

# Health Report

## West Indian Men's Cricket Team exemption from requirements of the Managed Isolation and Quarantine Order

**Date due to MO:** 20 October 2020      **Action required by:** 20 October 2020

**Security level:** IN CONFIDENCE      **Health Report number:** 20201855

**To:** Hon Chris Hipkins, Minister of Health

**Copy to:** Hon Grant Robertson, for Sport and Recreation  
Hon Megan Woods, Minister of Housing

### Contact for telephone discussion

| Name                 | Position  | Telephone |
|----------------------|---|-----------|
| Dr Ashley Bloomfield | Director-General                                    | s 9(2)(a) |
| Maree Roberts        | Deputy Director-General, System Strategy and Policy |           |

### Action for Private Secretaries

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

**Date dispatched to MO:**

**Forward** the report to the Ministers of Housing and Sport and Recreation.

# West Indian Men's Cricket Team exemption from requirements of the Managed Isolation and Quarantine Order

## Purpose of report

- This report accompanies an exemption notice from the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, to permit the West Indian Men's Cricket Team to operate in designated training bubbles while in managed isolation. It provides a summary of the exemption and the rationale for our advice to grant this exemption.

## Summary

- The West Indian Men's Cricket Team (the Team) arrives in New Zealand on 30 October and will travel via Auckland to Christchurch for isolation. They will undertake 14 days of managed isolation in Christchurch before playing a series of Twenty-Twenty cricket and test matches.
- To be in a position to play international grade cricket, the Team requires an exemption from normal managed isolation requirements so that they can train while in managed isolation.
- The proposed exemption would allow the Team to train at the managed isolation facility (MIF) and at an approved training venue (sports MIF) with strict parameters while in isolation in Christchurch, using a phased approach to training bubbles:
  - Team members will be required to isolate individually upon arrival to New Zealand, and
  - following day 3 COVID-19 tests, the Team may be permitted to operate in training bubbles of up to 15 people, if they meet certain low risk-indicators
  - following day 6 COVID-19 tests, the Team may be permitted to operate in a training bubbles of up to 25 people, if they meet certain low-risk indicators.
- The exemption contains a number of conditions, including pre-departure medical examination and testing, travel restrictions while in Christchurch, and strict physical distancing requirements.

- Officials have considered the risks of COVID-19 transmission associated with this exemption and consider that the risks have been appropriately mitigated through a range of measures, and that compliance with the exemption conditions is likely to be good.

## Recommendations

We recommend you:

- a) **Note** that under the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, you may exempt a class of persons from any requirements under the Order, with conditions, where you are satisfied the prerequisites are met. **Yes** **No**
- b) **Note** that under the Order, you must take into account the advice of the Director-General of Health when deciding whether to grant an exemption and what, if any, conditions to impose on an exemption. **Yes** **No**
- c) **Agree** to the exemption to permit the West Indian Men's Cricket Team to train at the managed isolation facility (MIF) and at an approved training venue (SMIF) with strict parameters while in managed isolation using a phased approach to training bubbles: **Yes** **No**
- Team members will be required to isolate individually upon arrival to New Zealand, and
  - following day 3 COVID-19 tests, the Team may be permitted to operate in training bubbles of up to 15 people, if they meet certain low risk-indicators
  - following day 6 COVID-19 tests, the Team may be permitted to operate in a training bubbles of up to 25 people, if they meet certain low-risk indicators
- d) **Note** all Team members will be tested again on day 12 of isolation and will only be allowed to leave the MIF if they have been assessed as meeting the low-risk indicators at the end of their 336 hours. **Yes** **No**
- e) **Sign** the attached exemption notice that exempts the West Indian Men's Cricket Team from requirements of the Order as summarised in c) above, on 20 October 2020. **Yes** **No**
- f) **Note** that the exemption notice comes into force when you sign it, but that it will also be published in the New Zealand Gazette. **Yes** **No**



Dr Ashley Bloomfield  
**Director-General of Health**

Date:



Hon Chris Hipkins  
**Minister of Health**

Date: 20/10/20

# West Indian Men's Cricket Team exemption from requirements of the Managed Isolation and Quarantine Order

## Background

1. The West Indian Men's Cricket Team (the Team) arrives in Auckland on 30 October 2020 and then flies direct to Christchurch. They will undertake 14 days of managed isolation in Christchurch before playing a series of Twenty-Twenty cricket and test matches in November and December.
2. You have agreed in principle [HR 20201707 refers] to allow the Team to train at the managed isolation facility (MIF) and at an approved training venue (sports MIF (SMIF)) with strict parameters during isolation in bubbles larger than standard MIF practice. This is for the Team to be in a position to play international grade cricket.
3. To enable this to happen, an exemption needs to be made under clause 15A of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Order). This Report sets out the reasons for, and details of, the proposed exemption.
4. Under the Order, you have the authority to make an exemption for any class of persons if you are satisfied that the:
  - a. exemption is necessary or desirable in order to promote the purposes of the COVID-19 Public Health Response Act 2020 (the COVID-19 Act)
  - b. exemption is necessary to facilitate the execution of a government approved event or a major government-approved programme, and
  - c. extent of the exemption is not broader than reasonably necessary to address the matters that give risk to the exemption.
5. When giving consideration to the exemption, the risk of spreading COVID-19 to the community must be evaluated, taking into account:
  - a. whether the group seeking an exemption are at a lower risk of having been exposed to COVID-19
  - b. whether there are appropriate measures in place to reduce the risk of the spread of COVID-19 to the community, and
  - c. whether any conditions or mitigation measures are likely to be complied with and the associated risk if conditions are not complied with.

## Conditions of the exemption

6. The conditions of this exemption are as follows:
  - a. Team members are required to undertake a COVID-19 test prior to departure to New Zealand

- b. Team members are required to undertake a symptom check 48 hours prior to departure
  - c. Team members are required to isolate individually in managed isolation upon arriving in New Zealand until they have been assessed by a health practitioner as meeting the low-risk indicators after their COVID-19 day 3 test
  - d. following the day 3 test results, members of the Team that meet the low-risk indicators are permitted to train at the MIF and SMIF in designated training bubbles consisting of up to 15 people
  - e. Team members are required to stay in their training bubbles of up to 15 people until they have all been assessed by a health practitioner as meeting the low-risk indicators after their COVID-19 day 6 test
  - f. following the day 6 test results, members of the Team that meet the low-risk indicators are permitted to train at the MIF and SMIF and to be in a designated training bubble of up to 25 people, and
  - g. as per 3(p) of the *Criteria for assessing a proposed sport managed isolation and quarantine facility* (the Criteria) [HR 20201383 refers], the relevant training bubble will be quarantined and tested, if one person within that bubble cannot be assessed as being at a low risk of transmitting COVID-19, or displays any symptoms of COVID-19.
7. All other requirements of the Order remain unchanged.

## **The exemption meets the purpose of the Act**

### **Preventing the spread of COVID-19**

8. The primary purpose of the COVID-19 Act is to support the public health response to COVID-19. As above, any exemption request should be considered in conjunction with associated conditions to reduce the risk of the spread of COVID-19 to the New Zealand community.
9. In evaluating the risk of the team spreading COVID-19 to the community (as outlined in paragraph 5), officials advise that the Team overall poses a low risk of transmission of COVID-19 to New Zealanders.

### *The Team is at some risk of exposure to COVID-19 before they arrive in New Zealand*

10. The majority of the Team will be coming from the Caribbean (33 out of 35 members). Cricket West Indies (CWI) has advised that the number of cases throughout the Caribbean remains low with Trinidad and Tobago and Jamaica having the highest prevalence. They believe that this has been due to the prudent management by regional governments who implemented various strategies including early lockdowns, travel restrictions, mandatory face covering use in public and rigid testing protocols.
11. Of the Team members not in the Caribbean, one is in Atlanta, USA and one is in London, England. These are both high incidence countries.
12. CWI believe that they have been at the forefront of the safe return to international cricket and that this has been demonstrated by the West Indies tour of England and the recently concluded Caribbean Premier League (CPL). They state that the Team is familiar

with the rigors of this 'new normal' which includes the use of face coverings, self – isolation and quarantine, life in a biosecurity bubble and social distancing.

13. The overall risk of exposure to COVID-19 prior to departure is considered to be relatively low due to the following measures that the Team has stated are being undertaken:
  - a. **Education** - All members of the Team will be educated on the following using zoom group meetings, individual meetings with players, social media and brochures:
    - i. physical distancing
    - ii. use of face masks
    - iii. proper hand hygiene
    - iv. signs and symptoms of a viral illness
    - v. precautions to be taken with air travel.
  - b. **Testing** - all members of the Team will undergo antigen testing for COVID-19 via PCR testing at approved and accredited laboratories. Each Team member will be tested at least twice prior to travel, some will be tested three times. The first test for all Team members will be seven days before departure, and the last test performed within 72 hours prior to departure.
  - c. **Medical Examination** - Prior to travel, all members of the Team will be medically examined for viral illness symptoms by CWI physicians in the various territories.
  - d. **Home Quarantine** - From the onset of testing to the time of departure, all members of the Team have been advised to stay at home and self-isolate.
  - e. **Self –reporting** - All members of the Team are required to;
    - i. report to the CWI Manager Sports Science and Medicine or Cricket Medical Officer if they or any member of their household develop any viral symptoms prior to travel
    - ii. report if any member of their household is tested for COVID-19 or has a positive COVID-19 test while in home quarantine or prior to travel.
14. There is a risk of COVID-19 transmission during transit due to the Team travelling on a commercial flight with Emirates Airlines from the Caribbean to Auckland via London and Dubai. However, this risk will be mitigated in the following ways:
  - a. CWI have developed Travel Safe Guidelines (dated 8 June 2020) to decrease the risk of the Teams exposure to COVID-19. These guidelines covers pre-flight, in-flight, in transit and on landing situations and include the following travel precautions;
    - i. mandatory use of face coverings
    - ii. use of issued hand sanitizers
    - iii. physical distancing protocols
    - iv. protocols for airport security, seat / general areas, disembarking, customs / immigration, food and drink, and toilets (eg, wiping any item put onto tray tables with disinfectant before putting back in their carry on)

- v. twice daily temperature checks performed, recorded and forwarded by the physiotherapist to the CWI Manager of Sports Science and Medicine and the Cricket Medical Officer.
  - b. all passengers flying Emirates from Dubai (including passengers connecting in Dubai), must have a negative COVID-19 test certificate to be accepted on the outbound flight. This test must be taken a maximum of 96 hours before departure. It is also a requirement that masks be worn on all flights, including during any airport transit
  - c. the Team will travel in a chartered plane from Auckland to Christchurch, and where appropriate, biosecurity protocols will be in place, including the use of face masks and physical distancing.
15. Therefore, although the Team is at some risk of exposure to COVID-19 prior to and during travel to New Zealand, officials consider that this risk is mitigated to some extent by the pre-departure testing and isolation, and the controls in place during transit.

*Appropriate measures in place to reduce the risk of spread of COVID-19 to the community*

16. During their time in New Zealand, the following measures will be in place to reduce the risk of spreading COVID-19 to the community:
- a. as with all other arrivals into New Zealand, the Team will undertake 14 days of managed isolation and adhere to strict infection prevention and control measures
  - b. as with all international sports codes considering travel to New Zealand, the Team will have been informed about our managed isolation requirements and rules
  - c. the Team will be isolating at the Chateau on the Park Hotel in Christchurch, an established managed isolation facility, but will have a reduced risk of interacting with returnees. As previously advised [HR 20201688 refers], this operates as both a managed isolation and quarantine facility with the ability to section off separate wings. Canterbury District Health Board (CDHB) have advised that, where possible, during this period returnees will be accommodated in different wings of the facility.
  - d. in addition to the standard managed isolation and quarantine facility requirements, strict infection prevention and control protocols are required to be followed for both the on-site training at the MIF and the off-site training at the SMIF (for Cricket teams this is the Lincoln University High Performance Centre), including transport and equipment use, and to manage the bubbles,<sup>1</sup>
  - e. the addition of an enhanced testing regime – testing before departure, then on days 3, 6 and 12 of managed isolation, should mitigate any risk of undetected cases of COVID-19 amongst players, and
  - f. if any team member displays symptoms of COVID-19 upon arrival at Auckland Airport, they will undergo the relevant managed isolation and quarantine process in

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<sup>1</sup> Encompassed under the *Criteria for assessing a proposed sport managed isolation and quarantine facility* [HR 20201383 refers] alongside the accompanying Standard Operating Procedures.

Auckland and will not be permitted to travel to Christchurch with the rest of the team on the charter flight.

17. The testing regime is outlined in further detail below.

*Testing measures in place to reduce the risk of spread of COVID-19 to the community*

18. Upon arrival in Christchurch, the Team is required to isolate individually, until they have undergone COVID-19 testing on day 3 of isolation:
- a. to leave individual isolation and begin operating in designated training bubbles, Team members must be assessed by a suitably qualified health practitioner as being at a low risk of transmitting COVID-19 to others (meeting low-risk indicators) following the day 3 COVID-19 test. This means that there is information relating to the person which indicates that they are at a low risk of having or transmitting COVID-19
  - b. as it is possible that some members of the Team may have previously been exposed to COVID-19 (that is, there may be some historic cases on the Team), it is proposed that the Team have a serology test undertaken as soon as logistically possible upon their arrival in Christchurch. The serology result will provide further information for the Medical Officer of Health when undertaking a risk assessment and investigation of a 'weak positive' test at any point
  - c. if the Team member cannot be assessed as meeting the low-risk indicators, they will not be permitted to join a bubble with any other Team members or leave quarantine, and
  - d. all Team members who have been assessed as meeting the low-risk indicators following the day 3 test will be allowed to form a designated training bubble of up to 15 people.
19. All Team members must undergo a day 6 COVID-19 test, and again be assessed by a health practitioner as meeting low-risk indicators following the day 6 test:
- a. any Team member who returns a positive test, and all members of their training bubble, will be required to quarantine, pending investigations and re-testing. The wider team may also be required to be re-tested (but will not be required to quarantine unless investigation indicates possible contact with the person who tested positive, eg, due to potential bubble breaches)
  - b. as above, any Team member who cannot be assessed as meeting the low-risk indicators will not be permitted to re-join the training bubble or leave quarantine, and
  - c. all Team members who have been assessed as meeting the low-risk indicators will be allowed to join a designated training bubble of up to 25 people.
20. As with all other arrivals to New Zealand, all Team members will be tested again on day 12 of isolation and will only be allowed to leave the MIF if they have been assessed as meeting the low-risk indicators at the end of their 336 hours.
21. Officials consider that the combination of measures and testing protocols will sufficiently mitigate the risk of the Team transmitting COVID-19 to the New Zealand community.



### *Compliance with any conditions*

22. The measures in place for pre-departure and during transit are reliant on the Team undertaking these steps – it is not possible or practical for the New Zealand Government to enforce these requirements.
23. The exemption can be revoked for specified team members if they are non-compliance with exemption conditions.
24. CWI has advised that should a member of the Team breach the managed isolation requirements or CWI travel guidelines, they will be removed from the squad and will be returned to the Caribbean on the next available flight (where possible). They will be reported to CWI's Disciplinary Tribunal and may face additional sanctions after the hearing.
25. In addition, section 26(2)(a) and (b) of the COVID-19 Act provide for offences against the Order of imprisonment for a term of up to 6 months, or a fine of up to \$4,000.
26. It is noted that the Team is motivated to play in the tour so it is expected that compliance will be good.
27. Overall, officials consider that compliance with the exemption conditions will be good.

### **Other purposes under the COVID-19 Act**

28. In this case, hosting the Team in an established facility will be less onerous for the health system than a newly established sport MIQF. While additional work will be required to ensure training follows necessary public health measures, the facility and staff are already equipped to operate as a MIQF.
29. As advised [HR 20201707 refers], initial marginal cost estimates to manage isolation for the West Indies and Pakistan men's cricket teams are \$0.921 million, of which \$0.700 million would be recovered from New Zealand Cricket, leaving a shortfall of \$0.221 million. The estimated shortfall can be managed within existing MIQ baselines. All health costs will be recovered.
30. CDHB have indicated that they are able to manage the health support needed for the proposal. The final agreement, including funding arrangements, is subject to CDHB Chief Executive and the Director-General of Health sign-off.
31. The exemption will benefit communities economically through increased spending. It will also be of social benefit to New Zealanders, as it is an important social event, boosting national morale.

### **Major government-approved event or programme**

32. The Minister of Immigration has agreed to the International West Indian Men's Cricket Tour of New Zealand proposal. As a result, the International West Indian Men's Cricket Tour of New Zealand has been added to Immigration New Zealand's Government-approved events list.

### **Other factors to be considered**

33. The exemption discretion must be exercised consistently with the New Zealand Bill of Rights Act 1990 (BORA):

- a. you have previously been advised that officials consider the requirements of managed isolation to be reasonable limitations on the rights of individuals, given the public health risk to the New Zealand community of transmission of COVID-19
  - b. the Team will be subject to less restrictive isolation requirements than most other returnees, and therefore, we consider that any limitations on their rights are reasonable. In addition, the additional test of day 6 of isolation is considered justified due to the less restrictive isolation requirements, and
  - c. the exemption also has the potential to impact freedom of movement (section 18 of BORA) by displacing returning New Zealanders if there is insufficient capacity at MIQFs to accommodate the team and any New Zealanders wishing to return home.
34. However, we assess that this exemption can be exercised consistently with BORA as there is sufficient capacity within the MIQF to host the players without displacing returning New Zealanders.
35. Ministry of Health officials have consulted with the Ministry of Business, Innovation and Employment (MBIE), as well as CDHB on the proposal to grant this exemption.
36. Note that on 23 September, you granted an exemption from requirements of the Order for the Australian National Rugby Team [HR 20201721 refers], and on 5 October, you granted an exemption from requirements of the Order for the England Roses Netball Team [HR 20201770 refers]. Those exemptions carried similar conditions. The proposed exemption has been refined from learnings from both Rugby and Netball.
37. Note that we did not recommend a phased approach to bubble sizes for training in the Rugby Team exemption, due to their different risk profile. The main reasons for the different risk profile are:
- a. the higher levels of community transmission of COVID-19 in the West Indies, the United States of America and the United Kingdom than in Australia, and
  - b. the arrival of the Team into New Zealand on a commercial flight, rather than a charter flight (for the Australian National Rugby Team).

### **Next steps**

38. We recommend that you grant the attached exemption to allow the West Indian Men's Cricket Team to train at the MIF and at the SMIF with strict parameters while in managed isolation using a phased approach to training bubbles, once they have been assessed by a health practitioner as meeting the low-risk indicators after their day 3 and day 6 COVID-19 tests.

**ENDS.**

## Gazette notice

### COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

#### Exemption of West Indian Men's Cricket team from requirements of the Order

Pursuant to clause 15A of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 ("Order"), I, Hon Chris Hipkins, Minister of Health, having taken into account the advice of the Director-General of Health, hereby declare that the persons who satisfy each of the following criteria are exempt from clauses 8(2) and 8(3) of the Order:

- persons who travel to New Zealand on or about 27 October 2020 to participate in the International West Indian Men's Cricket Tour of New Zealand (as listed as a Government-approved event at H5.30.15 of the Immigration Instructions) as part of the West Indian Men's Cricket team, which includes (but is not limited to) players, coaches, team management and other support staff;
- who have undergone a COVID-19 polymerase chain reaction test (PCR) within a period of time confirmed as acceptable by the Ministry of Health prior to commencing their travel to New Zealand;
- who have undergone a symptom check within 48 hours prior to commencing their travel to New Zealand; and
- who have undergone medical testing and examination on or around the third day after arrival in New Zealand and satisfy a medical officer of health that they are unlikely to transmit COVID-19

(collectively "Members of the West Indian Team").

The exemption will begin at 11.59pm on Monday 26 October 2020.

This exemption expires after every person subject to this exemption completes their period of isolation or quarantine, or at 11.59pm on 26 November 2020 (whichever occurs earliest).

For the purposes of this exemption, a "Bubble" is a group of the Members of the West Indian Team who may intermingle and train with each other. Different Bubbles must maintain physical distancing from members of a different Bubble.

For the purposes of this exemption and subject to (f) below, Members of the West Indian Team must be allocated to one of three bubbles ("Bubble 1" and "Bubble 2" and "Bubble 3"). Bubble 1, Bubble 2 and Bubble 3 are to be made up of no more than 15 people. Persons in Bubble 1 can only intermingle and train with other persons in Bubble 1. Persons in Bubble 2 can only intermingle and train with other persons in Bubble 2. Persons in Bubble 3 can only intermingle and train with other persons in Bubble 3.

The exemption from clauses 8(2) and 8(3) is subject to the following conditions:

- a. all Members of the West Indian Team seeking to rely on this exemption must undergo medical examination and testing to assess whether they have COVID-19, on:
  - i. the sixth day after arrival in New Zealand; and
  - ii. the twelfth day after arrival in New Zealand.
- b. while a medical officer of health undertakes any investigations into the nature of a test result that is positive for COVID-19, or into symptoms associated with COVID-19, the Members of the West Indian Team must act consistently with the requirements of clause 8(2) and 8(3) of the Order until advised otherwise by that medical officer of health;
- c. all Members of the West Indian Team must only travel between the training facility that has been designated a low-risk managed isolation and quarantine facility ("MIQF") for the purposes of the Members of the West Indian Team to undertake training ("training facility") and their allocated MIQF in which they are residing. This travel must be as direct as reasonably practicable;
- d. the travel between the training facility and the MIQF in which they are residing must be undertaken in vehicles that have been designated by the Crown for this purpose;
- e. members of Bubble 1, Bubble 2 and Bubble 3 must at all times maintain 2 metre distance from members of any other bubble and any other persons who are not otherwise in their allocated bubble, including while undertaking travel between the training facility and their allocated MIQF in which they are residing;
- f. if a medical officer of health is satisfied that a Member of the West Indian Team is unlikely to transmit COVID-19 following medical examination and testing on or about the sixth day after arrival in New Zealand, that member will be allocated to one of two new bubbles ("Secondary Bubble 1" and "Secondary Bubble 2"). Secondary Bubble 1 and Secondary Bubble 2 are to be made up of no more than 25 people. Persons in Secondary Bubble 1 can only intermingle and train with other persons in Secondary Bubble 1. Persons in Secondary Bubble 2 can only intermingle and train with other persons in Secondary Bubble 2.
- g. members of Secondary Bubble 1 must maintain physical distancing with members of Secondary Bubble 2 (and vice versa);
- h. all Members of the West Indian Team must not have any in-person contact with any other person who is not in their bubble, except to the extent required to undertake the travel to and from the training facility and the MIQF in which they are residing and except as contemplated by the Order (for example, contact may be required with the driver of the designated vehicle and any site manager);
- i. all Members of the West Indian Team must wear face coverings while traveling in the designated vehicles to and from the training facility and their allocated MIQF in which they are residing;

- j. all Members of the West Indian Team must maintain physical distancing (to the greatest extent practicable) from all other residents (i.e. those persons **not** subject to this exemption) at the MIQF at which they are residing and any other location and in accordance with this notice;
- k. all Members of the West Indian Team may only access the areas of the MIQF in which they reside and the training facility as advised by the relevant site manager;

If any person subject to this exemption does not meet or comply with a condition of this exemption, or breaches a condition of this exemption, or is required to stay in a high-risk MIQF, the exemption from clauses 8(2) and 8(3) of the Order will cease to apply upon the giving of notice by the Director-General of Health to West Indies Cricket in respect to the persons named in that notice.

If any person subject to this exemption breaches the Order, or are arrested, charged or are suspected of committing an offence punishable by imprisonment, the exemption from clauses 8(2) and 8(3) will cease to apply upon the giving of notice by the Director-General of Health to West Indies Cricket in respect to the person's named in that notice.

Subject to the terms of this exemption, all other provisions of the Order continue to apply until the exemption expires.

Dated at Wellington this 20th day of October 2020



Hon Chris Hipkins  
Minister of Health