

# Aide-Mémoire

## Financial and legislation update related to Health at the border

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|------------------------|---|------------------------------|-------------|
| <b>Date due to MO:</b> | 25 July 2024  | <b>Action required by:</b>   | N/A         |
| <b>Security level:</b> | IN CONFIDENCE   | <b>Health Report number:</b> | H2024046633 |
| <b>To:</b>             | Hon Dr Shane Reti, Minister of Health                   |                              |             |
| <b>Consulted:</b>      | Health New Zealand: <input checked="" type="checkbox"/> |                              |             |

## Contact for telephone discussion

| Name                 | Position   | Telephone |
|----------------------|--|-----------|
| <b>Dr Andrew Old</b> | Deputy Director-General, Public Health Agency   Te Pou Hauora Tūmatanui        | s 9(2)(a) |
| <b>Alison Cossar</b> | Manager, Policy and Regulation, Public Health Agency   Te Pou Hauora Tūmatanui | s 9(2)(a) |

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## Financial and legislation update related to Health at the border

**Date due:** 25 July 2024

**To:** Hon Dr Shane Reti, Minister of Health

**Security level:** IN CONFIDENCE

**Health Report number:** H2024046633

**Details of meeting:** Wednesday 31 July 2024

**Purpose of meeting:**

The Border Executive Board (BEB) is preparing a briefing entitled, *Fees and Levies at the Border* for the Minister of Customs. We understand that this briefing will be shared at a Cabinet meeting with border Ministers on Wednesday, 31 July where some border-related items are to be discussed.

This meeting is planned to take place alongside the discussion of the Ministry of Primary Industries (MPI) Cabinet paper entitled *Proposed Cost Recovery Regulations for the Airports Act*.

This aide-mémoire provides you with background information to support discussions at the meeting.

**Comment:** **Fees and Levies at the Border (BEB briefing)**

- The Border Executive Board (BEB) has been examining border-related cost, fees, levies, investments and performance information for border agencies.
- Health has been involved in this process as a member of the BEB and as the lead agency for the *Strategic Approach to Health at the Border* (SAHB).
- The BEB is preparing a briefing for the Minister of Customs that summarises the financial impact of various fee and levy reviews that are underway by border agencies. The Ministry for Primary Industries (MPI), New Zealand Customs Services (Customs), the Immigration business group of the Ministry for Business, Innovation and Employment (MBIE) and the Civil Aviation Authority all have fee or levy reviews underway or planned. This briefing is to be shared with border agency Ministers, including yourself.
- The fees and levies review underway or planned across border agencies are driven by factors such as inflation, and increased service

needs due to additional flow of goods and people through the border as trade and travel recover from the pandemic.

- For Health, the Ship Sanitation Certificate (SSC) inspection fee is the only fee at the border that Health New Zealand charges. SSC fees are set by the Director-General of Health rather than a Cabinet or secondary legislation process.
- **s 9(2)(f)(iv)** [REDACTED].
- Some further context and background is provided to support your attendance at the meeting with the Minister of Customs and other border Ministers if questions arise.

**s 9(2)(f)(iv)**

[REDACTED]

- Current operational practice and the International Health Regulations 2005 (IHR) require commercial ships operating internationally to hold a valid SSC, which is far broader in public health measures it affects than the legislation currently requires. **s 9(2)(f)(iv)** [REDACTED]  
[REDACTED]  
[REDACTED]

- **s 9(2)(f)(iv)** [REDACTED]  
[REDACTED]  
[REDACTED]

**s 9(2)(g)(i)**

[REDACTED]

## **Additional background context on the Health at the Border work programme**

### **Strategic Approach to Health at the Border (SAHB)**

- The SAHB supports the objectives under the Pae Ora (Healthy Futures) Act 2022, while continuing to meet our obligations under the Health Act and the IHR.
- The SAHB has a long-term health focus that monitors health threats at the border and takes a risk-based approach to mitigating and managing those threats. Integration of health protection into the wider border system is a priority. By providing for a more coherent and coordinated approach across both the health and border sectors, the SAHB supports New Zealand's activities for pandemic preparedness, contamination threat, and managing pests of public health concern.
- The SAHB is delivered through a phased approach. The purpose of having such an approach is to ensure health risks are well monitored and escalated when necessary. It also helps make health accessible and visible at the border. The implementation of the SAHB prioritises workstreams and activities based on the funding and resources currently available.
- Phase 1 (managing transition) was completed in July 2023. We are currently in Phase 2 (integrate learnings and experience). Phase 2 consists of 4 main workstreams. These are: Workstream 1- Enduring presence; Workstream 2 - Horizon scanning, preparedness, and escalation; Workstream 3 - Legislative reviews; and Workstream 4 - Data and Digital.
- Some of the border related papers currently being discussed at Cabinet relate to certain aspects of the SAHB work programme, particularly the legislation workstream. We have highlighted some of the relevant items to note.

### *Legislation amendments and wider review of the Health Act 1956*

- Workstream 3 of the SAHB focuses on legislation review. It looks to align and update legislation (ie, the Health Act) to reflect operational practice, international obligations (ie, IHR), outcomes of the Royal Commission of COVID-19 Inquiry (RCOI) and clarify legal powers of health at the border.
- While a wider review to amend current legislation is still planned,  
§ 9(2)(f)(iv)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 9(2)(f)(iv)  
[REDACTED]  
[REDACTED]

### *Regulatory Airport Spatial Undertaking (RASU) as part of the minimum changes necessary to Part 4 of the Health Act 1956*

- Health New Zealand have also advised that to meet the standards in the IHR, international airports should have a health space available for the assessment of unwell travellers if this is needed. Under the Health Act, there is no cost recovery provision for such spaces.
- At present, while New Zealand international airports have a health space, there is a variety of arrangements around how the costs for those spaces are met, some are through the leasing of space at Health New Zealand's cost.
- The Civil Aviation Act 2023 sought to resolve this by requiring airports to provide space for health services and functions. § 9(2)(f)(iv)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 9(2)(f)(iv)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### *Clearance from liability to quarantine (pratique) of arriving craft* § 9(2)(f)(iv)

[REDACTED]

- The processes for clearance from liability to quarantine (*pratique*) of air and maritime craft arriving in New Zealand § 9(2)(f)(iv)  
[REDACTED]  
[REDACTED]



Dr Andrew Old

Deputy Director-General

**Public Health Agency | Te Pou Hauora Tūmatanui**

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