Auckland and Christchurch airports will receive both green and red flights, and Wellington and Queenstown airports are proposed to only receive green trans-Tasman QFT flights.
4. The public health advice is that the risk of transmission of COVID-19 overall from Australia to New Zealand is low and that QFT from Australia would currently be safe to commence. Further, public health advice is that there is a low risk of transmission in arrivals from QFT green flights and that the risk is similar to New Zealand domestic flights.
5. Accordingly, officials have considered the risk balanced treatment of the workers in airports that only interact with international arrivals from green QFT flights, compared against the workers interacting with red flight arrivals and recommend that they should not be brought into the current mandatory testing regime.
6. s 9(2)(h)
- 7.
8. If a differential approach to the testing requirements is agreed to, officials would amend the RTO specifically exclude those workers who only interact with international arrivals from green QFT flights from the mandatory testing requirements.

9. Any amendment to the RTO needs to be fast tracked in order to be in place ahead of the trans-Tasman QFT arrangements commencing on 19 April 2021.

Recommendations

We recommend you:

- a) **Note** that from 19 April 2021 Wellington and Queenstown Airports will start to receive international inbound travellers from solely quarantine free travel flights **Noted**
- b) **Note** that workers in airports that solely handle passengers from green quarantine free travel flights could be excluded by the mandatory testing requirements **Noted**
- c) **Agree** that the COVID-19 Public Health Response (Required Testing) Order 2020 should:
- (i) be amended to specifically exclude workers who only interact with international arrivals from green quarantine free travel flights and air crew who work on quarantine free travel flights by 18 April 2021 to align with the commencement of quarantine free travel **Yes/No**
[Recommended]
- OR**
- (ii) be unchanged and continue to encompass certain border workers at all airports receiving inbound international travellers and certain air crew who work on international flights **Yes/No**
- d) **Note** that, if agreed, urgent drafting instructions will be provided to PCO and further advice attaching the draft Amendment to the Required Testing Order for fast tracked Ministerial and agency consultation will be provided, and that you would need to sign the Amendment Order by Friday 16 April 2021 for it to align with the commencement of quarantine free travel. **Noted**



Dr Ashley Bloomfield

Director-General of Health

Date:

8/4/21



Hon Chris Hipkins

Minister for COVID-19 Response

Date: 9/4/2021

In the event that we require any green zone travellers to isolate on return or go into MIQ then I would expect border workers associated with those travellers to be tested within 5-7 days after that event.

Testing requirements for border workers handling quarantine free travel flights

Background

1. The mandatory border worker testing regime has been a key part of the response to prevent the outbreak or spread of COVID-19 to the community, particularly those communities with many workers in border settings.
2. On 6 April 2021 Cabinet agreed to trans-Tasman flights commencing on 19 April 2021.
3. Current operational plans are for green quarantine free travel (QFT) flights to fly from airports in Australia and arrive in New Zealand at Auckland, Wellington, Christchurch, Dunedin and Queenstown airports.
4. Red flights will continue to land at Auckland and Christchurch International Airports as well as green flights.
5. It is proposed that Wellington and Queenstown airports will only receive green QFT flights. Dunedin Airport has expressed an interest in receiving green QFT flights but will not be ready for the commencement of trans-Tasman flights on 19 April.

Currently all border workers are required to undergo regular mandatory testing

6. The COVID-19 Public Health Response (Required Testing) Order 2020 (RTO) defines the groups of border workers who are required to be regularly tested.
7. The commencement of QFT flights has raised two areas for further consideration:
 - a. whether the testing regime for workers interacting with passengers from green flights should face the same RTO requirements to those interacting with red flights; and
 - b. the potentially significant increase of landside workers who will be captured by the current mandatory testing requirements.
8. A key definition is an 'affected airport' as "an airport where an aircraft arrives from a location outside New Zealand". This definition means that under the current settings affected workers at all airports that receive international flights including those that only receive QFT flights, will face mandatory testing requirements of a nasopharyngeal or dual PCR swab fortnightly. Additionally, certain air crew are required to be tested. This includes cabin crew who are ordinarily resident in New Zealand who work on international flights, including trans-Tasman flights.
9. The current tight controls around international flights arriving into New Zealand means that few landside workers are currently captured by the RTO as international arrivals are transited straight to a Managed Isolation and Quarantine (MIQ) facility.
10. With the commencement of the QFT flights, arrivals will be freely able to move around the landside area of the airport after arrival. Accordingly, the potential pool of workers who interact with inbound international travelers will significantly grow in scope, and

extend to retail and food court workers, taxi drivers, rental car agents etc. In practice, this will require testing of all landside workers who do any work in publicly accessible areas of an airport. This would mean virtually all landside workers at Auckland, Wellington, Christchurch, Dunedin and Queenstown airports would need to be tested.

There is a lower risk of transmission of COVID-19 for border workers interacting with quarantine free travel flights

We have been taking a risk-based approach to testing of border workers

11. A key objective for quarantine free travel with Australia is to keep QFT open for as long as it is safe and to minimise disruptions for travellers and operators.
12. The public health advice is that the risk of transmission of COVID-19 overall from Australia to New Zealand is low and that QFT from Australia would currently be safe to commence. Further, public health advice is that there is a low and reduced risk of transmission in arrivals from QFT green flights and that this risk is similar to New Zealand domestic travel. Given this, testing requirements for QFT green airport workers could align more with the settings for domestic flights than high risk red international flights.

The testing and frequency requirements should align with the risk for different groups of workers

13. The mandatory requirement and frequency of testing for such groups must be considered in the context of public health considerations, balanced against the invasive nature of testing and the New Zealand Bill of Rights Act 1990 (BORA) implications.
14. The approach currently taken for the mandatory testing of border workers under the COVID-19 Public Health Response (Required Testing) Order is intended to capture workers who are higher risk of exposure to COVID-19. The groups required to be tested have been defined to best reflect known activities that are most likely to carry a risk of exposure.
15. Given the lower risk of transmission from arrivals from trans-Tasman green QFT flights and the low prevalence of COVID-19 within Australia, there is insufficient risk to workers who only interact with international arrivals from green flights to justify their inclusion in the current mandatory testing regime.
16. Consequently, our advice is that workers in airports that only interact with international arrivals from these flights should be excluded from the current mandatory testing regime for workers interacting with red flight arrivals.

Operational readiness

17. Increasing the volume of affected workers to be regularly tested will put additional pressure on our testing resource, which is already stretched. This will mean that additional time and resourcing will need to be deployed for this function, and may be resources that are needed elsewhere.
18. Preparations are continuing in advance of QFT, to ensure that testing and vaccination sites will be available for border workers and at additional vaccination sites for the household contacts of those border workers.

19. The relevant District Health Boards (DHBs) affected by the QFT arrangements, specifically Southern, Canterbury, Capital & Coast and Auckland DHBs, all have the planning underway for the required testing sites to be stood up at their respective airports. All but Southern already have existing testing infrastructure at the airports and have planning in hand to expand the testing capacity once QFT commences. Notwithstanding this, Southern have been working closely with Queenstown airport in preparation for QFT and are confident they will be ready when QFT commences.

We have a Response Framework prepared if there was an outbreak within Australia

20. If there was an outbreak at the point of origin for flights into an airport handling solely QFT flights, a public health risk assessment will be undertaken on the particular circumstances of that outbreak.
21. On the basis of that assessment a range of interventions as outlined in the Response Framework will be considered and implemented as appropriate.
22. Decisions about the isolation and/or testing of workers in the case of an infected person on a flight would be assessed on a case by case basis based on their contact with the case.

New Zealand Bill of Rights Act 1990 considerations – legally privileged

23. s 9(2)(h)

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Implementing a differential approach would require amendment to the Required Testing Order

Green QFT airports and workers who only interact with passengers from green QFT flights could be excluded from the Required Testing regime

31. As the Minister for COVID-19 Response, you may make Orders under section 11 of the COVID-19 Public Health Response Act 2020. In order to make an order under section 11 you must have received advice from the Director-General about:
 - a. the risks of the outbreak or spread of COVID-19
 - b. the nature and extent of measures that are appropriate to address those risks.
32. After considering the public health risk assessment, the nature and extent of measures that are appropriate to address that risks and impact on individuals and their rights, we recommend that border workers who solely interact with international arrivals from QFT green flights and air crew who work only on QFT green flights should not be brought into the mandatory testing regime.
33. An urgent amendment to the RTO will be required to ensure this is in place when the trans-Tasman QFT arrangements on 19 April.
34. If you agree to exclude workers who only interact with international arrivals from green QFT flights from the mandatory testing regime and to exclude air crew working on QFT flights, officials will progress this so that an amendment to the RTO able to come into force to align with the commencement of QFT.

Next steps

35. Health officials will continue liaise with the Ministry of Transport and key stakeholders to ensure any emerging issues and questions are promptly responded to ahead of QFT flights commencing.
36. If you agree that workers who only interact with international arrivals from QFT green flights and aircrew who work on only QFT green flights are not required to be tested as part of the border workers mandatory testing regime, urgent drafting instructions will be

provided to PCO and further advice attaching the draft Amendment to the Required Testing Order for fast tracked Ministerial and agency consultation will be provided.

ENDS.

PROACTIVELY RELEASED