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6 December 2022

s 9(2)(a)

Email: s 9(2)(a)  
Ref: H2022015938

Tēnā koe s 9(2)(a)

### **Response to your request for official information**

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 31 October 2022 for information regarding the Air Border Order. You requested:

*"The rostering information you analysed in order to impose the Air Border Order Covid vaccine mandate on international aircrew. This would obviously include the number of flights an international crew member makes where they stay overseas, versus flights they do e.g. to Sydney and back in one day, where they remain airside and mostly in the aircraft. I am assuming that you differentiated between cabin crew, who are exposed to passengers, and the pilots (flight crew) who remain separated. Ultimately you would have also considered that the actual number of unvaccinated aircrew is miniscule and therefore inconsequential as a risk to NZ, especially when you consider this alongside the vast number of travellers crossing our border since the border opened, bringing in new variants. There must be robust data, otherwise this can only be viewed as political, or discriminatory. It should not be lost on you that unvaccinated NZ citizens were free to travel as much as they pleased, while a very small group of unvaccinated international aircrew remained unemployed."*

The COVID-19 Public Health Response (Vaccinations) Order 2021 (the Order) was introduced to keep our COVID-19 frontline staff safe and to ensure our most vulnerable communities are protected from severe illness and from being exposed to any new variants. Vaccine mandates were not intended to negatively impact the freedoms, rights, or health of New Zealanders, but rather protect vulnerable people from COVID-19.

In May 2021, priority was given to border workers, including aircrew, and frontline health workers as vaccines were initially not widely available. The wider population vaccination program did not start until the aircrew requirement had been in effect for several months.

As the impact and nature of COVID-19 has evolved, so too has the Government's response. On 12 September 2022 all vaccination requirements for aircrews and travellers to Aotearoa New Zealand were removed.

It is important to note that risk assessment is embedded throughout all advice given by the Ministry relating to COVID-19. Public health measures, including the Air Border Order (ABO), are regularly monitored and reviewed through the Public Health Risk Assessment review process. Any changes to the ABO were informed by public health advice proportionate to the risk to aircrew at that point in time.

The following publicly-available briefings to the Minister for COVID-19 response provide information on COVID-19 vaccination requirements at the border and aircrew travel, which may be of use to you:

- COVID-19 Vaccination Requirements at the Border (Tranche 2 Advice)  
[www.transport.govt.nz/assets/Uploads/OC210396-COVID-19-Vaccination-Requirements-at-the-Border.pdf](http://www.transport.govt.nz/assets/Uploads/OC210396-COVID-19-Vaccination-Requirements-at-the-Border.pdf)
- Further measures to reduce COVID-19 risks from returning air crew:  
[www.health.govt.nz/system/files/documents/pages/20210583\\_briefing.pdf](http://www.health.govt.nz/system/files/documents/pages/20210583_briefing.pdf)

Attached to this letter are two further documents identified within scope of your request. Where information is withheld under section 9 of the Act, I have considered the countervailing public interest in releasing the information and consider that it does not outweigh the need to withhold it at this time.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā



Steve Waldegrave  
**Associate Deputy Director-General**  
**Strategy, Policy and Legislation | Te Pou Rautaki**

## Appendix 1: List of documents for release

#	Date	Document details	Decision on release
1.	19 February 2021	Review of air border control measures relating to New Zealand-domiciled aircrew (20211057)	Some information has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons.
2.	26 November 2021	Strategic review of aircrew settings (20212383)	

# Briefing

## Strategic review of aircrew settings

**Date due to MO:** 26 November 2021      **Action required by:** 3 December 2021

**Security level:** IN CONFIDENCE      **Health Report number:** 20212383

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

**Copy to:** Rt Hon Jacinda Ardern, Prime Minister  
 Hon Andrew Little, Minister of Health  
 Hon Nanaia Mahuta, Minister of Foreign Affairs  
 Hon Kris Faafoi, Minister for Justice and Immigration  
 Hon Michael Wood, Minister of Transport  
 Hon Meka Whaitiri, Minister of Customs

## 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:

- Approved                       Decline                       Noted  
 Needs change                       Seen                       Overtaken by events  
 See Minister's Notes                       Withdrawn

Comment:

# Strategic review of aircrew settings

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**Security level:** IN CONFIDENCE                      **Date:** 26 November 2021

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

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## Purpose of report

1. The purpose of this report is to:
  - a. provide you with a proposed end-to-end approach to managing the risk of aircrew in a changing COVID-19 environment
  - b. seek your decisions on proposals to change certain elements of the aircrew settings to give effect to the end-to-end approach.

## Summary

2. A proposed end-to-end approach to managing the risk of aircrew has been developed to respond to the changing COVID-19 environment and to support work towards Reconnecting New Zealanders. A diagram setting out our proposed approach is at Appendix One. If agreed, the settings will give effect to some of the decisions you have already made about aircrew. They will also change other decisions and settings in response to the changing nature of risk across the international and domestic environment, and our response to COVID-19.
3. Since November 2020, the Ministry of Health (the Ministry) is aware of only three International aircrew who have tested positive with COVID-19 in New Zealand, and only three New Zealand-domiciled aircrew have returned a positive COVID-19 test related to their work as crew. This reflects the effort made by carriers and aircrew to mitigate the risk of aircrew contracting and transmitting COVID-19 into the community.
4. The government's shift to the COVID-19 Protection Framework (CPF) signals an evolution from a strategy of 'elimination' to one of 'minimise and protect'. The CPF is intended to support gradual re-opening both domestically, and internationally, while minimising the impact of COVID-19 on the health system, in the community and on the most vulnerable.
5. Our strategic direction towards re-opening must be balanced against the knowledge that even with COVID-19 in the community, there remains a risk that those crossing our borders carry new variants. There also remains a need to prevent new outbreaks and clusters to protect the New Zealand community and our health system. The proposals in this paper seek to balance both the government's strategic direction with the need for caution in the context of a virus that continues to evolve.
6. On balance our assessment is that the treatment of aircrew in the COVID-19 Public Health Response (Air Border) Order 2020 (the Air Border Order) and various exemption notices is complex and no longer aligns with the relative risk they represent. There is the

opportunity to simplify the public health requirements for aircrew, to better align those requirements to the strategic intent behind the introduction of the CPF given the actual risk aircrew represent, and to support the Reconnecting New Zealanders work.

7. Our proposals for the aircrew settings include to:
- a) **revise the Key Safety Standards consistent with public health advice, to provide aircrew with the opportunity to leave their accommodation in a greater range of circumstances**, including allowing them to socialise with other vaccinated aircrew and with vaccinated friends. Our proposals will see the Key Safety Standards aligned closely with the "orange" setting in the CPF.
  - b) **revise definition of aircrew to better capture the situation in which their work supports New Zealand's connections with the world**. This would close a loop-hole that is enabling some people who work for airlines overseas, to return to New Zealand without a confirmed allocation for managed isolation and quarantine (MIQ). In effect, these people are jumping the MIQ queue ahead of other workers.
  - c) **update the vaccination and testing requirements so that all aircrew must be vaccinated and have had a COVID-19 test in the past seven days**. There are gaps in our current vaccination and testing requirements that we consider should be closed. Vaccination and testing will be the key public health requirements to mitigate the risk of aircrew contracting and transmitting COVID-19.
  - d) **ensure the risk presented by International aircrew can be assessed at the border in the same way New Zealand-domiciled aircrew are assessed**, so they can be diverted into MIQ or self-isolation if there is a risk that they might have or transmit COVID-19 into the community. If agreed, this will support **a changed approach to International aircrew and will support our proposal to enable them to enter the community as long as they meet other public health requirements**; either complying with the "red" or "orange" settings of the COVID-19 Protection Framework or the Key Safety Standards in New Zealand where they enter a place at the "green" setting.
  - e) **confirm the use of the one-way Pacific quarantine-free travel requirements for aircrew who remain airside or travel to low-risk destinations** meaning International aircrew can enter the community as long as they have a negative 72 hour pre-departure test. There would be no additional controls outside the vaccination and surveillance testing regime for New Zealand-domiciled aircrew.
  - f) **introduce carrier safety plans to replace the 'higher-risk routes' approach** enabling us to review a safety plan and approve it, or to require aircrew comply with the Key Safety Standards, to give New Zealand-domiciled aircrew relief from self-isolation and testing requirements when they return from a long haul route.
8. This paper has been informed by public health advice from the Office of the Director of Public Health and consulted across key government agencies including the Department of the Prime Minister and Cabinet, Treasury, the Ministries of Justice, Business, Innovation and Employment, Transport and for Primary Industries, the New Zealand Customs Service and the Civil Aviation Authority.
9. The Ministry of Business, Innovation and Employment – Managed Isolation and Quarantine (MBIE MIQ) has noted that the proposals would create challenges in managing MIQ facilities and contingency for aircrew. Contingency will need to be held

for where aircrew are identified as being at risk of having or transmitting COVID-19 at the border. If the proposals in this paper are agreed, consideration would also need to be given to how to treat the MIQ facility at the M Social Hotel in Auckland which is currently, almost exclusively, used by International aircrew.

10. The air sector has also been consulted on the proposals in this paper, including the Board of Airline Representatives New Zealand, Aviation New Zealand, Air New Zealand, Qantas Group, Air Chathams, the Airline Pilots Association and E tū Union. The sector is broadly supportive of the proposals and would like to see them implemented as soon as possible. They have noted the impact of the current Key Safety Standards on aircrew wellbeing.
11. If you agree to these proposals, drafting instructions will be issued to the Parliamentary Counsel Office for the changes to be incorporated into the new Air Border Order. The new order is in development to support the Reconnecting New Zealanders work.

## Recommendations

We recommend you:

- a) **Note** that the Ministry has reviewed the aircrew settings, to ensure they are proportionate to the current risks presented by aircrew, in the context of the government's move towards re-opening both domestically and internationally. **Note**
- b) **Agree** to amend the Key Safety Standards enabling the following range of activities to be undertaken with other aircrew members and other fully vaccinated people that they know personally, maintaining social distancing from others as far as is reasonably practicable:
  - i. outdoors exercise and socialising, including alfresco dining  Yes/No
  - ii. retail and food shopping, including picking up pre-ordered food  Yes/No
  - iii. dining and socialising indoors
    - o with no limitation in venues that require vaccination certificates  Yes/No
    - o in venues of 50 persons or less if no certificates are used  Yes/No
  - iv. travelling to and from places using private transport.  Yes/No
- c) **Agree** that, under the Key Safety Standards, aircrew can exercise indoors with other aircrew in venues where vaccine certificates are required.  Yes/No
- d) **Agree** to a revised definition of New Zealand-domiciled aircrew, being persons who are ordinarily resident in New Zealand, and who travel to and from New Zealand, returning as soon as is reasonably practicable:  Yes/No
  - on the general declaration or manifest of a craft; or
  - for the purpose of positioning to join a craft on the general declaration or manifest; or

- at the direction of their employer to complete training required by the Civil Aviation Authority (CAA) or an international equivalent.
- e) **Agree** that all International aircrew who *enter into managed isolation and quarantine* (MIQ) must be vaccinated with one of the COVID-19 vaccines specified by the Director General as approved by at least one government or authority consistent with Government policy for non-citizens. Yes/No
- f) **Agree** that International and New Zealand-domiciled aircrew who *enter into the community* must be vaccinated with one of the COVID-19 vaccines recognised to be eligible for New Zealand's domestic vaccine passport.<sup>1</sup> Yes/No
- g) **Agree** that all aircrew who travel to New Zealand must have had a COVID-19 test that meets the standard set out for surveillance testing under the COVID-19 Public Health Response (Required Testing) Order 2020 within the past seven days. Yes/No
- h) **Agree** that for New Zealand-domiciled aircrew, they: Yes/No
- have their first COVID-19 test (where they are new crew) within the first 48-72 hours of their return to New Zealand; and
  - may end their testing regime (where they cease to be crew) two tests after their last return to New Zealand as an aircrew member.
- i) **Agree** that the risk status of International aircrew is assessed on entry at the border, and to enter the community outside of MIQ they must be a low risk of having or transmitting COVID-19. Yes/No
- j) **Agree** that International aircrew who have remained airside, or travel from a low risk place, can enter New Zealand without MIQ or any other requirements, with a negative 72 hour pre-departure test, where they are not a risk of having or transmitting COVID-19. Yes/No
- k) **Agree** that International aircrew from other than low risk places be able to layover without entering MIQ where they are not a risk of having or transmitting COVID-19, and where they comply with either the: Yes/No
- COVID-19 Protection Framework (CPF) red or orange settings where they are in place in a port where they layover
  - (revised) Key Safety Standards where their layover is in a port under CPF green settings.
- l) **Agree** that New Zealand-domiciled aircrew can return to New Zealand and enter the community without any additional self-isolation and testing requirements where: Yes/No
- the Ministry has assessed a carrier's route safety plan and it has been approved by the Director General of Health, or

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<sup>1</sup> Pfizer/BioNTech, Janssen (Johnson and Johnson), AstraZeneca (Oxford), AstraZeneca/Covishield (Serum Institute of India), Moderna, Sinopharm, Sinovac (CoronaVac), Covaxin (Bharat Biotech)

Document 1

- they have otherwise complied with the (revised) Key Safety Standards while overseas.

m) **Agree** that the following risk triggers are removed for New Zealand-domiciled aircrew travelling overseas:

- i. travelling on a higher risk route
- ii. travelling domestically on a passenger route
- iii. travelling to undertake flight simulator training
- iv. travelling as crew for greater than seven days.

Yes/No
Yes/No
Yes/No
Yes/No

n) **Note** that any proposals you agree will be included in drafting instructions to Parliamentary Counsel Office for inclusion in the proposed new Air Border Order to support Reconnecting New Zealanders.

**Note**



Dr Ashley Bloomfield  
**Te Tumu Whakarae mō te Hauora**  
Director General of Health  
Date:



Hon Chris Hipkins  
**Minister for COVID-19 response**  
Date: 4/12/21

# Strategic review of aircrew settings

## Background

12. The Ministry is currently undertaking a review of the Air Border Order to ensure it can provide a framework to support the CPF and facilitate the planned Reconnecting New Zealanders work. This has included a review of aircrew settings.
13. Over the past nine months, we have sought your decisions on various aspects of the aircrew settings (HRs 20210235, 20211320, 20211331, 20211418, 20211080, 20211904, 20212319, 20212362 refer). Recently, this has included decisions for aircrew related to expanding one-way quarantine-free travel (QFT) with the Pacific and to provide them with a training pathway. Other decisions have included:
  - a) granting the Director General of Health the power to make exemptions for aircrew and air sector safety-critical operations staff
  - b) revising the 'higher-risk routes' provisions so a carriers' safety plan must be assessed before their crew can return from long haul travel without self-isolation.
14. A proposed end-to-end approach to managing the risk of aircrew has been developed. A diagram setting out our proposed approach is at Appendix One. The proposals we are making seek to mitigate the public health risk of COVID-19 being contracted and transmitted by aircrew, but in a risk-proportionate manner. If agreed, our proposals will give effect to some of the decisions you have already made. They will also change other decisions and settings. The need for change is as a result of the ongoing, changing nature of risk in the international and domestic environment (including the shift to the CPF and Reconnecting New Zealanders).
15. The government's shift to the CPF is intended to support gradual re-opening both domestically, and internationally, while minimising the impact of COVID-19 on the health system, in the community and while protecting the most vulnerable. This strategic direction towards re-opening must be balanced against the knowledge that even with COVID-19 in the community, there remains a risk that those crossing our borders carry new variants. There also remains a need to prevent new outbreaks and clusters to protect the New Zealand community and our health system.

## The problem and opportunity

16. The treatment of aircrew in the Air Border Order and various exemption notices is complex and no longer aligns with the risk they represent. It can be challenging to navigate between the Air Border Order, other orders and exemption notices to understand the requirements on aircrew. There is the opportunity to simplify the public health requirements for aircrew, to better align those requirements to the relative risk they represent.
17. Since November 2020, the Ministry is aware of only three International aircrew who have tested positive with COVID-19 in New Zealand and only three New Zealand-domiciled aircrew have returned a positive COVID-19 related to their work as crew. The low numbers of aircrew testing positive to COVID-19 in New Zealand, and the fact these cases have been identified early and appropriately managed, is a testament to the

aircrew setting used to date. It is also a testament to the commitment of carriers and aircrew to mitigating the risk of aircrew contracting and transmitting COVID-19 into the New Zealand community. That commitment has not changed, and it does not make good business sense for carriers to put their crew or passengers at risk of contracting and transmitting COVID-19.

18. Now, all non-citizen International aircrew must be vaccinated with a government approved vaccine, and most New Zealand-domiciled aircrew must be vaccinated with one of the four vaccines approved under the COVID-19 Public Health Response (Vaccination) Order 2020. Most aircrew travelling to New Zealand also undergo regular COVID-19 surveillance testing. The proposals in this paper seek to embed vaccination and testing as the foundational requirements that can mitigate the risk of aircrew transmitting the virus.

## **Our proposals**

19. Our proposed aircrew settings are outlined below, with the numbering aligning with the diagram in Appendix A. The settings that we are seeking your decision on, or to draw to your attention are:
  - a) our proposals to revise the Key Safety Standards in light of a changed COVID-19 risk environment internationally and in New Zealand (paragraphs 20 – 26 below)
  - b) a definition of aircrew that better captures the situation in which their work supports New Zealand's connections with the world (number 1)
  - c) changes to the vaccination and testing requirements for aircrew that are New Zealand or internationally domiciled (numbers 2 and 3)
  - d) ensure the risk presented by aircrew can be assessed at the border, so they can be diverted into MIQ or self-isolation if needed (number 4)
  - e) confirming the use of the one-way Pacific QFT requirements for aircrew who remain airside or travel to low-risk destinations (numbers 5)
  - f) the use of carrier safety plans to replace the 'higher-risk routes' approach and to simplify the requirements on aircrew (number 6).

## **Our proposals for revising the Key Safety Standards**

20. The Key Safety Standards set out the public health risk management requirements that apply to New Zealand-domiciled aircrew while overseas. Currently, they tightly control aircrew members' use of personal protective equipment (PPE), travel, accommodation and personal engagements while overseas. They require aircrew members to maintain a crew bubble. They do not allow aircrew to exercise or undertake activities with any other people or outside their accommodation.
21. In consulting with the air sector, the Ministry received consistent feedback about the rigidity of the Key Safety Standards considering the changing international and domestic environment and response to mitigating the risk of COVID-19 (particularly through the use of vaccination and vaccination certificates). The feedback also highlighted the effectiveness of aircrew members' obligations to be vaccinated and regularly tested. It was also noted that on some routes:

- a) aircrew permissions and activities are controlled by the country in which they are laying over. For example, aircrew must remain in their rooms in China
- b) there was less risk of contracting COVID-19 than in Auckland under the current Alert Level settings. For example, there is no community COVID-19 in Western Australia.
22. We also note that the nature of the COVID-19 risk domestically will alter significantly shortly, given Cabinet's recent decision to move to the CPF for the whole country on 3 December 2021. We expect that, as part of the decision to remove the boundary around Auckland there will be more COVID-19 in circulation around the country.
23. The public health risks associated with the move to the CPF are intended to be mitigated by the very high rates of vaccination, as well as the public health measures at each CPF colour to both ensure sufficient health system capacity to respond, and to protect the most vulnerable. In addition, we note that the government has a plan for re-opening to the rest of the world over 2022.
24. Recognising the changing environment above, the Office of the Director of Public Health (ODPH) has advised on a number of proposed adjustments to the Key Safety Standards. If agreed, this will broadly align them with the "orange" settings of the CPF. We propose:
- a) maintaining the requirement for the use of PPE to the greatest extent practicable when outside of crew accommodation, with the use of face masks outside aircrews' active work environment
- b) enabling the following range of activities to be undertaken with other aircrew members and other fully vaccinated people that they know personally, maintaining social distancing from others as far as is reasonably practicable:
- outdoors exercise and socialising, including alfresco dining
  - retail and food shopping, including picking up pre-ordered food
  - dining and socialising indoors:
    - (i) with no limitation in venues that require vaccination certificates
    - (ii) in venues of 50 persons or less if no certificates are used
  - travelling to and from places using private transport.
25. It is also proposed that aircrew can exercise indoors with other aircrew in venues where vaccine certificates are required.
26. These proposals for the Key Safety Standards recognise the different risk of exposure to COVID-19 associated with aircrews' frequent trips overseas when compared to the risk present by a traveller arriving in New Zealand on a single journey. They also recognise that the risk associated with aircrew can be managed with less rigid standards than are currently in place, considering aircrew are fully vaccinated and undergo seven-day surveillance testing. Finally, they recognise that a significant source of COVID-19 transmission soon will most likely be domestic, rather than international.

## Aircrew definition – number 1 on the diagram

27. This table sets out our proposals for the aircrew definition at number 1 on the diagram:

Proposal	Rationale
<p><b><u>International aircrew (status quo)</u></b></p> <p>We propose the definition of “International aircrew” capture that they are persons who travel to New Zealand:</p> <p>a) on the <b>general declaration or manifest of a craft or for the purpose of joining a craft on the general declaration or manifest;</b> and</p> <p>b) <b>depart New Zealand as soon as reasonably practicable</b> after their arrival as aircrew.</p> <p><b><u>New Zealand-domiciled aircrew</u></b></p> <p>We propose the definition of “New Zealand-domiciled aircrew” capture that they are persons who are <b>ordinarily resident in New Zealand</b>, and who travel to and from New Zealand, returning as soon as is reasonably practicable:</p> <p>a) on the <b>general declaration or manifest of a craft;</b> or</p> <p>b) <b>for the purpose of positioning</b> to join a craft on the general declaration or manifest; or</p> <p>c) at the direction of their <b>employer to complete training</b> required by the Civil Aviation Authority (CAA) or an international equivalent.</p> <p>For the purposes of the definition, as soon as reasonably practicable would mean:</p> <ul style="list-style-type: none"> <li>• without undertaking any further travel as an aircrew on the general declaration of a route that is not connected to New Zealand; and</li> <li>• after completing any stand down time required by the CAA or equivalent international regulator (for safety and wellbeing purposes).</li> </ul>	<p>Our proposals for the aircrew definition maintain the status quo for International aircrew.</p> <p>The proposals seek to clarify that New Zealand-domiciled aircrew must be working as crew on connecting flights to and from New Zealand; supporting New Zealanders to return home and maintaining our supply chains. This was the intent behind the special treatment of aircrew, including the relief granted from holding a confirmed allocation.</p> <p>We have seen an increase in people working for a range of airlines overseas and using the current definition of aircrew, in a way that was not intended. These people are not aircrew who are supporting the maintenance of New Zealand’s connection to the world. They are leveraging the current definition of aircrew to work overseas and, in effect, jump the confirmed allocation queue. These people should be treated in the same way as other workers who travel overseas and then seek to return to New Zealand.</p>

## Vaccination requirements – number 2 on the diagram

28. This table sets out our proposals for aircrew vaccination at number 2 on the diagram:

Proposal	Rationale
<p>We propose that all International aircrew who <i>enter into managed isolation and quarantine</i> must be vaccinated with one of the COVID-19 vaccines specified by the Director General as approved by at least one government or authority.</p>	<p>The current vaccination requirements for aircrew can depend on their citizenship status, and whether they are New Zealand-domiciled. In addition, the COVID-19 Public Health Response (Vaccination) Order 2020 allows for New Zealand citizen pilots who operate a flight where they do</p>

Proposal	Rationale
<p>We propose that International and New Zealand-domiciled aircrew who <i>enter into the community</i> must be vaccinated with one of the COVID-19 vaccines recognised to be eligible for New Zealand's domestic vaccine passport.<sup>2</sup></p>	<p>not layover to be unvaccinated. Currently, we know that all New Zealand-domiciled aircrew are vaccinated, but the layover gap should be closed to ensure there are no loop-holes as air travel increases in the future.</p> <p>The proposed vaccine requirements for aircrew who enter into:</p> <ul style="list-style-type: none"> <li>• managed isolation and quarantine facilities (MIQF) are the same as for non-citizens entering these facilities. There is a long list of approved vaccines</li> <li>• the community are the same as those vaccines recognised for our domestic vaccine passport. There is a shorter list of vaccines recognised for this purpose.</li> </ul>

### COVID-19 surveillance testing requirements – number 3 on the diagram

29. This table sets out our proposals for aircrew testing at number 3 on the diagram:

Proposal	Rationale
<p>We propose that all aircrew who travel to New Zealand must have had a COVID-19 test within the past seven days.</p> <p>We propose that the test must meet the standard set out for surveillance testing under the COVID-19 Public Health Response (Required Testing) Order 2020 (the Required Testing Order).</p> <p>For New Zealand domiciled aircrew, we propose that they:</p> <ol style="list-style-type: none"> <li>a) have their first test (where they are new crew) within the first 48-72 hours of their return to New Zealand; and</li> <li>b) may end their testing regime (where they cease to be crew) two tests after their last return to New Zealand as an aircrew member.</li> </ol>	<p>This proposal is similar to the status quo but proposes:</p> <ul style="list-style-type: none"> <li>• to close a gap in the Required Testing Order that allows for New Zealand citizen pilots who operate flights where they do not layover to be un-tested</li> <li>• International aircrew from the Pacific must have had a test in the last seven days (where currently they are exempt from testing)</li> <li>• to introduce a testing end-point for New Zealand-domiciled aircrew who may cease to operate as crew, or who may take extended leave.</li> </ul> <p>Changing the testing regime for International aircrew from the Pacific is essential to supporting the range of other proposals that adjust how we manage the risk of aircrew coming to New Zealand. It will enable risk to be managed in a more effective and streamlined way, without complicated rules and stand-down periods associated with the places they travel.</p>

<sup>2</sup> Pfizer/BioNTech, Janssen (Johnson and Johnson), AstraZeneca (Oxford), AstraZeneca/Covishield (Serum Institute of India), Moderna, Sinopharm, Sinovac (CoronaVac), Covaxin (Bharat Biotech)

Proposal	Rationale
	The testing end-point is proposed to ensure that the residual risk of a New Zealand-domiciled aircrew member having COVID-19 is mitigated.

### Aircrew risk assessment at the border – number 4 on the diagram

30. This table sets out our proposals for aircrew at the border at number 4 on the diagram:

Proposal	Rationale
<p>We propose that the risk status of both International and New Zealand-domiciled aircrew is assessed on entry at the border.</p> <p>We propose that where there is a risk of having or transmitting COVID-19, aircrew are dealt with under COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Isolation and Quarantine Order) meaning:</p> <ul style="list-style-type: none"> <li>International aircrew would enter an MIQ facility until they departed New Zealand</li> <li>New Zealand-domiciled aircrew would, in most cases, self-isolate and be tested (status quo).</li> </ul>	<p>If you agree, our proposals for aircrew would generally allow both International and New Zealand-domiciled aircrew to enter New Zealand outside MIQ and without self-isolation. The one exception to this should be where they present a risk of having or transmitting COVID-19 on arrival in New Zealand. This would be identified through their completion of the aircrew arrival card and screening (where required) at the airport.</p> <p>If agreed, our proposals will change the approach to International aircrew who currently enter MIQ unless they meet the aircrew QFT requirements. Under this proposal International aircrew would only enter a MIQ facility if there was a concern about their risk of having or transmitting COVID-19.</p> <p>The proposal is status quo for New Zealand-domiciled aircrew. If they are a risk, they required to self-isolate and undergo additional testing. If they are a high risk, they will be referred into an MIQ facility.</p>

### Aircrew who remain airside or travel from a low-risk place – number 5 on the diagram

31. This table sets out our proposals for airside at number 5 on the diagram:

Proposal	Rationale
<p><b><u>International aircrew</u></b></p> <p>We propose that International aircrew who have remained airside, or travel from a low risk place, can enter New Zealand without MIQ with a negative 72 hour pre-departure test.</p> <p><b><u>New Zealand-domiciled aircrew (status quo)</u></b></p> <p>We propose New Zealand-domiciled aircrew who have remained airside while overseas or travel from a low risk place can enter New Zealand without MIQ.</p>	<p>Airside has always been treated as a lower risk environment as it is inaccessible to the general public, and our Pacific quarantine-free travel (QFT) places are our current low risk places.</p> <p>These proposals will support connections with the Pacific. They will enable international aircrew to operate to New Zealand and to low risk places in a flexible way. This may, for example facilitate transit flights from Australia, through New Zealand to a Pacific destination. Having flexibility across these routes may also improve competition in the region.</p>

Proposal	Rationale
	The proposals maintain the status quo for New Zealand-domiciled aircrew.

**Carrier route safety plans and the Key Safety Standards – numbers 6 and 7 on the diagram**

32. This table sets out our proposals for carrier route safety plans and the Key Safety Standards at numbers 6 and 7 on the diagram:

Proposal	Rationale
<p>We propose that New Zealand-domiciled aircrew can return, without any additional self-isolation and testing requirement if:</p> <ul style="list-style-type: none"> <li>a) we have assessed a carrier’s route safety plan and it has been approved by the Director General, or</li> <li>b) they have otherwise complied with the (revised) Key Safety Standards while overseas.</li> </ul> <p>We propose that a range of the risk-triggers for aircrew are removed. These triggers currently include travelling overseas:</p> <ul style="list-style-type: none"> <li>• domestically on a passenger route</li> <li>• to undertake flight simulator training</li> <li>• as crew for greater than seven days.</li> </ul> <p>We propose that carriers must support their crew to comply with approved route safety plans or the Key Safety Standards, and must notify the Ministry as soon as practical where:</p> <ul style="list-style-type: none"> <li>a) any component of a route that has been assessed changes</li> <li>b) there is any change in the safety plan or their aircrew’s ability to comply with it.</li> </ul>	<p>Under this proposal, carriers can choose between compliance with a route safety plan, or compliance with the Key Safety Standards, to provide their crew with relief from self-isolation and testing upon return from New Zealand. There will no longer be a concept of higher-risk routes for aircrew as vaccination and testing will provide the foundation for managing the risk of aircrew. The higher-risk routes for aircrew are different to the Very High Risk Countries used for passenger.</p> <p>As route safety plans will be individually assessed for their adequacy and the Key Safety Standards will otherwise mitigate residual risk, it is proposed that the other risk triggers such as length of time overseas no longer be included in the Air Border Order.</p> <p>Where a safety plan was not considered adequate, aircrew would be required to comply with the Key Safety Standards overseas. Where they could not comply with the standards, they would be required to self-isolate and be tested upon return from overseas.</p> <p>You have previously agreed to oblige carriers to support their crew to comply with any public health requirements while overseas, and to report changes in their routes that might impact on those requirements. These obligations on carriers will be necessary to support the proposed carrier safety plans.</p>

**Enabling International crew to layover without MIQ – number 8 on the diagram**

33. This table sets out our proposals for International aircrew layovers at number 8 on the diagram:

Proposal	Rationale
We propose that International aircrew be able to layover without entering MIQ where they are not a	The COVID-19 risk environment for aircrew is changing as:

Proposal	Rationale
<p>risk of having or transmitting COVID-19, and where they comply with either the:</p> <p>a) CPF red or orange settings where they are in place in a port where they layover</p> <p>b) (revised) Key Safety Standards where their layover is in a port under CPF green settings.</p>	<ul style="list-style-type: none"> <li>• global vaccination against COVID-19 has been undertaken and countries are looking to adjust their border settings</li> <li>• we have reached high levels of community vaccination and there is now community transmission of COVID-19 in New Zealand</li> <li>• we refine definition of aircrew, and establish a standardised vaccination and testing regime for them through the proposals in this paper.</li> </ul> <p>The changing environment means that there is no longer a public health need to manage the residual risk of International aircrew in MIQ. Their risk can be managed in the community through compliance with the CPF red or orange settings if they are in place, otherwise, the revised Key Safety Standards.</p>

### Engagement and consultation on these proposals

34. The Ministry has considered the range of proposals currently under development for returning travellers generally, for Reconnecting New Zealanders and for the CPF. The changing risk environment and our changing response to COVID-19 necessitates changes to the aircrew settings so that they remain fair and proportionate.
35. This paper has been consulted across key government agencies including the Department of the Prime Minister and Cabinet, Treasury, the Ministries of Justice, Business, Innovation and Employment, Transport and for Primary Industries, the New Zealand Customs Service and the Civil Aviation Authority.

### Ministry of Business, Innovation and Employment has noted impacts on MIQ facilities

36. MBIE MIQ has noted that the proposals would create challenges and require changes in managing MIQ facilities and contingency for aircrew. Currently, the arrival of international aircrew is planned for through flight schedules. They are not required to have a confirmed MIQ allocation, but they are all required to enter MIQ facilities until they leave New Zealand.
37. Shifting to a regime where the risk presented by International aircrew is assessed on arrival at the border, on a case-by-case basis like New Zealand-domiciled, will mean there is a reduced ability for MBIE MIQ to plan in advance for these arrivals. While allowing most International air crew to enter the community will free up MIQ facility capacity, a small contingency will need to be held for where aircrew are identified as being at risk of having or transmitting COVID-19 at the border.
38. If the proposals in this paper are agreed, consideration would also need to be given to how to treat the MIQ facility at the M Social Hotel which is currently, almost exclusively, used by International aircrew. Appropriate lead in time would be required to determine

next steps for that facility and its place in the MIQ network. Based on experience to date, the Ministry expects very few aircrew will be diverted to an MIQ facility.

39. The challenges for the MIQ facilities identified will be exacerbated by the uncertainty over the future of international travel to New Zealand as Reconnecting New Zealanders' is implemented. It will likely result in fewer travellers holding confirmed allocations but will require MBIE to continue to hold rooms in reserve, in case they are required.

### **The air sector is broadly supportive**

40. The proposals in this paper have also been consulted with the air sector, including the Board of Airline Representatives New Zealand, Aviation New Zealand, Air New Zealand, Qantas Group, Air Chathams, the Airline Pilots Association and E tū Union. The sector is broadly supportive of the proposals and would like to see them implemented as soon as possible. They have noted the impact of the current Key Safety Standards on wellbeing.
41. The proposed change to the definition of aircrew will mean that pilots and cabin crew who work overseas on flights, or for carriers, that are not connected to New Zealand, will no longer be aircrew for the purposes of the Air Border Order. The Ministry considers this consistent with the original intent of the aircrew definition. It will mean that some of these people who have been working overseas will now require a confirmed allocation to return to New Zealand. This is fair and consistent with the approach to other workers who travel overseas for work.
42. The impact of the proposed aircrew definition has been raised as a concern by Qantas Group. It had plans for a number of its New Zealand-domiciled workers to work on routes across the wider Qantas network overseas which are not connected to New Zealand. Qantas has raised its concern directly with the Minister for Transport.
43. Qantas advised the Minister for Transport that if it cannot use New Zealand-domiciled crew on routes outside New Zealand, many will be inclined to take voluntary redundancy. It considers that this may reduce the pool of aircrew available to operate trans-Tasman flying when it recommences. The Ministry of Health notes that nothing in the proposals would prevent Qantas deploying their aircrew as they wished. The crew would be required to hold a confirmed allocation upon return to New Zealand, consistently and fairly with the obligations on other business with workers who travel overseas for work.

### **Equity considerations**

44. The proposals in this paper acknowledge that there remains a difference in the risk of exposure to, and transmission of, COVID-19 associated with aircrews' frequent trips overseas when compared to a traveller arriving on a single journey. This is because the risks in places outside of New Zealand constantly change and aircrew are working in a constantly changing international environment. The virus and its variants continue to evolve, and the different places aircrew travel to and live in continue to evolve their responses.
45. There remains a public health rationale for risk mitigation measures for aircrew that are different to those for travellers generally. However, there is now the need to refine those mitigations, in particular, to provide more equitable pathways for International and New Zealand-domiciled aircrew based on the:

- a) proposals in this paper that all aircrew be vaccinated and tested at least every seven days for COVID-19
  - b) high vaccination rates in New Zealand, especially in key ports where International aircrew layover (Auckland, Wellington, Christchurch and Queenstown)
  - c) fact that COVID-19 is now in the New Zealand community and we are transitioning to the CPF.
46. The proposals in this paper will relieve aircrew from MIQ in almost all cases, creating a more equitable approach to International aircrew that is more aligned with that of New Zealand-domiciled aircrew. International aircrew will be required to use the Key Safety Standards in ports on CPF green setting to manage their residual risk in New Zealand. The proposals for revising the Key Safety Standards have a focus on aircrew engaging with vaccinated people, and entering places that have vaccination requirements in place.

### **Mechanism for making the proposed amendments**

47. If you agree, the proposed amendments will be made as part of drafting the new Air Border Order which will be issued under the COVID-19 Public Health Response Act 2020 (the Act). Under section 15(4) of the Act, to make an order, you must be satisfied that the amendment is appropriate to achieve the purpose of the Act and:
- a) have had regard to advice from the Director-General of Health about the risks of the outbreak or spread of COVID-19, and the nature and extent of measures that are appropriate to address those risks
  - b) have had regard to any decision by the Government on the level of public health measures appropriate to respond to those risks and avoid, mitigate or remedy the effect of the outbreak or spread of COVID-19
  - c) be satisfied that the amendment does not limit, or is a justified limit on, the rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA)
  - d) have consulted on the draft amendments with the Prime Minister, the Minister of Justice and the Minister of Health, and may consult any other Minister thought fit.

### **Justification for making the proposed amendments**

#### **Director-General's advice and public health justifications**

48. COVID-19 is a highly infectious and evolving virus which may be rapidly spread by people who are not showing symptoms. Even with COVID-19 in the community, there remains a risk that those crossing our borders carry new variants. There also remains a need to prevent new outbreaks and clusters to protect the New Zealand community and our health system.
49. It is sensible to gradually adjust our border settings, including for aircrew, so we can gather information about the effect of changes on the transmission of COVID-19 into the community. This is consistent with balancing our obligations under NZBORA and ensuring that any restrictions on rights are proportionate and justifiable, and our obligation to protect the New Zealand community from the risk of new COVID-19 strains, outbreaks and clusters.

50. You are receiving ongoing advice about the risks associated with COVID-19 in our border environment and in New Zealand. In accordance with section 9(2) of the Act, you may have regard to that advice without it being repeated in this briefing. However, any specific and relevant public health justification(s) for the proposed amendments have been set out in the discussion above.

### **Consistency with Government decisions to respond to COVID-19**

51. The proposals in this paper are consistent with the Government's COVID-19 response. They have the purpose of preventing new variants of COVID-19 reaching, and being transmitted in, our community. They also have the purpose of preventing new outbreaks and clusters. The proposals will improve our tools for managing the public health risk of COVID-19 in a way that is proportionate to our current environment. They will enable us to better tailor our approach to emerging trends in the global COVID-19 landscape and support the Government's efforts to reconnect New Zealand to the world in a way that effectively manages risk.

### **Consistency with the New Zealand Bill of Rights Act 1990**

52. The power to make an amendment to an order under sections 9 and 11 of the Act must be exercised consistently with NZBORA. The Ministry has had regard to this obligation and consider that the limitations on rights proposed in this paper are justifiable when considering that COVID-19 is a highly transmissible virus, that may be transmitted by asymptomatic people, and that aircrews' frequent trips overseas mean that they are at a greater risk of being exposed to the virus, including new variants of the virus.
53. Most of the proposals in this paper will materially reduce the impact and limitations on the rights of aircrew, and will change the way NZBORA is engaged for the better. They will establish an approach to aircrew that is more rights consistent than the status quo. Our analysis of this is set out below.
54. The NZBORA rights that are engaged by the proposals in this paper are:
- a) the right to refuse to undergo medical treatment

The proposal that all aircrew must be vaccinated engages this right. The proposal closes the gaps in the aircrew vaccination regime but this is considered justifiable. Vaccination is a core public health requirement to mitigate risk of contracting and transmitting COVID-19.
  - b) freedom of expression, peaceful assembly, association and movement

The proposals for carrier safety plans and the use of the Key Safety Standards, including by International aircrew in New Zealand, engages these rights. Where an aircrew member is subject to self- or managed isolation these rights are engaged. This is because the movements of aircrew are limited. The limitations are necessary and justifiable to reduce the risk that aircrew contract and transmit COVID-19.
  - c) to be protected from unreasonable search and seizure

The proposal that all aircrew must undergo regular COVID-19 surveillance testing engage this right, and closes the gaps in the current testing regime. The requirement that all crew are tested is justifiable as it is necessary to identify if they have COVID-19 as early as possible to reduce transmission of COVID-19.

- d) liberty of the person (against arbitrary detention) and respect for dignity in detention

The proposals for the use of carrier safety plans, the Key Safety Standards, self-isolation and managed isolation engage these rights. This is because the movements of aircrew are limited. The limitations are necessary and justifiable to reduce the risk that aircrew contract and transmit COVID-19.

55. The majority of aircrew are currently required to be vaccinated, and closing the gap and requiring all is considered to be justifiable under the NZBORA given the vaccines demonstrated effects in reducing the transmission of COVID-19.
56. Closing the gap in COVID-19 testing is also considered justifiable. This is because the early identification of COVID-19 through testing is essential to limiting its transmission and the seeding of new clusters. As the types of COVID-19 tests become more varied, the imposition on aircrew from being tested will reduce. Closing the gaps in the vaccination and testing requirements will also enable relief for aircrew from other requirements that engage their rights, such as the requirement that International aircrew enter a MIQ facility.
57. The move to use carrier safety plans or the Key Safety Standards for New Zealand-domiciled aircrew while overseas, and the proposed revisions to the Key Safety Standards, will materially improve the status quo and reduce the severity of the current limitations on freedom of expression, peaceful assembly, association and movement. Allowing International aircrew to enter New Zealand without entering managed isolation, instead comply with the Key Safety Standards (in some circumstances) also reduces the severity of the limitations on their rights while in New Zealand.
58. The risks associated with aircrews' frequent travel mean that there remains a public health rationale for the use of carrier safety plans or the Key Safety Standards. There is a need to reduce the risk of aircrew contracting new strains of COVID-19 and transmitting them into the community. There is also the need to reduce the risk of aircrew seeding new outbreaks of COVID-19.
59. The public health risks presented by aircrew are different to those presented by travellers generally, or members of the New Zealand community. The proposals in this paper establish mitigations for the public health risks presented by aircrew that are more rights friendly than the status quo.

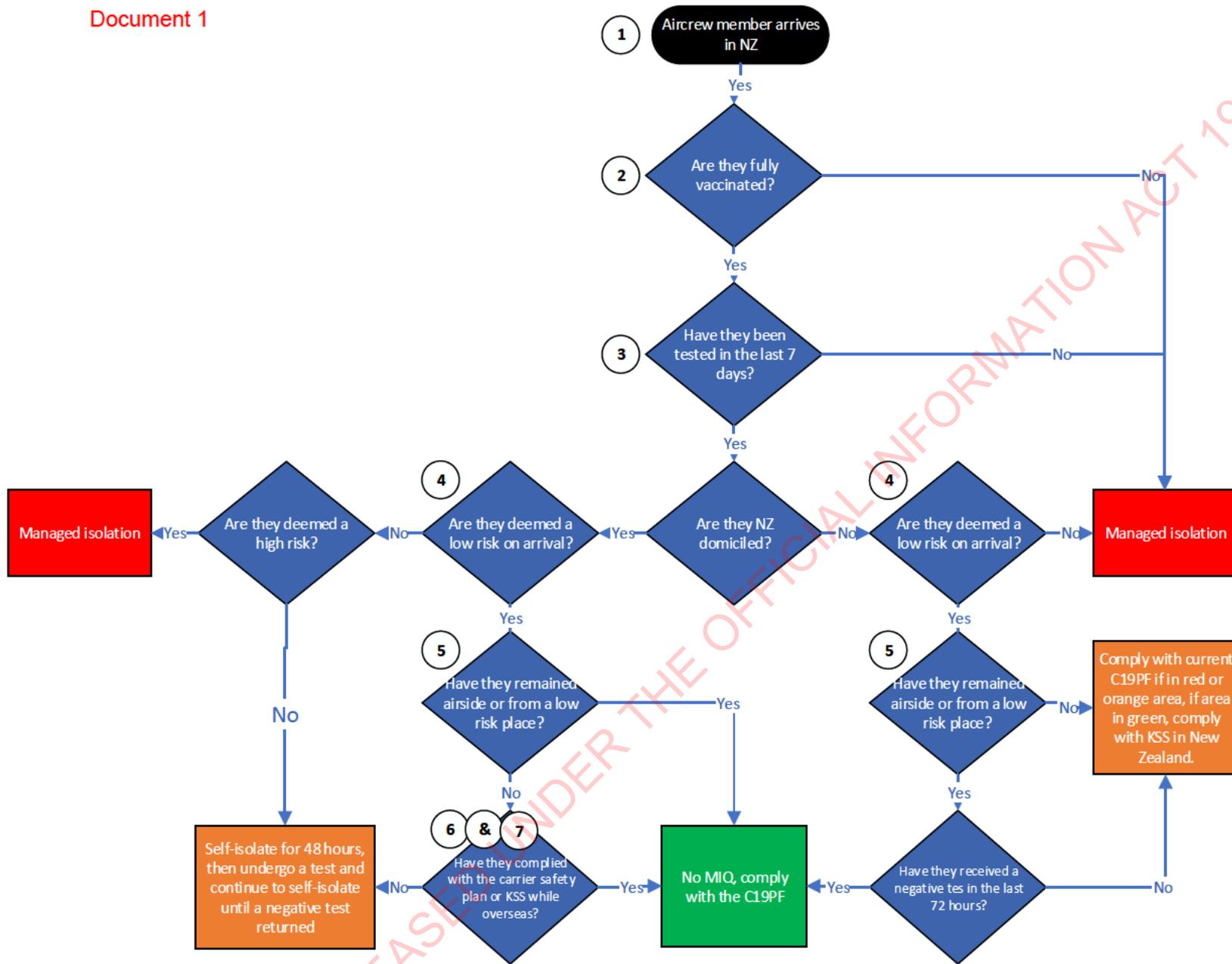
## Next steps

60. If you agree to these proposals, drafting instructions will be issued to Parliamentary Counsel Office for the changes to be incorporated into the new Air Border Order. The new order is in development to support the Reconnecting New Zealanders work. The Ministry will work with key stakeholders with a view towards implementation planning.
61. It is expected that both Air New Zealand and Qantas Group (Qantas, Jetconnect and Jetstar) will want to use carrier safety plans for existing and new routes. The Ministry has already assessed Air New Zealand's safety plans for Los Angeles, San Francisco, Narita, Seoul, Hong Kong, Guangzhou, Shanghai and Taipei as part of the higher-risk routes assessment process. We are also working to assess a new Jetconnect route. If there have been no material changes to these routes, we do not plan to assess them again.

**ENDs.**

**Appendix one: Diagram**

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# Health Report

## Risk designation of scheduled international routes

<b>Date due to MO:</b>	<b>19 February 2021</b>	<b>Action required by:</b>	N/A
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	20210342
<b>To:</b>	Hon Chris Hipkins, Minister for COVID-19 Response		

## Contact for telephone discussion

Name	Position	Telephone
<b>Dr Ashley Bloomfield</b>	Director-General of Health	s 9(2)(a)
<b>Caroline Flora</b>	Acting Deputy Director-General, System Strategy and Policy	s 9(2)(a)

## Action for Private Secretaries

**Return** the signed report to the Ministry of Health.

**Date dispatched to MO:**

# Risk designation of scheduled international routes

## Purpose of report

1. This report provides a revised draft risk assessment framework for determining the risk of COVID-19 exposure to New-Zealand-based aircrew flying scheduled international routes.

## Key points

2. Clause 9 of the Air Border Order enables the designation and gazetting of an air route as 'higher-risk'. At this time only Los Angeles and San Francisco are designated as higher-risk routes.
3. New Zealand-based aircrew (including repositioning aircrew) who arrive from higher-risk routes must remain in isolation until a negative COVID-19 test is provided (usually 2-3 days). Currently Air New Zealand aircrew returning from these flights are isolating in an Air New Zealand-contracted hotel, as per the arrangements set out in your letter of 15 December 2020 to the Air New Zealand Chief Executive (the CE).
4. In a further letter from you to the CE in early January you noted that you would direct officials to review the existing risk assessment framework for aircrew layover locations.
5. Work has progressed on the development of a new risk framework that will apply to any international airline operating with New Zealand-based aircrew flying scheduled routes. The proposed risk assessment framework contributes to the "keep it out" pillar of New Zealand's Elimination Strategy. It utilises a precautionary approach to mitigating, where possible, the risk of COVID-19 transmission into the community via New Zealand-based aircrew returning from overseas layover locations.
6. The revised risk assessment framework seeks to apply a systematic, transparent qualitative assessment of risks, noting that not every relevant risk can be quantified. The outcome of the proposed approach to assessing risk is an indicative result that could be changed if new information comes to hand.
7. While the intention is for the risk assessment framework to be applied to all scheduled flights operated by New Zealand-based air crew, we have at this stage focused on developing the risk framework based on information about Air New Zealand scheduled flights. This development has been in consultation with Air New Zealand only on the basis that the other commercial passenger airlines with crew based in New Zealand fly only to Australia.
8. The proposed framework utilises a three-step process:
  - a. using the Country Risk Assessment Tool (CRAT) as a consistent and clear whole-of-government baseline for determining high and low risk countries; overlaid by
  - b. an aircrew-specific risk assessment tool to ascertain whether the CRAT rating should be raised or lowered according to the characteristics of the route; and

- c. a further layer for airlines to implement risk mitigation strategies implemented as required.
9. The proposed framework assesses the risk of exposure at the following points:
  - a. risk associated with the prevalence of COVID-19 in the route or country of destination/origin;
  - b. risk associated with the potential exposure points en-route (including in-flight transit to /from and through an airport, and in accommodation);
  - c. risk associated with the level and efficacy of an airport's and airline's risk mitigation protocols throughout the end-to-end journey;
  - d. in flight;
  - e. in transit through an international airport;
  - f. while travelling to testing stations and accommodation; and
  - g. in aircrew accommodation.
10. An initial test of the proposed framework over Air New Zealand's Los Angeles (as a control), Shanghai and Melbourne routes has shown that Los Angeles is confirmed as higher risk, with Shanghai and Melbourne being assessed as lower risk on initial assessment.
11. We extrapolate from our initial test that the Pacific routes could be lower risk, while all other flights would likely remain classified as higher risk, including Hong Kong, Seoul and Narita. In summary, we expect that the majority of long-haul routes (over 9 hours) might be higher risk, however we would need to further work through the development of the final framework, and then apply the framework to other routes to determine this.
12. Ministry of Transport have noted the possible impacts that designating the majority of routes as high risk would have on Air New Zealand operations and staff wellbeing. This is set out in **Appendix 3**.
13. Further work would be required with the Ministry of Transport, Air New Zealand and Board of Airline Representatives New Zealand (BARNZ) to continue to develop and then finalise the risk assessment framework, as well as consultation with other commercial airlines, and consideration of the application of the risk framework to charter and private aircraft. Officials will provide you with advice on this in mid-March.
14. Work will also be done to ensure operability of the framework so that its impact on operations, wellbeing of aircrew, and to the New Zealand supply chain are considered.

## Recommendations

The Ministry recommends that you:

- |    |   |   |
|----|---|---|
| a) | <b>Note</b> we have reviewed the risk assessment framework for international air routes and are proposing further development of a new three-step risk framework that takes account of the Country Risk Assessment Tool, risk assessment of the route exposure points, and risk assessment of inflight exposure points                                    | <b>Noted</b>  |
| b) | <b>Note</b> that initial testing of this proposed risk assessment framework on Air New Zealand's scheduled routes has shown that Los Angeles remains higher risk, while Shanghai and Melbourne would be lower risk.   | <b>Noted</b>  |
| c) | <b>Note</b> that because of increasing prevalence, new variants of COVID-19 worldwide, and the nature of the exposure points in the end-to-end journey it is likely that the majority of long-haul international routes to New Zealand will be assessed as higher risk, however we would need to apply the proposed framework to these routes to confirm. | <b>Noted</b>  |
| e) | <b>Note</b> that Air New Zealand and the Ministry of Transport have been consulted on the methodology proposed in assessing risk of layover routes.   | <b>Noted</b>  |
| f) | <b>Agree</b> that officials continue to work with Air New Zealand and the Ministry of Transport to further refine the proposed framework, model the impacts and ascertain whether any of the health concerns associated with exposure risks can be mitigated.   | <input checked="" type="checkbox"/> <b>Yes</b> / <input type="checkbox"/> <b>No</b> |
| h) | <b>Note</b> that officials will also consult with the BARNZ to ascertain the potential/likely impact of the proposed risk assessment framework on non-Air New Zealand scheduled routes.   |   |
| i) | <b>Agree</b> that officials should report back to you with the framework and route designations for final agreement in mid-March 2021.  | <input checked="" type="checkbox"/> <b>Yes</b> / <input type="checkbox"/> <b>No</b> |



Dr Ashley Bloomfield  
**Director-General Ministry of Health**  
Date: 19/02/2021



Hon Chris Hipkins  
**Minister for COVID-19 Response**  
Date: 27/2/2021

It's my expectation that all long haul routes be classified as high risk unless they have been granted an exemption, and that exemptions should apply for no more than 4 weeks at a time before they have to be renewed.

# Risk designation of scheduled international routes

## Background

### Updated framework for designating higher-risk routes

#### *Current basis for designation of higher-risk routes*

1. Clause 9 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order) enables the Director-General of Health to designate and gazette an air route as a higher-risk route. The current designation of a higher-risk route has been done in accordance with a risk framework that classified Los Angeles and San Francisco as higher risk routes primarily based on:
  - a. the risk of air crew being exposed to the SARS-CoV-2 virus on those routes;
  - b. prevalence of cases in the USA; and
  - c. standard length of time spent by air crew in each city.
2. The current designated higher-risk routes apply to all airlines with New Zealand-based crew (as defined in the Air Border Order as the pilot, co-pilot or cabin crew). However, at this stage Air New Zealand is the only airline with New Zealand-based aircrew flying regular and scheduled long-haul international services.

#### *Assumptions, data and definitions underpinning the proposed new risk assessment process*

3. The Ministry of Health (the Ministry) and Ministry of Transport have worked together, with initial consultation with Air New Zealand, to identify in more detail key exposure points and develop a new risk assessment framework that can be applied to all routes. The evolution of the pandemic over the past year has underpinned our thinking, including:
  - a. Changes, resumption and frequency of international travel;
  - b. increasing prevalence of the SARS-CoV-2 virus; and
  - c. new, more transmissible variants of the SARS-CoV-2 virus.
4. The proposed framework uses the definition of air crew set out in the Air Border Order and covers both manifest crew and repositioning crew.
5. We considered potential SARS-CoV-2 exposure points for aircrew on their end-to-end journey, specifically:
  - a. in flight;
  - b. in transit through an international airport;
  - c. while travelling to testing stations and accommodation; and
  - d. in aircrew accommodation.

### *A three-step risk assessment tool*

6. There are three key components that we have identified as being necessary to assess risk as accurately, comprehensively, transparently and consistently as possible. These are risks associated with:
  - a. the prevalence of COVID-19 in the route or country of destination/origin;
  - b. the potential exposure points en-route (including in-flight transit to /from and through an airport, and in accommodation);
  - c. the level and efficacy of an airport's and airline's risk mitigation protocols throughout the end-to-end journey.
7. The proposed framework contains the following three risk assessment tools to cover all three components.

### *Risk Assessment One: Assessing country COVID-19 prevalence*

8. While many countries are experiencing an increasing and significant burden from COVID-19, others have very low disease prevalence.
9. The Ministry's Country Risk Assessment Tool (CRAT) can be used to give an indication on the likely exposure of air crew to the SARS-CoV-2 virus whilst they are in a specific country. The higher the prevalence of COVID-19, the greater the risk of exposure to the SARS-Cov-2 virus, and vice versa.
10. At this point, vaccination programmes have not been taken into account into the risk assessment framework as there is no solid data as to the effectiveness of these programmes at such an early stage of roll-out around the world. We will review data at each framework review point (every three months).
11. The CRAT also provides an already existing initial risk assessment tool that is used as the basis of many decisions relating to New Zealand's border settings and Managed Isolation and Quarantine systems. Using this tool as the first step for assessing a country of origin's risk profile will anchor the assessment of routes in a common cross-government framework.

### *Risk Assessment Two: assessing route exposure points*

12. Once a country has been designated higher or lower risk in the CRAT (acknowledging that there are very few countries which have a low count of cases of COVID-19 within the CRAT), the next step would be to apply a second framework to ascertain the risk of exposure to SARS-CoV-2 for air crew throughout the end-to-end journey, including:
  - a. during the flight;
  - b. at the airport;
  - c. during travel to a testing station and accommodation; and
  - d. at the aircrew accommodation.
13. Factors that will be included to assess the risk at each point will include the extent of exposure to passengers and the public at each point.

*Risk assessment three: assessing the airline's risk mitigation protocols*

14. Step three involves an assessment of the airline's controls en-route. A request would be made for the airline to provide detailed information on:
  - a. separation of aircrew and passengers;
  - b. level of interaction between aircrew and passengers;
  - c. accommodation used in layover location;
  - d. restriction of movement of aircrew while at layover accommodation;
  - e. use of designated transport to and from the airport;
  - f. adherence to relevant key safety standards and Ministry of Health guidelines; and
  - g. any other relevant risk mitigation measures.
15. A table that encapsulates all three steps in the proposed risk assessment is attached (**Appendix 1**). **Appendix 2** shows how the framework could be applied to produce an assessment.

*Designating the route*

16. Once all information is gathered for all three steps, officials will determine whether the route should be designated higher or lower risk.
17. To test the proposed framework, officials ran a table-top exercise applying the methodology to existing Air New Zealand scheduled routes to Los Angeles (as a control case). The table used to do this is attached (**Appendix 2**).
18. The result of the application of the draft framework is that Los Angeles remains a higher risk route. Using the same approach Shanghai would likely be designated a lower risk route (due to the high assurance of strict protocols in areas controlled by Shanghai authorities or contracted parties such as hotels and transport providers). However, the veracity of this assurance would need to be further investigated. Melbourne would also been designated a lower risk due to the flight duration (short) and very short layover (sometimes no overnight layover).

*Future-proofing risk assessment in a fast-changing world*

19. The reality of the global situation presently is that only very few countries are likely to be designated lower risk until the effects of lockdowns and other developments, such as vaccine roll-out around the world, become clearer.
20. With this in mind, one option might be to reverse the current approach of gazetting higher risk routes and instead gazette lower risk routes under the Air Border Order, as this would be more transparent and ensure the risk from new or changed routes (e.g. leaving from Portland, Oregon rather than Los Angeles) is managed. We will provide you with more advice on this as the framework is refined.
21. The risk framework will need regular adaptation to respond to the constant flux of the global situation. We plan to review the risk framework in three months' time to take account of any new factors contributing to the level of risk as the pandemic continues to evolve and more data is collected. The risk assessment and the mitigation options could change, for example, as vaccination of aircrew and the vaccination status of

passengers, travellers through an airport, and the population of the layover country also change.

#### *Auditing the system*

22. To ensure the risk assessment framework remains fit-for-purpose, the Ministry of Transport have requested that the Ministry or an appropriate external party be engaged to audit the routes after they have been designated. This would allow officials/external parties to verify the protocols in place by each airline and the infection controls on each route. The Ministry of Transport has also noted that it would be willing to explore industry funding options for an audit system.
23. Currently, a formal audit process is difficult to achieve as very few reliable external auditors are willing to expose staff to airport and aircraft environments, and the Ministry does not have the resource to conduct these audits internally. A request recently to a large provider to analyse practices in Los Angeles International Airport was turned down as it was unwilling to send staff into what it deemed a dangerous public health environment. The Ministry will keep this situation under review however, and further explore this approach should it become feasible.

#### *Consultation with Air New Zealand*

24. Air New Zealand has provided initial comment on the draft framework set out in Appendix 1 and 2, but more discussions are needed to understand the existing protocols in place and to model the full suite of impacts (attached at Appendix 3). A significant part of this need stems from concern that multiple routes being designated as higher-risk, and the resultant impact on airlines operations and crew could heighten the potential risk of multiple routes being grounded as well as having significant welfare and cost implications

### **Equity**

25. Consideration of any equity issues that may arise as a consequence of the proposal for designation of higher-risk routes will be provided in the final advice.

### **Consultation**

26. The Ministry of Transport has been consulted on this report.

### **Next steps**

27. If you agree to further developing the proposed risk assessment framework, officials will work with both Air New Zealand and BARNZ to further develop it and understand and work through the mitigation of any operational impacts where possible.
28. Officials will report back to you with the final framework, a list of low risk routes for gazetting, and a summary of any remaining operational risks in mid-March.

**ENDS.**

## Appendix 1: Risk of exposure to COVID-19 - end to end assessment of risk

Risk Factor		Level of Risk		
		Lower	Higher	
<b>In flight characteristics (cabin crew only)</b>		Meal service	No meals, tea or coffee only	
<b>Overseas</b>	Destination country characteristic		Low or no prevalence of COVID-19, or isolated, contained outbreaks	
	<b>Transit through overseas airport</b>	Busyness of airport	Quiet end point destination	
		Separation of aircrew and passengers through airport corridor	Effective segregation of aircrew from passengers	
	<b>Transport to testing centres and to accommodation</b>		Dedicated	Community outbreaks in port city or high prevalence in country
	<b>Accommodation type</b>		Not dedicated	Busy hub
	<b>Layover type</b>		MIQ or hotels that support self-isolation and key safety standards (eg, with room service and very low risk of coming into contact while exercising)	No segregation
<b>Repositioning crew</b>		No overnight stay or stay on plane	Dedicated	
		Separation from passengers by at least two rows	Not dedicated	
		Separation from passengers less than two rows	MIQ or hotels that support self-isolation and key safety standards (eg, with room service and very low risk of coming into contact while exercising)	
		Overnight stay (up to 7 days) airside or landside	No services to support self-isolation as specified in the Isolation and Quarantine Order	

**Appendix 2: Risk Assessment Exercise – Los Angeles**

Activity	Risk points/considerations	Risk level with no mitigations	Authority/contracted party risk mitigation	Airline risk mitigation (assurance received from authorities or contracted parties)	Consolidated activity risk	Overall risk designation
<b>Movement through airport</b>						
	Country prevalence	High	Nil	Nil	High	
	City prevalence	High	N/A	N/A	High	
	Busyness of airport	Higher	Nil		Higher	
	Hub	Higher	Nil	Nil	Higher	
	City prevalence	Higher	Nil	Nil	Higher	
	Crew interaction with public/workers at airport	Higher	Limited	Limited	Higher	
	Border worker protocols	Higher	Limited	Limited	Higher	
	-					
<b>Layover duration</b>						
Duration	Overnight stays	Higher	N/A	Limited	Higher	
	-					
<b>Level of management of crew accommodation by local authorities</b>						
	Length of time in accommodation:	Higher	N/A	Limited	Higher	

	Accommodation dedicated to airline	Higher	Limited separation	Key safety standards	Higher	
	Cleaning protocols of hotel	High	Limited	Assurance - limited	Higher	
	Driver from COVID prevalent city	High	Limited	Limited	Higher	
	Luggage handling controls	Higher	Limited	Assurance limited	Higher	
	Check in and check out procedures	Higher	Limited	Assurance - limited	Higher	
	Ability to maintain physical distancing while accessing food and exercise	High	Limited	Assurance - limited	Higher	
<b>Transfer to/from airport</b>						
<b>Transfer between terminals</b>						
	Dedicated crew transport to/from airport	High	Crew separation provided	Assurance provided	Lower	
	Dedicated crew transport between terminals:	High	Crew separation provided	Assurance from airline provided	Lower	
<b>OVERALL CONSOLIDATED RATING</b>						<b>HIGHER RISK</b>

### **Appendix 3: Ministry of Transport – Operational considerations in developing a new framework for high risk destinations**

1. The Ministry of Transport considers there are a range of operational challenges that need to be considered in the development of the framework. If more routes are designated as high risk, and policy settings mean that crew returning from these places are required to be in isolation for 48 hours, there are a range of possible impacts.
2. Further work with Air New Zealand (and BARNZ) is key to understanding how the framework, and any new high-risk route designations, could impact on the business and crew. They will be able to model the impacts on many aspects of their business (including scheduling and costs).
3. Ahead of those discussions, however, we have identified risks based on previous discussions about high risk destinations and associated policy settings. These include: staff welfare consideration, crewing/scheduling factors, and cost impacts.

#### *Crew welfare*

4. Crew are already spending significant amounts of time in isolation. The designation of more routes as high risk may impact on crew wellbeing. Many crew members already refuse to operate the current high-risk routes given health and well-being concerns.
5. On 7 February 2021, Air New Zealand noted in a letter to Health officials: “More than any other workforce in New Zealand currently, our aircrew spend a significant amount of time in isolation, both during international duties and on return from high risk ports. They reasonably seek access to fresh air and movement for their mental and physical wellbeing. Aircrew can easily isolate some 12-16 days in each 28-day roster and the ability to move is an important and reasonable accommodation. Aircrew are also subject to surveillance and destination specific testing.”

#### *Crewing and scheduling*

6. As has been recently experienced, some staff are likely to refuse to fly higher risk routes. In addition, placing more crew into isolation at hotels (if this is what is determined) will mean this is considered rostered time, and Air New Zealand are likely to need to bring back additional crew to fly current routes. Bringing back crew from furlough takes time and crew need to be re-trained (normally this takes around 6 weeks).
7. This will mean Air NZ is likely to be unable to fly some services, and potentially routes. This will impact on passengers’ accessibility to New Zealand and have significant impacts on exporters in the height of the export season and difficulty for importers- including medicines (as sea freight is unreliable).

#### *Financial implications for Air New Zealand and the Government*

8. If Air New Zealand needs to bring more staff back from furlough this will have financial implications. Air NZ would also have to pay staff while they are isolating in a hotel, Additional accommodation costs would also be incurred
9. Air New Zealand currently operates most of its international flights under the International Airfreight Capacity Scheme (IAFC), which is a Government funding mechanism to ensure essential aviation connectivity is maintained. This scheme currently runs until the end of April 2021, with a decision being sought from Ministers in March on what the Government's role should be after that.
10. Air New Zealand has the ability to seek recovery of cost increases related to operating flights from the Government under the IAFC, so if additional costs were to be imposed on it as a result of increased isolation requirements, then these costs would be covered by the Government, at least until the end of April 2021. If Government extends the Scheme the costs will be met by IAFC. If the Government does not extend the scheme, given a number of services are not commercially viable with IAFC, the additional costs involved in more staff isolating in hotels will make it more likely services are permanently stopped until markets re-open with more significant costs for importers and exporters.

*Growing complexity of the operating environment for Air New Zealand*

11. In thinking about this policy change, context is also important. Air New Zealand has been adapting to a changing environment for almost a year, and will continue to do so. It is, though, a constant challenge and there is little certainty for the airline at any time.
12. Green flights and other positive developments will be hugely welcome by the airline, but they also create further complexity in an already complex environment. Green flights will necessitate segregated crew, and this may impact on crewing/scheduling. As more of these flights are introduced, the complexity of managing it will grow. If changes to the high-risk destination framework also make more crew unavailable, there may be a compounding effect.
13. While the above risks may be able to be mitigated by Air New Zealand, they need to establish the impacts initially.