

# Briefing

## Exemption from the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 for the crew of six vessels

<b>Date due to MO:</b>	12 July 2021	<b>Action required by:</b>	16 July 2021
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	20211512
<b>To:</b>	Hon Chris Hipkins, Minister for COVID-19 Response		
<b>Copy to:</b>	Hon Michael Wood, Minister of Transport		

### Contact for telephone discussion

Name	Position	Telephone
<b>Dr Ashley Bloomfield</b>	Te Tumu Whakarae mō te Hauora Director-General of Health	s 9(2)(a)
<b>Maree Roberts</b>	Deputy Director-General, System Strategy and Policy	s 9(2)(a)

### 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 Withdrawn |  |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:

# Exemption from the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 for the crew of six vessels

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**Security level:** IN CONFIDENCE      **Date:** 12 July 2021

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

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## Purpose of report

1. This briefing recommends that you grant revised exemptions for the crews of the *MV Southern Tiare* (two separate exemptions), *Amaltal Explorer*, *Amaltal Columbia*, *Moana Explorer*, *Tokatu* and *Rehua*, travelling between New Zealand and Australia, from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (the Maritime Border Order).
2. As agreed with your office, this Health Report provides a short summary of the changes required, the reasons for these and an assurance that appropriate public health measures are in place.

## Context

3. On 21 June 2021, you signed six exemption notices for the crews of vessels *MV Southern Tiare*, *Amaltal Explorer*, *Amaltal Columbia*, *Moana Explorer*, *Tokatu* and *Rehua* to exempt them from clauses 17 and 19, which prescribes the isolation and quarantine requirements of the Maritime Border Order [HR 20211265 refers]. This enabled them to enter New Zealand on terms similar to those that would have applied had they arrived via a QFT flight at the air border.
4. The Ministry of Health (the Ministry) has gazetted these exemption notices. However, we have now been advised that the dates of arrival for some of these vessels have changed.
5. The nature of sea travel makes it difficult to provide accurate arrival times and therefore the vessel managers had provided predicted arrival times that have altered significantly from the actual arrival dates that are now expected. The revised arrival dates are influenced by weather conditions, catch results, and crew and port availability.
6. The initial exemption notices enabled the vessels to arrive "on or around" specific dates. The variance in arrival is several weeks and so the exemption notices will need to be re-issued. In addition, the *MV Southern Tiare* have notified of a further two planned voyages since the initial request in June. We have attached seven amended exemption notices for your consideration in relation to the vessels set out below :

Name of Ship	Departure (Approx)	Arrival (Approx)	Australian Departure Port/s	New Zealand Arrival Port
Moana Explorer	30 June 21	19 July 21	Bundaberg, (QLD)	Whangarei
Amaltal Explorer	20 July 21	25 July 21	Hobart (TAS)/ Melbourne (VIC)	Nelson
Rehua	28 July 21	2 Aug 21	Burnie (TAS)	Nelson
Amaltal Columbia	18 Aug 21	22 Aug 21	Hobart (TAS)/ Melbourne (VIC)	Nelson
Tokatu	27 Aug 21	1 Sep 21	Burnie (TAS)	Dunedin
MV Southern Tiare	August November	August November	Norfolk Island	Napier

## Managing public health risk

7. In light of the ongoing management of Covid-19 in some Australian States, and the consequent disruption to QFT at the air border, the crews will be subject to the following conditions:
- a) In the 14 days prior to arrival no person on board has been in any place other than:
    - i. New Zealand;
    - ii. A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);
    - iii. At sea on board the vessel in transit between New Zealand and a QFT place; and
  - b) No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and
  - c) No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and
  - d) No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and
  - e) No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's

departure except for a person who undertakes a necessary task as per clause 24 of the ABO; and

- f) There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and
- g) No port at which any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and
- h) All crew meet any requirements relating to pre-departure testing for QFT travel under the ABO at the time of the ship's departure.

8. I have concluded that, by following the above steps, the public health risk of the requested exemptions for crew members of the *MV Southern Tiare*, *Amaltal Explorer*, *Amaltal Columbia*, *Moana Explorer*, *Tokatu* and *Rehua* is low.

### Next steps and improved process for future exemptions

- 9. To ensure that we do not have to continually ask you to issue updated maritime exemptions for vessels arriving from Australia, the wording within the new exemption notices has been re-drafted to better reflect the nature of sea travel. The new exemptions provide named vessels with a three-month window within which to enter New Zealand, noting that any public health risks arising during that window would be caught by the conditions set out above.
- 10. Seven notices to give effect to the exemptions are attached for your signature. We invite you to sign the exemption notices before 12pm on Friday 16 July 2021 to enable the Notices to be gazetted ahead of the weekend and prior to the arrival of the first vessel on 19 July.
- 11. If you agree to sign the notices, the Ministry will advise crew members of *MV Southern Tiare*, *Amaltal Explorer*, *Amaltal Columbia*, *Moana Explorer*, *Tokatu* and *Rehua* in writing that the exemption has been granted.
- 12. The Ministry will publish the notice in the *New Zealand Gazette*.
- 13. The exemption will come into force at 11.59pm on Friday 16 July 2021.

### Recommendations

I recommend you:

- a) **Note** that under section 31a of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (the Maritime Border Order) you may exempt any person or class of persons from the requirement to comply with any provision of the Order. **Noted**
- b) **Note** under the Maritime Border 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. **Noted**
- c) **Note** that there are currently no legal mechanisms within the Maritime Border Order to negate the requirements for crew arriving from Australia to undertake a 14-day quarantine and isolation period on their return to New Zealand. **Noted**

- d) We intend to resolve this issue amongst a suite of amendments being developed in relation to bringing quarantine-free travel to the maritime border, but in the meantime we require an interim solution. **Noted**
- e) **Note** that exemption notices in respect of the six vessels *MV Southern Tiare* (two exemptions), *Amaltal Explorer*, *Amaltal Columbia*, *Moana Explorer*, *Tokatu* and *Rehua* have already been signed by you and gazetted, but that the arrival dates for some of these vessels has now changed. **Noted**
- f) **Note** that the change in arrival dates for the six vessels is now sufficiently different that the exemption notices will need to be re-issued. **Noted**
- g) **Agree** to grant the amended exemptions for the crews of the *MV Southern Tiare*, *Amaltal Explorer*, *Amaltal Columbia*, *Moana Explorer*, *Tokatu* and *Rehua* from clauses 17 and 19 of the Maritime Border Order by 12pm, Friday 16 July 2021.  **Yes/No**
- h) **Note** we have assessed these exemptions as low risk in context of the current COVID-19 resurgence in some Australian states and territories and will continue to review any residual risk. **Noted**
- i) **Note** that if trans-Tasman quarantine-free travel by air is paused or suspended, officials will review these exemptions based on the changing public health risk and consider an appropriate response as required. **Noted**
- j) **Note** that if you agree to sign the seven attached exemption notices the Ministry will notify the crew of the *MV Southern Tiare*, *Amaltal Explorer*, *Amaltal Columbia*, *Moana Explorer*, *Tokatu* and *Rehua* in writing. **Noted**
- k) **Agree** that as the exemption will lessen the controls on the affected crews, the exemption comes into effect when notified and Gazetted, and does not require the 48-hour notification period.  **Yes/No**



Robyn Shearer  
**Acting Director-General of Health**  
Date: 12/07/2021



Hon Chris Hipkins  
**Minister for COVID-19 Response**  
Date: 13/7/2021

**ENDS.**

**Appendix one:**

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

- 1) (MV Southern Tiare) – Attached (1)
- 2) (MV Southern Tiare) – Attached (2)
- 3) (Amaltal Explorer) - Attached
- 4) (Amaltal Columbia) - Attached
- 5) (Moana Explorer) - Attached
- 6) (Tokatu) - Attached
- 7) (Rehua) - attached

PROACTIVELY RELEASED

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the MV Southern Tiare scheduled to arrive in New Zealand between 1 August and 31 October from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:*
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and*
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) *No port at which the any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and*
- h) *All crew meet any requirements relating to pre-departure testing for QFT travel under the Air Border Order at the time of the ship's departure.*

Dated at Wellington this 13<sup>th</sup> day of July 2021

Hon Chris Hipkins



Minister for COVID-19 Response

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the MV Southern Tiare scheduled to arrive in New Zealand between 1 November and 31 January from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:*
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and*
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) *No port at which the any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and*
- h) *All crew meet any requirements relating to pre-departure testing for QFT travel under the Air Border Order at the time of the ship's departure.*

Dated at Wellington this 13<sup>th</sup> day of July 2021

Hon Chris Hipkins



Minister for COVID-19 Response

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the Amaltal Explorer scheduled to arrive in New Zealand between 16 July and 16 October from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and**
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) *No port at which the any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and*
- h) *All crew meet any requirements relating to pre-departure testing for QFT travel under the Air Border Order at the time of the ship's departure.*

Dated at Wellington this 13<sup>th</sup> day of July 2021

Hon Chris Hipkins



Minister for COVID-19 Response

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the Amaltal Columbia scheduled to arrive in New Zealand between 15 August 15 November from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and**
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) *No port at which the any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and*
- h) *All crew meet any requirements relating to pre-departure testing for QFT travel under the Air Border Order at the time of the ship's departure.*

Dated at Wellington this 15<sup>th</sup> day of July 2021

Hon Chris Hipkins



Minister for COVID-19 Response

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the Moana Explorer scheduled to arrive in New Zealand between 16 July and 16 October from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:*
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and*
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) *No port at which the any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and*
- h) *All crew meet any requirements relating to pre-departure testing for QFT travel under the Air Border Order at the time of the ship's departure.*

Dated at Wellington this 13<sup>th</sup> day of July 2021

Hon Chris Hipkins



Minister for COVID-19 Response

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the Tokatu scheduled to arrive in New Zealand between 15 August and 15 November from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:*
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and*
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) *No port at which the any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and*
- h) *All crew meet any requirements relating to pre-departure testing for QFT travel under the Air Border Order at the time of the ship's departure.*

Dated at Wellington this 13<sup>th</sup> day of July 2021

Hon Chris Hipkins



Minister for COVID-19 Response

**Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020**

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the Rehua scheduled to arrive in New Zealand between 16 July and 16 October from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and**
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) *No port at which the any person on board disembarked during the ship's journey to New Zealand is a place where QFT is suspended or paused; and*
- h) *All crew meet any requirements relating to pre-departure testing for QFT travel under the Air Border Order at the time of the ship's departure.*

Dated at Wellington this 13<sup>th</sup> day of July 2021

Hon Chris Hipkins



Minister for COVID-19 Response