

Briefing

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

Date due to MO: 27 October 2021 **Action required by:** 28 October 2021

Security level: IN CONFIDENCE **Health Report number:** 20212336

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

Copy to: Hon Meka Whaitiri, Minister of Customs
 Hon Michael Wood, Minister for Transport

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Te Tumu Whakarae mō te Hauora 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:

- | | | |
|-----------------------------------------------|------------------------------------|----------------------------------------------|
| <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 Withdrawn | |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 the MMA Vision

Security level: IN CONFIDENCE **Date:** 27 October 2021

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

Purpose of report

1. This report seeks your agreement to grant a class exemption from the conditions of Clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (Maritime Border Order) for the 18 crew members onboard the vessel *MMA Vision*, who are due to arrive at Port Taranaki on Thursday 28 October 2021.

Summary

2. The vessel, *MMA Vision* departed the Port of Auckland on 2 October 2021 to take a team of six specialist seafarers to undertake survey work of the sea floor for the Southern Cross Cable that will give faster internet for New Zealand.
3. This required the vessel to travel to Lord Howe's deep-water trench (150 kilometres east of Lord Howe Island in the Tasman Sea), which took it outside the New Zealand Exclusive Economic Zone (EEZ).
4. As the vessel has left New Zealand's EEZ, the ship's crew are required to complete 14 days isolation and quarantine from their re-entry into New Zealand EEZ, under the Maritime Border Order.
5. The *MAA Vision* re-entered New Zealand's EEZ on 18 October 2021, meaning the crew will not be able to disembark the vessel before 31 October 2021.
6. In addition, as a foreign flagged vessel the *MAA Vision* also requires an exemption from clause 9 of the Maritime Border Order to be able to re-enter New Zealand.
7. The *MMA Vision* came into Port Taranaki on 24 October 2021 at 0600 NZST for refuelling. The crew remained isolated onboard while it was loaded with fuel and cargo, using contactless wharf stevedores. The vessel then departed on the same day to undertake further work at sea but within New Zealand's EEZ for a further 4 days and is scheduled to return on 28 October 2021 for a crew change.
8. While in port on 24 October 2021, a polymerase chain reaction (PCR) test for COVID-19 was undertaken by all crew members and all results are negative.
9. A request for an exemption from the isolation and quarantine conditions was received by the Ministry of Health (the Ministry) on 21 October 2021.

10. Given the *MMA Vision* has not arrived at any port since it departed New Zealand waters, has remained at sea, and has not had any contact with other vessels during its time at sea, there is a low risk to public health and the crew present no additional COVID-19 risk to the community. I recommend that you grant an exemption under section 31a of the Maritime Border Order.

Recommendations

I recommend you:

- a) **Note** that the vessel *MMA Vision* departed the port of Auckland on 2 October 2021 **Noted**
- b) **Note** that *MMA Vision* was required to travel outside of the New Zealand's EEZ to undertake surveying work **Noted**
- c) **Note** the crew had no contact with any other port, vessel, or persons during their voyage **Noted**
- d) **Note** that under the provisions of the Maritime Border Order the crew are required to enter 14 days of managed isolation or quarantine from 18 October 2021, the day they began their voyage back to New Zealand **Noted**
- e) **Note** the crew undertook a polymerase chain reaction (PCR) test for COVID-19 on 2 October and 24 October 2021, and all results are negative **Noted**
- f) **Note** that I consider the crew poses no additional risk of COVID-19 to the community and should be exempted from the 14 days isolation and quarantine requirements of the Maritime Border Order, having already been at sea for 27 days **Noted**
- g) **Note** that as a foreign flagged vessel the *MAA Vision* also requires an exemption from clause 9 of the Maritime Border Order to be able to re-enter New Zealand **Noted**
- h) **Sign** the attached notice by 27 October 2021 to allow the crew to disembark on the completion of their work **Yes/No**
- i) **Agree** to grant an exemption under clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (Maritime Border Order) to allow the crew to disembark from the vessel prior to completing 14 days isolation and quarantine requirements, with the following conditions: **Yes/No**
- a. There has been no interaction with any other individuals or vessels since departing from New Zealand on 2 October 2021 aside from those interactions which may occur when completing an essential task in accordance with clause 21 of the Order or a necessary task in accordance with clause 25 of the Order;
- b. No crew members were unwell or showing any COVID-19 symptoms in the 14 days before arrival in New Zealand on or around the 28 October 2021;

- c. Confirmation and evidence of daily health checks been undertaken throughout the *MMA Vision's* voyage beginning 2 October 2021 from Auckland;
 - d. All crew of the *MMA Vision* must have a polymerase chain reaction (PCR) COVID-19 test taken on or after 24 October 2021 and remain in isolation or quarantine on the vessel until a negative result is returned.
- j) **Note** that if you agree to the exemption, the Ministry will write to inform the *MAA Vision* of the outcome of the exemption allowing the crew to disembark on their arrival into Port Taranaki **Noted**



Dr Ashley Bloomfield

Te Tumu Whakarae mō te Hauora
Director-General of Health

Date: 26 October 2021



Hon Chris Hipkins

Minister for COVID-19 Response

Date: [27/10/2021](#)

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

Background

11. Southern Cross Cables Limited ("Southern Cross") operates an international submarine cable network which provides New Zealand with telecommunication services between Australasia and the United States West Coast ("the Southern Cross Cable Network").
12. Southern Cross has recently embarked on the Southern Cross SX NEXT project, constructing a new cable linking Australia, New Zealand, Tokelau, Kiribati, Fiji, and the US Mainland.
13. Before the cabling installation can begin a specialised Pre-Lay Grapnel Run ("PLGR") operation must be performed. The MMA Vision was engaged to complete this work with the use of an additional six specialist seafarers.
14. After the specialist crew had fully complied with COVID-19 protocols and received negative PCR test results, the MMA Vision departed Auckland on 2 October 2021 to carry out the PLGR work.
15. This work required the vessel to travel to Lord Howe's deep-water trench (150 kilometres east of Lord Howe Island in the Tasman Sea) which took it outside the New Zealand Exclusive Economic Zone (EEZ).
16. As a result, under the Maritime Border Order, the ship's crew are required to undertake 14 days isolation and quarantine from when they began their voyage back to New Zealand.
17. The MMA Vision began its voyage back to NZ on 18 October 2021, meaning the crew will not be able to disembark the vessel before 31 October 2021.
18. In addition, as a foreign flagged vessel the MMA Vision also requires an exemption from clause 9 of the Maritime Border to be able to re-enter New Zealand.
19. The MMA Vision came into Port Taranaki on 24 October 2021 at 0600 NZST for refuelling. The crew remained isolated onboard while it was loaded with fuel and cargo, using contactless wharf stevedores. The vessel then departed on the same day to undertake further work at sea but within New Zealand's EEZ for a further 4 days and is scheduled to return on 28 October 2021 for a crew change.
20. While in port on 24 October 2021, a polymerase chain reaction (PCR) test for COVID-19 was undertaken by all crew members and all results are negative.
21. MMA Vision has requested a Ministerial exemption from the requirement that the crew remain under isolation until 31 October, based on the following circumstances:
 - a. the crew were COVID-19 free on departure from Auckland on the 2 October 2021
 - b. the vessel has not arrived at any port since it departed New Zealand waters, has remained at sea, and has not had any contact with other vessels during its time at sea

- c. the crew have all provided temperature logs and health declarations, and are showing no symptoms of any illness – and they commit to reporting any change to this status; and
 - d. the crew are willing to undertake additional PCR testing if requested.
22. Southern Cross has advised that if an exemption is not granted it will result in significant costs to the company as under the crew union employment agreements, they will then be paid double wages as penalty for not being able to disembark.

Purpose of the Order

23. The purpose of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (Maritime Border Order) is to prevent and limit the risk of an outbreak or the spread of COVID-19 through the maritime border.
24. A key requirement of the Maritime Border Order is that all persons who arrive in New Zealand on board a ship must undergo at least 14 days isolation or quarantine on that ship (unless they are moved to a managed isolation or quarantine facility).
25. If a ship leaves New Zealand's EEZ and re-enters the isolation and quarantine requirements under the Maritime Border Order are triggered.
26. The start time for the isolation and quarantine period for a ship's crew is when the ship departs for New Zealand from a place or port outside New Zealand. The period of isolation does not include the time during which a crew has voyaged from New Zealand to an offshore worksite; or the time spent at the worksite. The period of isolation or quarantine only includes the time after the ship begins its voyage back to New Zealand.
27. In the circumstances where a ship is undertaking work at sea, and not visiting an overseas port to discharge or take on board cargo, this means the period of isolation and quarantine may begin very late in their voyage.

Power for Minister to grant exemptions from the Order

28. As Minister for COVID-19 Response you have a power to grant exemptions under clause 31a to any person or class of persons from the requirement to comply with any provision of the Maritime Border Order. In doing so, you must be satisfied that:
- (a) the exemption is necessary or desirable in order to promote the purposes of the Act or the purposes of the Maritime Border Order; and
 - (b) the extent of the exemption is not broader than is reasonably necessary to address the matters giving rise to the exemption.
29. You may impose conditions on the exemption as you consider necessary, and you must take into account the advice of the Director-General when deciding:
- (a) whether to grant an exemption; and
 - (b) what (if any) conditions to impose on an exemption.

Advice of the Director-General of Health

30. I am satisfied that there is no additional COVID-19 public health risk associated with the *MAA Vision* crew disembarking on their arrival at Port Taranaki on 28 October 2021.

31. The local Public Health Unit have confirmed that they have assessed the *MAA Vision* crew as meeting the COVID-19 low-risk indicators and confirm that they present no additional COVID-19 risk to the community.
32. I recommend the following conditions be applied to the exemption (as written in the attached notice):
- a. There has been no interaction with any other individuals or vessels since departing from New Zealand on 2 October 2021 aside from those interactions which may occur when completing an essential task in accordance with clause 21 of the Order or a necessary task in accordance with clause 25 of the Order;
 - b. No crew members were unwell or showing any COVID-19 symptoms in the 14 days before arrival in New Zealand on or around the 28 October 2021
 - c. Confirmation and evidence of daily health checks been undertaken throughout the *MMA Vision's* voyage beginning 2 October 2021 from Auckland
 - d. All crew of the *MMA Vision* must have a polymerase chain reaction (PCR) COVID-19 test taken on or after 24 October 2021 and remain in isolation or quarantine on the vessel until a negative result is returned.

Equity

33. Equity issues may arise by allowing the crew from the *MAA Vision* to disembark when others in a similar situation in future may not be able to do so.
34. However, other vessels in a similar situation may also apply for an exemption.
35. In addition, the continued provision of the Southern Cross Cable Network services has been deemed an 'essential service' by the Ministry of Business and Employment (MBIE) during the COVID-19 lockdown periods.

Next steps

36. If you agree to this exemption, we will write to the to inform the *MAA Vision* of the outcome of the exemption.

ENDS.

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

PROACTIVELY RELEASED

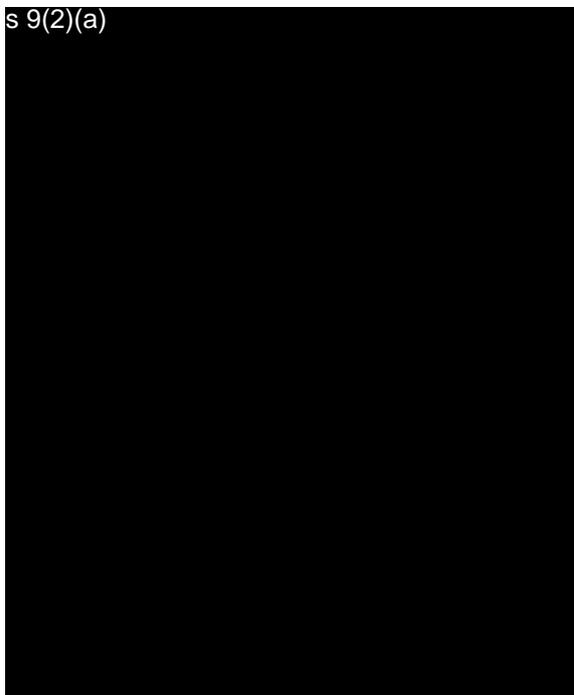
Exemption of Persons from clauses 9, 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health and being satisfied that:

- the exemption is necessary or desirable in order to promote the purposes of the Act, and
- that the extent of this exemption is not broader than is reasonably necessary to address the matters that gave rise to the exemption,

declare that the vessel *MMA Vision* is exempt from clause 9 and is permitted to arrive in New Zealand. The following crew members of *MMA Vision* are exempt from the requirements in clauses 17 and 19 of the Order to isolate and/or quarantine on the *MMA Vision's* arrival into New Zealand on or around the 28 October 2021:

s 9(2)(a)



The exemption is subject to the following conditions:

- a) There has been no interaction with any other individuals or vessels since departing from New Zealand on 2 October 2021 aside from those interactions which may occur when completing an essential task in accordance with clause 21 of the Order or a necessary task in accordance with clause 25 of the Order;
- b) No crew members were unwell or showing any COVID-19 symptoms in the 14 days before arrival in New Zealand on or around the 28 October 2021;
- c) Confirmation and evidence of daily health checks been undertaken throughout the *MMA Vision's* voyage beginning 2 October 2021 from Auckland;
- d) All crew of the *MMA Vision* must have a polymerase chain reaction (PCR) COVID-19 test taken on or after 24 October 2021 and remain in isolation or quarantine on the vessel until a negative result is returned.

Once signed this exemption will be effective immediately.

27th

Dated at Wellington this day of October 2021

A handwritten signature in blue ink, appearing to be 'CH', located below the date.

Hon CHRIS HIPKINS, Minister for COVID-19 Response.

PROACTIVELY RELEASED