

# Briefing

## England Women's Netball team exemption from requirements of the Isolation and Quarantine Order

**Date due to MO:** 12 August 2021      **Action required by:** 18 August 2021

**Security level:** IN CONFIDENCE      **Health Report number:** 20211689

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

**Copy to:** Hon Grant Robertson, Minister for Sport and Recreation

### Contact for telephone discussion

Name	Position	Telephone
<b>Dr Ashley Bloomfield</b>	Director-General of Health	s 9(2)(a)
<b>Bridget White</b>	Deputy Chief Executive, COVID-19 Health System Response	s 9(2)(a)

### Action for Private Secretaries

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

**Date dispatched to MO:**

**Forward** the report to the Minister for Sport and Recreation.

# England Women's Netball team exemption from requirements of the Isolation and Quarantine Order

## Purpose of report

1. This report accompanies a proposed exemption notice from certain requirements of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Order) to permit the England Women's Netball team (the team) to train in designated bubbles while in managed isolation. It provides a summary of the exemption and the rationale for our advice to grant this exemption.

## Summary

2. This paper seeks your agreement to the necessary exemption for the England Women's Netball team, which is scheduled to arrive in New Zealand on 27 August 2021.
3. The team will likely be comprised of players and staff from England (20 individuals) and Australia (5 individuals), with the team arriving in Christchurch from these two locations. They will undertake 14 days of managed isolation in Christchurch before playing three games as part of the Taini Jamison Trophy.
4. The English contingent will transit through Singapore to Christchurch. Specific travel plans for the Australian contingent are yet to be confirmed. If they are unable to travel due to local COVID-19 restrictions, the contingent of 20 individuals from England will make up the entire team.
5. To be able to play international-grade sport, the team requires an exemption from standard managed isolation and quarantine (MIQ) requirements so that team members can train in designated bubbles while in managed isolation. The exemption is not for any other purpose except training (i.e. socialising is not permitted under the exemption) and all other Managed Isolation Facility (MIF) requirements continue to apply to the team.
6. The proposed exemption would allow the team to train at a MIF and an approved training venue while in managed isolation under strict parameters, including:
  - a. all team members will be required to isolate individually upon arrival in New Zealand;
  - b. all team members will have COVID-19 tests on days 0/1, 3, 6, 9 and 12; and
  - c. provided they return a negative day 6 test and the Medical Officer of Health is satisfied that they are unlikely to transmit COVID-19, team members will be permitted to train in **two designated bubbles of up to 13 people** with a transition to a full team training **bubble of 25 people** following a negative day 9 test.
7. Officials consider that there is a high risk of exposure to COVID-19 prior to arrival given the developing COVID-19 situations in New South Wales and Queensland and that the Australian contingent's travel plans are yet to be confirmed. However, the proposed conditions and risk mitigations for this exemption (as outlined in this paper) account for this level of risk and the uncertainty of the team's team selection and travel plans.

8. Officials are confident that team members will comply with the conditions of the exemption as they have previously been to New Zealand and experienced training in MIQ. However, the Minister for COVID-19 Response has the power to revoke the exemption for some or all team members should any member of the team breach the exemption conditions.

## Recommendations

We recommend you:

- a) **Note** that under the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Order), you may exempt a class of persons from any requirements under the Order, with conditions, where you are satisfied the prerequisites are met.
- 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.
- c) **Agree** to the exemption to permit the England Women's Netball team to train at the managed isolation facility (MIF) and at an approved training venue while in managed isolation, subject to strict parameters and conditions as set out in this briefing and the attached exemption notice.  Yes/No
- d) **Note** that the team will only be allowed to leave the MIF at the end of their 14-day isolation period if they return a negative day 12 test and have been assessed as meeting low-risk indicators (these timeframes will need to be extended if any team member tests positive as determined by the Medical Officer of Health).
- e) **Sign** the attached exemption notice that exempts the England Women's Netball team from requirements of the Order (as set out in this briefing) by 18 August 2021.  Yes/No



Dr Ashley Bloomfield  
**Director-General of Health**  
Date: 11/08/2021



Hon Chris Hipkins  
**Minister for COVID-19 Response**  
Date: 17/8/21

# England Women's Netball team exemption from requirements of the Isolation and Quarantine Order

## Background

1. Border Exception Ministers have agreed to approve the England Women's Netball team (the team) to come to New Zealand on 27 August 2021 via managed isolation (MBIE Briefing BR 2021-0938 refers).
2. The 25-member team is scheduled to arrive in Christchurch on separate flights from England and Australia on 27 August 2021, where all members of the team will undertake 14 days of managed isolation. There is a possibility that the Australian contingent may travel to and join the English contingent in Singapore, however this is not yet confirmed. Should any of these flights be delayed through no fault of the team, the date of the training exemption will begin based on the last contingent's arrival in New Zealand.
3. The team is travelling to New Zealand to participate in the Taini Jamison Trophy, which is on the list of Government-approved events at H5.30.15 of the Immigration Instructions.
4. To be able to play international grade netball, the team requires an exemption from standard managed isolation requirements so that team members can train in designated bubbles while in managed isolation.
5. For 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). Under the Order, you have the authority to make an exemption for any class of persons if you are satisfied that:
  - a. the exemption is necessary or desirable in order to promote the purposes of the COVID-19 Public Health Response Act 2020;
  - b. the exemption is necessary to facilitate the execution of a government-approved event or a major government-approved programme; and
  - c. the extent of the exemption is not broader than reasonably necessary to address the matters that give rise to the exemption.
6. The public health risk assessment and subsequent proposed exemption take into account the uncertainty of travel and mitigation plans for the Australian contingent. The most current information provided by England Netball is included in this briefing.

## What does the exemption permit?

7. Under the proposed exemption, the team will be subject to the standard requirements that apply to any other person in a MIF, with the following limited exceptions:
  - a. Provided they return a negative day 6 test and the Medical Officer of Health is satisfied that they are unlikely to transmit COVID-19, team members will be permitted to train in two designated bubbles of up to 13 people with a transition to a full team training bubble of 25 people following a negative day 9 test, at the following locations:

- i. on-site in an outdoor covered gym area at the MIF
- ii. off-site at a specific training facility (Celebration Sports Stadium, Christchurch).

## Conditions of the exemption

8. To meet the criteria for the exemption, team members are required to:
  - a. have a COVID-19 polymerase chain reaction (PCR) test within 72 hours prior to commencing their travel to New Zealand;
  - b. undergo a symptom check within 48 hours prior to commencing travel; and
  - c. complete an enhanced testing regime for COVID-19 at the MIF (on days 0/1, 3, 6, 9 and 12).
9. 10 individuals of the prospective group of 60 individuals (that could be selected as the 25 individuals for this tour) have previously had COVID-19. The subsequent likelihood of those who have previously had COVID-19 re-testing positive means that the whole team is required to complete full serology testing on day 0/1.
10. They must also comply with strict conditions once the exemption applies, including complying with physical distancing, mask use and strict transportation requirements between the MIF and the off-site training facility.
11. If at any point during their time in the MIF a team member tests positive for COVID-19 or develops symptoms, the exemption will be put on hold for all members of the team until a risk assessment and investigation is complete and further actions, if any, are determined. Team members would not be able to train during this time.
  - a. All members of a training bubble would be considered close contacts in the event of a positive test and would be treated according to the standard MIF protocols for close contacts of positive cases.
12. As is standard practice, all team members will be tested 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 after a minimum of 14 days post arrival.

## The exemption meets the purposes of the COVID-19 Act

13. The primary purpose of the COVID-19 Act is to support the public health response to COVID-19. 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.
14. Officials have evaluated the risks associated with the exemption proposal considering the team's risk of exposure to COVID-19, the measures in place to reduce the risk of spread of COVID-19 to the community and the compliance of the team.
15. Having undertaken this evaluation, officials advise that there is a high risk team members will be exposed to COVID-19 prior to arrival. To mitigate the increased risk of exposure to COVID-19 it is recommended that bubbles are only formed after negative day 6 testing and that full team formation only occur after negative day 9 testing.
16. As the team is currently based across England and Australia, each country has its own risk profile. The country-level COVID-19 situation is outlined in **Table 1**.

**Table 1 – COVID-19 in Australia and the UK (all data as at 28 July 2021)**

	England	Australia
<b>Risk level</b>	High risk	High risk
<b>Active cases</b>	513,139	3,060
<b>Total cases</b>	4.99 million	33,732
<b>New cases (7 day rolling average)</b>	32,004	172
<b>Total population</b>	55.98 million	25.36 million

17. England Netball have advised that the team, regardless of whether they are in England or Australia, will be operating under strict protocols for the 14 days prior to departure for New Zealand and during transit, as set out in **Table 2**.

**Table 2 – Summary of team pre-departure and transit protocols for England and Australia**

	England	Australia
<b>Pre-departure isolation</b>	<p>All athletes and staff will congregate at a centralised training camp within 72 hours of the flight departure time. A PCR test will be given on entry and no interaction with other individuals until the result of that test is known.</p> <p>All team members will travel individually by car, avoiding public transport, to arrive at this location.</p>	<p>Players will continue to follow the existing COVID-protocols during their participation in the Suncorp Super Netball tournament through to their elimination from the tournament on either 14th or 21st August. Upon elimination, players are to remain in Queensland (or in other states deemed low risk by the Australia government). The players will follow a period of self-isolation after they have completed their competition requirements.</p>
<b>Testing and medical examination</b>	<p>Lateral flow tests every Monday and Thursday from 9 August to departure with an additional PCR test on 24 August prior to departure. After this final test no interaction with other individuals is permitted until all tests are returned as negative.</p>	<p>Players will undergo PCR testing six days prior to departure and again within 72 hours of departure. Players will undertake a daily medical questionnaire screening for any COVID-19 and illness symptoms to be monitored by the Women's Chief Medical Officer.</p>
<b>Action taken for positive tests</b>	<p>If a team member tests positive at any time prior to departure, they will be excluded from the tour. If a team member is a close contact of someone who tests positive, they must undertake all local health requirements for release from quarantine prior to departure. If they do not meet these requirements, they will be excluded from the tour.</p>	

<b>Travel plans</b>	The team will travel from a centralised training camp where they will be staying for the 72 hours prior to departure. The team fly from London to Singapore, spend six hours in the Singapore transit hotel and then fly Singapore to Christchurch, landing on 27 August.	Not confirmed by England Netball
<b>Vaccination</b>	By the date of departure, all staff are expected to have received both vaccination doses. All athletes will have received at least one dose with some athletes having received both doses. A full list of vaccination status will be available two weeks prior to departure.	Not confirmed by England Netball
<b>Previous COVID-19 cases</b>	Of the 60 possible staff and players that could be on this tour, 10 individuals have had COVID-19.	Not confirmed by England Netball

## Stringent measures will be in place when the team arrives in New Zealand

18. Once the team arrives in New Zealand, the following measures will be in place to reduce the risk of spreading COVID-19 to the community.
- a. The team will undertake 14 days of managed isolation and adhere to strict infection prevention and control measures. Team members have been informed about our MIQ requirements and rules.
  - b. The team will be isolating at the Chateau on the Park Hotel in Christchurch. As previously advised [HR 20201688 refers] Canterbury Region Isolation and Quarantine (C-RIQ) have confirmed that during this period the team will be accommodated on different floors to other returnees.
  - c. In addition to the standard MIQ 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 sports MIF, including transport and equipment use<sup>1</sup>. The C-RIQ have recently hosted several international sporting teams so have experience in logistics around managing bubbles and training.
  - d. The addition of an enhanced testing regime should mitigate any risk of undetected cases of COVID-19 amongst team members. If any members of the team display

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

symptoms of COVID-19 upon arrival at Christchurch Airport, they will be moved into a quarantine facility and will not be permitted to join the team until they have undertaken the full 14 days of quarantine.

## **Compliance with exemption conditions**

19. The England Women's Netball team are familiar with New Zealand managed isolation expectations. They spent 14 days in the Chateau MIF in 2020 and reports note they were compliant with all conditions. However, there have been cases of non-compliance by sporting teams that have been granted exemptions. Significant lessons have been learned from these earlier tours, and agencies have worked with sports agencies to improve processes to enhance compliance and lift the understanding of New Zealand's requirements.
20. The Minister for COVID-19 Response has the power to revoke the exemption for some or all team members should any member of the team breach the exemption conditions.
21. In addition, if there is a breach of the conditions of the exemption, or a team member (or multiple members) does not meet the conditions of the exemption, the exemption also specifies that the Director-General may notify England Netball that the exemption is suspended or revoked.
22. Prior to the team's arrival, England Netball is required to sign a confirmation as a part of the Crown Services Agreement between Netball New Zealand and the Ministry of Business, Innovation and Employment. This confirms that England Netball understands the exemption, its requirements and has communicated the requirements to the team.
23. England Netball has advised that any breaches of protocol will be taken seriously. Minor breaches will result in management issuing the team member with a written warning. Management will liaise with the CEO of England Netball in the event of a major breach and this may result in immediate expulsion, suspension and/or financial penalties.
24. The measures in place for pre-departure and during transit are reliant on team member compliance, and it is not possible or practical for the New Zealand Government to enforce these requirements.
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 six months, or a fine of up to \$4,000.

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

26. The exemption will benefit communities economically and the Taini Jamison Trophy games are scheduled to be played in Christchurch and Hamilton. The matches will be of benefit to New Zealanders as they are an important social event, boosting national morale.
27. Canterbury District Health Board (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 approval.

## **Other factors to be considered**

28. 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. Team members will be subject to less restrictive isolation requirements than most other returnees and, we consider that any limitations on their rights are reasonable.
  - c. The exemption also has the potential to impact freedom of movement (section 18 of the 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.
29. Granting this exemption will provide further freedom not offered to other returnees giving rise to issues of equity and fairness to others. In addition, it may further hinder any social licence we have to continue granting these exemptions.
  30. The decision to agree to host the team was made by Border Exceptions Ministers within the context of the Government's social and economic objectives.
  31. Ministry of Health officials have consulted with the Ministry of Business, Innovation and Employment, Sport New Zealand and CDHB on the proposal to grant this exemption.

### **Next steps**

32. We recommend that you grant the attached exemption to allow the England Women's Netball team to train in two designated bubbles of 13 people following negative day 6 testing and medical assessment with a transition to a full team training bubble of 25 people following a negative day 9 test.

ENDS.

## Gazette notice

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

#### Exemption of England Women's Netball team from requirements of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

1. Pursuant to clause 15A of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 ("Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, 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:
  - a. persons who travel to New Zealand on or about 27 August 2021 to participate in the Taini Jamison Trophy (as listed as a Government-approved event at H5.30.15 of the Immigration Instructions) as part of the England Women's Netball Team, which includes (but is not limited to) players, coaches, team management and other support staff;
  - b. who have undergone a COVID-19 polymerase chain reaction test within 72 hours prior to commencing their travel to New Zealand;
  - c. who have undergone a symptom check within 48 hours prior to commencing their travel to New Zealand;
  - d. who have undergone medical testing and examination for COVID-19 and serology testing within 24 hours of their arrival at their allocated managed isolation and quarantine facility (MIQF) in which they are residing and satisfy a medical officer of health that they are unlikely to transmit COVID-19; and
  - e. who have undergone medical testing and examination for COVID-19 on or around the third day and on or around the sixth day after arrival in New Zealand ("Day Six Test"), and, after the Day Six Test only, satisfy a medical officer of health that they are unlikely to transmit COVID-19;(collectively the "Members of the England Women's Netball Team").
2. The exemption will begin at 11.59pm on 20 August 2021.
3. This exemption expires after every person subject to this exemption completes their period of isolation or quarantine, or at 11.59pm on 22<sup>nd</sup> September 2021 (whichever occurs earliest).
4. For the purposes of this exemption, a "Bubble" is a group of the Members of the England Women's Netball Team who may intermingle and train with each other. Subject to 5(h) below, Members of the England Women's Netball Team must be separated into two smaller bubbles ("Bubble 1 and Bubble 2"). Each of Bubble 1 and Bubble 2 are to be made up of no more than 13 people. Persons in Bubble 1

can only intermingle and train with other persons in Bubble 1 and persons in Bubble 2 can only intermingle and train with other persons in Bubble 2.

5. This exemption from clauses 8(2) and 8(3) is subject to the following conditions:
  - a. all Members of the England Women's Netball Team seeking to rely on this exemption must undergo medical examination and testing to assess whether they have COVID-19, on the ninth day and the twelfth day after arrival in New Zealand;
  - b. while a medical officer of health undertakes investigations (if any) relating to, or for the purpose of, this exemption, the Members of the England Women's Netball 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. each Member of the England Women's Netball Team must satisfy a medical officer of health, after medical examination and testing on each day referenced in 5(a) above, that they are unlikely to transmit COVID-19;
  - d. all Members of the England Women's Netball Team must only travel between the training facility that has been designated a low-risk MIQF for the purposes of the Members of the England Women's Netball Team to undertake training ("training facility") and their allocated MIQF in which they are residing. This travel must be as direct as reasonably practicable;
  - e. 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;
  - f. members of Bubble 1 must not be closer than 2 metres to any member of Bubble 2 (and vice versa) while undertaking travel between the training facility and their allocated MIQF in which they are residing;
  - g. Bubble 1 and Bubble 2 members must maintain physical distancing from any persons who are not in their allocated Bubble;
  - h. if a medical officer of health is satisfied that all Members of the England Women's Netball Team are unlikely to transmit COVID-19 following medical examination and testing on or about the ninth day after arrival in New Zealand, Bubble 1 and Bubble 2 members will no longer be required to maintain physical distancing from each other, and may intermingle and train with each other;
  - i. all Members of the England Women's Netball 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);
  - j. all Members of the England Women's Netball Team must wear medical face coverings as provided by the relevant site manager while traveling in the designated vehicles to and from the training facility and their allocated MIQF in which they are residing;
  - k. all Members of the England Women's Netball 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 exemption; and
- I. all Members of the England Women's Netball Team may only access the areas of the MIQF in which they reside (their room) and spaces designated for official team business and the training facility, both as advised by the relevant site manager.
6. If any person is required to stay in a high-risk MIQF or otherwise fails to satisfy a medical officer of health that they are unlikely to transmit COVID-19, this exemption from clauses 8(2) and 8(3) of the Order may cease to apply to that person (upon notice given by the Director-General of Health to England Netball).
  7. If any person, or groups of persons, subject to this exemption does not meet or comply with a condition of this exemption, or breaches a condition of this exemption, this 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 England Netball in respect to either all persons subject to this exemption or any person (or groups of persons) as named in the notice. This exemption may either cease to apply in its entirety, for a fixed time period as set out in the notice or until remedial conditions set out in the notice are met.
  8. If any person subject to this exemption breaches the Order, or is arrested, charged or is suspected of committing an offence punishable by imprisonment, the exemption from clauses 8(2) and 8(3) of the Order will cease to apply upon this giving of notice by the Director-General of Health to England Netball in respect of the persons named in that notice. This exemption may either cease to apply in its entirety, for a fixed time period as set out in the notice or until remedial conditions set out in the notice are met.
  9. Subject to the terms of this exemption, all other provisions of the Order continue to apply until this exemption expires.

Dated at Wellington this 17<sup>th</sup> day of August 2021.



Hon CHRIS HIPKINS, Minister for COVID-19 Response.