

Briefing

Health advice on a review of quarantine-free travel from Australia

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To:	Hon Chris Hipkins, Minister for COVID-19 Response		
Copy to:	Rt Hon Jacinda Ardern, Prime Minister Hon Grant Robertson, Deputy Prime Minister Hon Nanaia Mahuta, Minister of Foreign Affairs Hon Michael Wood, Minister of Transport		

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 Withdrawn | |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:

Health advice on a review of quarantine-free travel from Australia

Security level: IN CONFIDENCE **Date:** 21 July 2021

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

Purpose of report

1. This report recommends that, in response to the increasing risk to New Zealand of recent outbreaks of COVID-19 in Australia, you advise Cabinet to:
 - a. pause quarantine-free travel (QFT) with all Australian states and territories from 11:59pm on Friday 23 July 2021 until there no new cases of COVID-19 in the community in Australia, but allow managed return flights for one week (except for travellers from New South Wales)
 - b. then from 11.59pm on Friday 30 July 2021, require all arrivals from Australia to enter a managed isolation and quarantine facility (MIQF) for 14-days.
2. It also updates you on the current QFT pause from Victoria and provides my advice regarding the managed return of New Zealand citizens from that state.

Summary

Pause of QFT with Australia

3. Currently there are significant outbreaks of COVID-19 in New South Wales (NSW), Victoria, South Australia and Queensland. Except for Queensland, each state has imposed lockdowns.
4. In response to these outbreaks New Zealand has currently paused QFT with NSW, Victoria and South Australia, and implemented measures to manage the increasing risk of transmission of COVID-19 to New Zealand.
5. There have been varying degrees of compliance with lockdown restrictions across states in Australia. In NSW, for example, people have been found to be travelling interstate, in breach of lockdown rules. This has included travelling to New Zealand from paused states, via states without a pause. There is also evidence of travellers arriving in New Zealand in breach of other QFT conditions, including without the required negative PCR COVID-19 PDT result documentation.
6. We note that a different picture emerges when we consider the risk of QFT by each state or territory individually, versus when we consider the picture for all of Australia, and in the context of New Zealand's capacity to respond.
7. I am increasingly concerned about QFT with Australia due to the cumulative risk associated with multiple factors occurring simultaneously. These are:
 - a. **A highly transmissible COVID-19 variant** - there is evidence that the Delta variant has managed to breached NSW borders spreading to other states and could continue

- b. **Risks of transmission to New Zealand from other countries** - New Zealand is still receiving arrivals from multiple other countries with high COVID-19 rates, resulting in further positive cases arriving in the country with COVID-19
 - c. **Risk at our maritime border** - there have recently been multiple concerning appearances of COVID-19 at our maritime border, contributing to overall risk to the community
 - d. **An increasingly complex legal environment** - the need to develop bespoke policy and legal arrangements to manage multiple outbreaks across Australian states and territories in a risk-proportionate way, has increased the potential to manage potential COVID-19 cases inequitably and has created complexity and inconsistency at the border (e.g. putting people in MIQF inappropriately, or vice versa)
 - e. **A health system under pressure** - New Zealand's health system now has significant health resources committed to the COVID-19 vaccine roll out, managing an outbreak of Respiratory Syncytial Virus (RSV), managing concerning appearances of COVID-19 at our maritime border, all with significant resource impacts for Public Health Units
 - f. **Less available capacity to respond** - while New Zealand is facing this array of risks, our MIQFs have recently reached capacity and will remain so in the medium term. This means our ability to manage the repercussions of ongoing disruption to QFT, or potential COVID-19 outbreaks domestically, is more limited than when QFT was originally started with Australia.
8. Noting the above, I am particularly concerned about the ongoing risk of NSW continuing to seed cases to other states, which include states with continuing QFT, and ultimately to New Zealand.
 9. My assessment is that the COVID-19 risk from all Australian states and territories overall has increased, and a pause of QFT with all is warranted until the cumulative risk is reduced.
 10. In the circumstances, considering the factors I have mentioned above, and taking a precautionary approach, **I recommend that QFT with all Australian states and territories is paused from 11:59pm on Friday 23 July 2021 until there are no new cases of COVID-19 in the community in Australia. However, I also recommend that managed return flights be permitted from the start of the pause until 11.59pm on Friday 30 July 2021 (from all states and territories, except for New South Wales).**
 11. This will allow time for Australian states to gain control of their respective outbreaks, for capacity to return in New Zealand's MIQFs, and for more New Zealanders to be vaccinated. It will also allow time for a review of the policy, legal and operational arrangements required to manage the cumulative risk to take place, to strengthen our institutional arrangements in preparation for resumption of QFT with Australia.

Update on the current Victoria QFT pause

12. Ministers paused QFT from Victoria on Thursday 15 July 2021 [HR20211649 refers]. The situation in Victoria was evolving and appeared to be deteriorating. Officials also had concerns about the large number of locations of interest, a high number of contacts to test and risk of super-spreader events.
13. At the same time, Victoria entered a "hard" lockdown that will be reviewed at 11.59pm on Tuesday 27 July 2021. Victoria's lockdown is much stronger compared to the current lockdown in NSW. Australian and New Zealand health officials are more confident that there

are appropriate levels of compliance in Victoria, and that the restrictions are sufficient to limit transmission of COVID-19 there.

14. On Wednesday 21 July 2021, Victoria reported 22 new local cases. Sixteen of the new cases were already in quarantine during their infectious period. The current outbreak is still epidemiologically linked to cases and locations of interests continue to be identified (364 locations to date). Testing rates are high, including 59,355 test results yesterday and contact tracing has been robust.

Recommendations

We recommend you:

- a) **Note** that the COVID-19 situation in Australia is evolving and there are varying levels of COVID-19 outbreaks in New South Wales, Victoria, South Australia and Queensland, resulting in lockdowns in three of the four states. **Noted**
- b) **Note** my advice that, despite lockdown measures in place in the affected states of Australia, I consider there remains a significant risk that the COVID-19 transmission will continue across states and potentially to New Zealand. **Noted**
- c) **Note** that New Zealand's health system is under pressure, with resources deployed to support quarantine-free travel with Australia, managing an outbreak of Respiratory Syncytial Virus (RSV), managing concerning appearances of COVID-19 at our maritime border, rollout of the COVID-19 vaccine programme, and our managed isolation and quarantine facilities being at full capacity. **Noted**
- d) **Agree** to pause quarantine-free travel with all Australian states and territories from 11:59pm on Friday 23 July 2021 until there are no new cases of COVID-19 in the community in Australia but permit managed return flights (i.e. no requirement to enter a managed isolation and quarantine facility) until 11:59pm on Friday 30 July 2021, except for New South Wales travellers who must enter a managed isolation and quarantine facility. **Yes/No**
- e) **Agree** that New Zealand citizens and people ordinarily resident in New Zealand arriving on managed return flights before 11:59pm on Friday 30 July 2021 would be required to:
- i. be a New Zealand citizen or ordinarily resident in New Zealand **Yes/No**
 - ii. not have been at a location of interest **Yes/No**
 - iii. not be a contact of a COVID-19 case **Yes/No**
 - iv. not be symptomatic **Yes/No**
 - v. obtain a negative Polymerase Chain Reaction pre-departure test 72-hours prior to travel. **Yes/No**
- f) **Agree** that managed return flights for New Zealand citizens and people ordinarily resident in New Zealand from Victoria (i.e. no requirement to enter a managed isolation and quarantine facility) may commence from 11:59pm

on Friday 23 July 2021 and continue until 11:59pm on 30 July 2021, with the conditions that travellers on such flights:

- i. must adhere to the current lockdown measures in Victoria Yes/No
 - ii. must obtain a negative Polymerase Chain Reaction pre-departure test negative 72-hours prior to travel Yes/No
 - iii. are advised to travel to airport wearing a face mask and by safe travel, i.e., not via public transport Yes/No
 - iv. must complete the health declaration stating that they are symptom-free and have not been at a location of interest within the last 14 days (i.e. those returning must not be close or casual contacts) Yes/No
 - v. will have their wellbeing checked on day three following arrival in New Zealand. Yes/No
- g) **Note** that the period over which managed return flights are permitted, as set out in recommendation (f) above, may need to be extended beyond 30 July 2021, for a short period of time (e.g. 1-2 days) to ensure all eligible New Zealand citizens and residents are able to return. **Noted**
- h) **Agree** that from 11:59pm on Friday 30 July 2021 all arrivals from Australian states and territories must enter a managed isolation and quarantine facility for 14-days unless exempted. Yes/No



Dr Ashley Bloomfield
Te Tumu Whakarae mō te Hauora
Director-General of Health
Date: 21 July 2021



Hon Chris Hipkins
Minister for COVID-19 Response

Date: 21/7/21

The decisions above are subject to confirmation/alleviation by Cabinet on 22/7/21.

Health advice on a review of quarantine-free travel from Australia

Health advice

I recommend that QFT travel with all of Australia is paused

15. As I advised you yesterday [HR20211669 refers], the public health situation in Australia remains uncertain, with a consistent pattern of frequent lockdowns in individual states or territories since QFT with Australia began.
16. Currently there are significant outbreaks of COVID-19 in NSW, Victoria, South Australia and Queensland. Except for Queensland, each state has imposed lockdowns with varying levels of geographical and physical restrictions. At the time of writing around 15 million people are under lockdown restrictions in Australia. A summary of the cases in each state is attached as Appendix One.
17. In response to these outbreaks New Zealand has paused QFT with NSW, Victoria and South Australia, and implemented various measures to manage the increasing risk of transmission of COVID-19 to New Zealand. These include a requirement for a negative Polymerase Chain Reaction (PCR) pre-departure test (PDT) within 72-hours of travel and a prohibition on people travelling from Australia if they have been at any locations of interest in the past 14-days, even if they have evidence of a negative PCR COVID-19 PDT. Travellers on repatriation flights to New Zealand from NSW are required to go into a managed isolation or quarantine facility (MIQF) for 14 days.
18. The complex rules imposed by individual states to manage their outbreaks has presented growing challenges for both the Australian states and territories, and for New Zealand. There have been varying degrees of compliance with restrictions across states, for example, people travelling interstate in breach of lockdown rules, including to travel to New Zealand from a state that is not paused. There is also evidence of travellers arriving in New Zealand in breach of other QFT conditions, including without the required negative PCR COVID-19 PDT and PDT result documentation.
19. While I note that New Zealand's COVID-19 vaccine roll-out is progressing ahead of schedule, a significant portion of our population has yet to be vaccinated. I also have concerns about the outbreak of RSV in New Zealand and the likelihood of pressure on hospital capacity presented by that and from seasonal illnesses. This is exacerbated by COVID-19 cases recently identified at New Zealand's maritime border and the impacts of that on Public Health Units involved.
20. Further, I note that New Zealand's MIQFs are currently at capacity. This means our ability to safely and effectively manage the repercussions of ongoing disruption to QFT or any future community outbreak in New Zealand is limited.

Public health advice on the cumulative risk of continuing QFT

21. The predominant strain of the virus in the affected states is the highly transmissible Delta variant. Further, the pattern emerging in Australia is that the virus is moving quickly across states and between individuals, with a short incubation period. I note that

NSW is modelling that its outbreak will not be under control (i.e. below five cases a day) until September 2021.

22. Overall, my assessment of the COVID-19 risk to New Zealand from Australia is that it is increasing, particularly given the other pressures on our health and MIQF systems. Locations of interest in NSW, Victoria, South Australia and Queensland all present ongoing risk to wider Australia, and thus to New Zealand. There is also evidence of permeable land borders between states as shown by the spread of cases in states, notably NSW, to other states.
23. Outbreaks in most but not all affected states appear to be coming under control, but the outbreak in NSW has been uncontained since its emergence. Furthermore, there has been an almost continuous reappearance of COVID-19 in one State or another in Australia since QFT began.
24. I note that QFT was designed for two countries with very limited community transmission to travel freely and was not designed to manage the risk of transmission from another country to New Zealand. Increasingly QFT has required risk management and mitigation to New Zealand from Australia with tools designed rapidly to do so. For example, it has resulted in the need for several section 70 notices to be issued in New Zealand, to manage the risk of QFT travellers who have been in a location of interest in Australia. Responding to potential risk for New Zealand from Australia is also putting pressure on MIQFs, health systems in New Zealand and our capacity to be able to respond to an outbreak in New Zealand if this was to occur.
25. In the circumstances, considering the factors above, and taking a precautionary approach, **I recommend that QFT with all Australian states and territories is paused from 11:59pm on Friday 23 July 2021 until there are no new cases of COVID-19 in the community in Australia. However, I also recommend that managed return flights be permitted from the start of the pause until 11.59pm on Friday 30 July 2021 (from all states and territories, except for New South Wales).**
26. My recommendations will allow time for Australian states and territories to gain control of their respective outbreaks, for capacity to develop in New Zealand's MIQFs, and for more New Zealanders to be vaccinated. It will also allow time for a review and reset of QFT settings and systems. A pause with all of Australia will also allow time for New Zealand to review its systems to manage risk and sustain QFT with Australia once QFT recommences.

Update on QFT pause with Victoria

27. Ministers paused QFT from Victoria on 15 July 2021 [HR20211649 refers]. The situation in Victoria was evolving and, at the time the pause was implemented, appeared to be deteriorating. Officials also had concerns about the large number of locations of interest, a high number of contacts to test and risk of super-spreader events.
28. At the same time, Victoria entered a hard lockdown that has since been extended to 11.59pm on Tuesday 27 July 2021. Victoria's lockdown is much stronger compared to the current lockdown in NSW. Officials have more confidence that there are appropriate levels of compliance and that restrictions are enough to limit transmission of COVID-19.
29. On 21 July 2021, Victoria reported 22 new local cases. Sixteen of the new cases were already in quarantine during their infectious period. The current outbreak is still

epidemiologically linked to cases and locations of interests continue to be identified (364 locations to date). Testing rates are high, including 59,355 test results yesterday and contact tracing has been robust.

Managed return of New Zealand citizens and residents in Victoria

30. Subject to the following the public health measures and no significant developments, I **recommend that the managed return of New Zealand citizens and people ordinarily resident in New Zealand from Victoria can commence from 11:59pm on Friday 23 July 2021 and continue until 11:59pm on 30 July 2021.**
31. I note that the time over which managed return flights are permitted (i.e. enabling return without entry into MIQF) may need to be extended for a short period (e.g. 1-2 days) to ensure all eligible New Zealand citizens and residents are able to return.
32. Prior to their departure, travellers arriving in New Zealand from Victoria must:
 - a. adhere to the current lockdown measures in Victoria
 - b. obtain a negative PCR COVID-19 PDT within 72-hours of travel
 - c. continue to follow lockdown measures prior to their return to New Zealand
 - d. travel to the airport safely e.g. not on public transport and wear a face covering
 - e. complete the health declaration stating that they are symptom-free and have not been at a location of interest within the last 14 days (i.e. those returning must not be close or casual contacts)
 - f. wear a face covering on the aircraft and at the airport.
33. If you agree, upon return to New Zealand, travellers from Victoria will be required to:
 - a. monitor their symptoms and get tested if symptomatic
 - b. respond to the Ministry of Health's wellbeing check three days after their arrival into New Zealand
 - c. comply with the current section 70 notice issued under the Health Act 1956, which requires the testing and isolation of persons in New Zealand who have been at any locations of interest in Victoria, or any other location in Australia.
34. Upon their arrival, the standard QFT temperature checking will also occur. Further, any person in Victoria who has been in a location of interest is prohibited from travelling to New Zealand until 14-days have passed since their exposure date.
35. Noting our confidence in Victoria's lockdown, if the public health measures above are followed, the individual State risk posed by these returnees to New Zealand is low and does not require their immediate entry into MIQF. These public health measures also reflect the level of risk posed by the situation in Victoria, compared to NSW and the approach to managing the return of travellers from that state.
36. Except for the wellbeing check three days after their return, this approach is consistent with other managed return of travellers from South Australia, Queensland, and the first managed return from Victoria.

Managing the return of other New Zealand citizens and residents not in Victoria or New South Wales

37. The following outlines the public health measures that should underpin any managed return of New Zealand citizens and residents from for all other states (excluding New South and Victoria), which do not need to be implemented with promptness Australia during a pause. For these managed return flights, travellers must:
- be citizens or ordinarily resident in New Zealand
 - not have been at a location of interest
 - not be a contact of a case
 - not be symptomatic
 - obtain a negative PCR COVID-19 PDT 72-hours prior to travel.

Process for pausing QFT with Australia

38. QFT from Australia has been enabled by the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order). This Order allows the Minister for COVID-19 Response to issue an exemption from the quarantine and isolation requirements for travellers who arrive in New Zealand on an aircraft undertaking a QFT flight.
39. The proposals in this paper may be given effect to by amendments to the COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice 2021 and the Air Border Order. Officials will work with the Parliamentary Counsel Office to progress the necessary legislative changes.

New Zealand Bill of Rights Act 1990

40. The exercise of the discretion to pause QFT with Australia must be exercised consistently with the New Zealand Bill of Rights Act 1990 (NZBORA).
41. The greatest threat to the health of people in New Zealanders continues to be from the introduction of COVID-19 cases at the border. That risk continues to be present with the emergence of new COVID-19 variants. A pause in QFT from Australia would further this important objective of preventing the introduction of COVID-19 to New Zealand, pending clarification of the risk this outbreak poses to people in New Zealand.
42. New Zealand citizens have the right to enter New Zealand. A pause in QFT would limit the realisation of that right by citizens currently offshore in Australia. Citizens may be forced to remain in Australia will have their right to enter New Zealand limited for the duration of the pause.
43. Any limit on the right of New Zealanders to enter the country must only extend as far as necessary and be proportionate in the circumstances. A decision to rescind the exemption in relation to Australia is likely to be a proportionate response, given the risks of potential community transmission to New Zealand; and that any pause in QFT is likely to be a temporary measure to allow Australian states time to gain control of their respective outbreaks, for capacity to develop in New Zealand's MIQFs, and for more New Zealanders to be vaccinated. It will also allow time for a review and reset of QFT settings and systems, which have, in some respects, developed in an ad hoc way in response to the challenges of various outbreaks.

44. The discretion to grant or rescind exemptions should be viewed considering the totality of other restrictions imposed on other arrivals to New Zealand under the Air Border Order and Isolation and Quarantine Order. If the exemption power is not exercised in line with the purpose of the Act this could have the effect of making managed isolation restrictions on others appear arbitrary and not proportionate to the public health risk.
45. When assessing the proportionality of a pause it is also relevant to note that the Government has been transparent with advice to the public that for the purposes of QFT, New Zealand citizens departing the country do so at their own risk. Bearing in mind the advice that New Zealanders going to Australia should be prepared for the possibility of a pause, being required to shelter in place for a brief period should not cause significant hardship, especially given the social rights enjoyed by New Zealand citizens in Australia (e.g. reciprocal health care).

Equity

46. The proposed pause of QFT will disrupt travel and may prevent New Zealand citizens, residents and visa holders who have been in Australia on or after 11:59pm on Thursday 5 August 2021 from returning to New Zealand in the short-term.
47. Preventing the introduction and spread of COVID-19 in New Zealand will protect vulnerable New Zealanders, including Māori and Pacific communities who have been historically disproportionately impacted by a widespread epidemic.

Next steps

48. If you, and subsequently Cabinet, agree to the proposals in this paper, officials will work with the Parliamentary Counsel Office to prepare the necessary legislative amendments.

ENDS.