

# Briefing

## Fijian Men's Rugby Team exemption from requirements of the Isolation and Quarantine Order

<b>Date due to MO:</b>	31 May 2021	<b>Action required by:</b>	4 June 2021
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	20211192
<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.

# Fijian Men's Rugby Team exemption from requirements of the Isolation and Quarantine Order

## Purpose of briefing

1. This briefing 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 Fijian Men's Rugby 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.

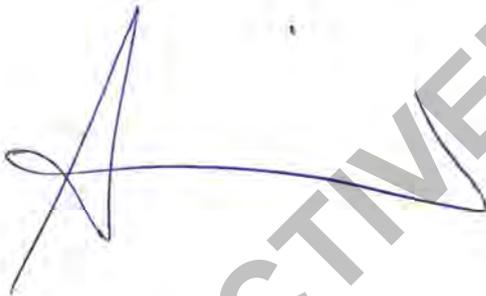
## Summary

2. This briefing seeks your agreement to the necessary exemption for the Fijian Men's Rugby team, which is scheduled to arrive in New Zealand on 18 June 2021.
3. The team is made up of 35 players and support staff who are travelling from Fiji, France and the United Kingdom (UK). There are also 10 team members from Australia and New Zealand that will **not** be included in this exemption as they will not be entering managed isolation themselves, and will not be training with the team while the team is in managed isolation.
4. All team members from Fiji, France and the UK will undertake 14 days of managed isolation in Christchurch before playing two test matches as part of the Fijian Rugby Team Tour of New Zealand.
5. 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 while in managed isolation.
6. The proposed exemption would allow the team to train at a managed isolation facility (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 a **full team bubble of up to 35 individuals**.
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 Fijian Men's Rugby 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 Fijian Men's Rugby Team from requirements of the Order (as set out in this briefing) by 4 June 2021.  Yes/No



Dr Ashley Bloomfield  
**Director-General of Health**

Date:

28/5/21



Hon Chris Hipkins  
**Minister for COVID-19 Response**

Date: 1/6/2021

# Fijian Men's Rugby Team exemption from requirements of the Isolation and Quarantine Order

## Background

1. The Fijian Men's Rugby Team is the first of two teams that Border Exception Ministers agreed to approve to come to New Zealand via managed isolation between 1 June 2021 to 31 August 2021 (MBIE Briefing 2021-3337 refers)<sup>1</sup>.
2. The team is participating in the Fijian Rugby Team Tour of New Zealand, which is on the list of Government-approved events at H5.30.15 of the Immigration Instructions.
3. The team is comprised of individuals based in Fiji, France, the UK, Australia and New Zealand. The 35 individuals travelling from Fiji, France and the UK are scheduled to arrive in Christchurch on 18 June 2021 where they will undertake 14 days of managed isolation.
4. For the purpose of this briefing, we refer to the 35 players traveling from Fiji, France and the UK as a team.
5. There are two flights arriving into New Zealand on 18 June 2021. The first flight is from Singapore (with the UK and France based team members) and the second flight is a charter flight from Fiji. Should either flight be delayed through no fault of the team, the date of the training exemption will begin based on the last team's arrival.
6. The individuals from Australia and New Zealand will not be entering managed isolation, will not be training with the players arriving from Fiji, France and the UK while they are in managed isolation and therefore are not considered as part of this briefing.
  - a. If the Quarantine Free Travel arrangement with Australia is paused, players from the affected State/s will not travel or participate in the tournament.
7. To be able to play international grade rugby, the team requires an exemption from standard managed isolation requirements so that team members can train as a team while in managed isolation.
8. 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

---

<sup>1</sup> Note that the briefing refers to the Italian Rugby Team tour. This was amended to the Fijian Rugby Team.

- 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?**

9. 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 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 up to 35 people<sup>2</sup>, at the following locations:
    - i. on-site in an outdoor covered gym area at the MIF; and
    - ii. off-site at a specific training facility (Orangetheory Stadium, Addington, Christchurch).

## **Conditions of the exemption**

10. 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 an enhanced testing regime for COVID-19 at the MIF (on days 0/1, 3, 6 and 12).
11. Due to most of the players within the team having previously had a positive test late last year and the subsequent likelihood of re-testing positive, it is also required for the whole team to complete full serology testing on day 0/1.
12. The team must also comply with strict conditions once the exemption applies, including physical distancing, mask use and strict transportation requirements between the MIF and the off-site training facility.
13. If at any point during their time in the MIF a team member tests positive for COVID-19 or develops symptoms, the exemption may 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. All members of the 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.
14. 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.

---

<sup>2</sup> A bubble can include players, management, coaching, physio and any other team staff within the MIF.

## The exemption meets the purposes of the COVID-19 Act

15. The primary purpose of the COVID-19 Act is to support the public health response to COVID-19.
16. Officials have evaluated the risks associated with the exemption proposal balancing the team's risk of exposure to COVID-19, the measures in place to reduce the risk of spreading COVID-19 to the community and the compliance of the team.
17. Having undertaken this evaluation, officials advise that while there is a high risk that team members will be exposed to COVID-19 prior to arrival this is partially mitigated by the high number of previous COVID-19 infection and vaccination rates among players.

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

18. The team is currently based across three countries, each with its own risk profile. The country-level COVID-19 situation is outlined in **Table 1**.

**Table 1 – COVID-19 in Fiji, France and the UK (all data as at 20 May 2021)**

	<b>Fiji</b>	<b>France</b>	<b>UK</b>
<b>Risk level</b>	High risk	High risk	High risk
<b>Active cases</b>	55	620,434	40,818
<b>Total cases</b>	178	5.88 million	4.45 million
<b>New cases (5-18 May 2021)</b>	57	225,540	29,445
<b>Total population</b>	900,000	65 million	68 million

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

19. Fiji Rugby have advised that the team will be operating under strict protocols prior to departure for New Zealand and during transit. These are set out in **Table 2**.

**Table 2 – Summary of team pre-departure and transit protocols in the UK, France and Fiji**

	<b>Fiji</b>	<b>France and the UK</b>
<b>Pre-departure isolation</b>	All of Fiji is currently in lockdown, with restrictions imposed by the Fijian government. The group will isolate as a team bubble for a three-day camp immediately prior to departure.	Players are required to remain in a "strict family bubble" outside of training and playing and all matches are played in closed stadiums without fans. The team members will assemble in pre-departure hotels in Paris and London on 13 June 2021 for departure on 16 June 2021. The two groups will be on strict lockdown. The groups based in France and the UK will be coming from professional competition

		environments that have strict restrictions.
<b>Testing and medical examination</b>	Pre-departure testing done during the three-day camp. Symptom monitoring is done daily in the pre-departure camp and anyone with symptoms will not travel with the team.	Weekly testing with results available on request. Pre-departure testing will be done while the groups are in the pre-departure hotels. Symptom monitoring is done daily in the professional rugby environment and pre-departure hotels. Anyone with symptoms will not travel with the team.
<b>Action taken for positive tests</b>	If anyone tests positive in the lead into the pre-departure camps in Nadi they will not be part of this camp. If someone tests positive in the pre-departure camp then that person and any close contacts will not travel.	If anyone tests positive in the lead into the pre-departure camps in Paris or London they will not assemble for this pre-departure. If someone tests positive in the pre-departure camp then that person and any close contacts will not travel.
<b>Travel plans</b>	The group based in Fiji will charter a flight either to Christchurch via Auckland or direct to Christchurch.	The groups based in France will travel separately from the group based in the UK on commercial airlines to Singapore, connect there and fly together to Christchurch, landing on 18 June 2021.
<b>Vaccination</b>	s 9(2)(a)	
<b>Previous COVID-19 cases</b>		

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

20. 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.
  - 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 to reduce the risk of interaction.

- 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 hosted ten 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 be not be permitted to join the team until they have undertaken the full 14 days of quarantine.

#### *Compliance with exemption conditions*

21. There have been cases of non-compliance by sporting teams that have been granted exemptions. Significant lessons have been learned from these earlier teams, and agencies have worked together to improve processes to enhance compliance and lift the understanding of New Zealand's requirements.
22. 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.
23. The Director-General may notify Fiji Rugby Union 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.
24. Prior to the team's arrival, Fiji Rugby Union is required to sign a Confirmation as a part of the Crown Services Agreement between New Zealand Rugby and the Ministry of Business, Innovation and Employment. This confirms that Fiji Rugby understands the exemption and its requirements and has communicated the requirements to the team.
25. Fiji Rugby has advised that any breaches of protocol will be taken seriously. New Zealand Rugby has worked closely with Fiji Rugby to understand the expectations on team members in MIQ and that in the past, issues with team behaviour resulted in the withdrawal of training privileges.
26. The success of the measures in place for pre-departure and 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.
27. 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**

28. The exemption will benefit communities economically and the matches are scheduled to be played in Dunedin (10 July 2021) and Hamilton (17 July 2021). The matches will be of benefit to New Zealanders as they are important social events, boosting national morale.

---

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

29. Canterbury District Health Board (CDHB) have indicated that they are able to manage the 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**

30. 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 MIFs to accommodate the team and any New Zealanders wishing to return home.
31. Granting this exemption will provide further freedom not offered to other returnees giving rise to issues of equity and fairness to others. In addition, it may further hinder any social licence we have to continue granting these exemptions.
32. 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.
33. 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**

34. We recommend that you grant the attached exemption to allow the Fijian Men's Rugby Team to train in a full team bubble of 35 people following negative day 6 testing and medical assessment.

ENDS.

## Gazette notice

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

#### Exemption of the Fijian Men's Rugby 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 18 June 2021 to participate in the Fijian Rugby Team Tour of New Zealand (as listed as a Government-approved event at H5.30.15 of the Immigration Instructions) as part of the Fijian Men's Rugby 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 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 (nasopharyngeal swab and serology) and clinical examination for COVID-19 within 24 hours of their arrival at their allocated managed isolation and quarantine facility ("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 clinical 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 "the Fijian Men's Rugby team").
2. The exemption will begin at 11.59pm on 11 June 2021.
3. This exemption expires after every person subject to this exemption completes their period of isolation or quarantine, or at 11.59pm on 18 July 2021 (whichever occurs earliest).
4. For the purposes of this exemption, a "Bubble" is a group of the Members of the Fijian Men's Rugby team who may intermingle and train with each other. For the purposes of this exemption, the Members of the Fijian Men's Rugby 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 Fijian Men's Rugby team seeking to rely on this exemption must undergo clinical examination and required 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 Fijian Men's Rugby 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 Fijian Men's Rugby team must satisfy a medical officer of health, after clinical examination and required testing on each day referenced in (a) above, that they are unlikely to transmit COVID-19;
  - d. all Members of the Fijian Men's Rugby team must only travel between the training facility that has been designated a low-risk MIQF for the purposes of the Members of the Fijian Men's Rugby 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 Fijian Men's Rugby 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 Fijian Men's Rugby team must wear medical face coverings as provided by the relevant facility 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 Fijian Men's Rugby 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 Fijian Men's Rugby 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.
6. 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 Fiji Rugby Union).
  7. 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 Fiji Rugby Union 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.

8. 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 Fiji Rugby Union 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.
9. Subject to the terms of this exemption, all other provisions of the Order continue to apply until the exemption expires.

Dated at Wellington this 1st day of June 2021.



Hon CHRIS HIPKINS, Minister for COVID-19 Response.

PROACTIVELY RELEASED