

# Briefing

## Exemption from the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 for the crew of *FV Rehua*

**Date due to MO:** 5 August 2021      **Action required by:** 6 August 2021

**Security level:** IN CONFIDENCE      **Health Report number:** 20211761

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

**Copy to:** Hon Michael Wood, Minister of Transport

### 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:

- |   |                                    |  |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Decline   | <input type="checkbox"/> Noted               |
| <input type="checkbox"/> Needs change         | <input type="checkbox"/> Seen      | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |  |

Comment:

# Exemption from the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 for the crew of *FV Rehua*

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**Security level:** IN CONFIDENCE      **Date:** 5 August 2021

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

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## Purpose of report

1. This briefing recommends that you grant a revised exemption for the crew of the *Rehua*, travelling between New Zealand and Australia, from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (the Maritime Border Order).
2. This Health Report provides a short summary of the changes required to the exemption, the rationale for granting a revised exemption and details of the appropriate public health measures.

## Context

3. The *Rehua* is a New Zealand registered fishing vessel operated by Sealords. It operates out of the port of Nelson.
4. On 13 July 2021, you signed an exemption for the crew of the *Rehua* from clauses 17 and 19, which prescribes the isolation and quarantine requirements of the Maritime Border Order [HR 20211512 refers]. This enabled them to enter New Zealand on similar terms to those applied under the air border quarantine-free travel arrangement.
5. Subsequently, the quarantine free travel (QFT) arrangement with Australia was suspended and on 26 July we advised the *Rehua* that their exemption had become void as per the conditions of the exemption notice that required no pause or suspension of QFT to be in operation at the port of origin at the time of departure.
6. Based on the details outlined below, the *Rehua* has now sought a new exemption from the mandatory 14-day isolation period upon its return to Nelson on or around 8 August.
7. There are approximately 44 crew members onboard. The crew are all New Zealand citizens and are New Zealand domiciled.
8. Once in Nelson there will be a crew change, all on-signers are New Zealand based.

## Movements of the vessel

9. Since departing Nelson on 25 June 2021, the *Rehua* stopped at port in Burnie, Tasmania on 31 June to pick up an Australian Fisheries Management Authority (AFMA)<sup>1</sup> observer, departing that same port the following day on 1 July 2021. It was then at sea, with no personnel changes, until 3 August 2021.
10. On 3 August 2021 the *Rehua* returned to port in Burnie, Tasmania, for the sole purpose of dropping home the AFMA observer. The vessel cleared customs at Burnie contactless (no crew leaving or others coming onboard the vessel) and departed on the same day. It is due to arrive at its home port of Nelson, New Zealand on or around 8 August 2021.
11. The Maritime Border Order allows for days at sea to be counted for the purposes of the isolation and quarantine requirements – but the vessel's port stop in Burnie, Tasmania, triggers a re-start to the 14 day period even although no new crew joined the vessel, and it has confirmed that it did not have contact with anyone while in Australia.
12. We recommend that you grant a new exemption for the *Rehua* on the basis that it has had no contact with anyone outside of its existing crew and the AFMA observer since 1 July 2021, its most recent port stop in Burnie Tasmania did not break its bubble and its arrival back in Nelson on or around 8 August presents a very low risk to public health.

## Public health risk assessment

13. Public health has assessed the risk of the *Rehua*'s return to New Zealand based on the vessel's itinerary and have concluded that the crew pose a very low risk of transmitting COVID-19 to the public. In addition, they have concluded that the crew do not require a Pre-Departure Test (PDT) prior to departing Burnie.
14. The COVID-19 border operation team, with feedback from public health units (PHUs) have requested that the crew can only disembark if all crew return a negative COVID-19 test upon arrival in Nelson (noting that the transit from Tasmania to New Zealand takes 5 days). This condition is supported by the public health team.

## Managing public health risk

15. Although there is an ongoing suspension of QFT with Australia, Tasmania remains a low risk location because there is currently no community transmission of COVID-19 and the last known case of COVID-19 in Tasmania was on 10 December 2020.
16. To mitigate the potential public health risk officials, recommend the following conditions be imposed on the exemption:
  - a) *In the 14 days prior to arrival no person on board has been in any place other than:*
    - i. *New Zealand;*
    - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*

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<sup>1</sup> The Observer Program places AFMA trained observers on domestic and if required, foreign boats fishing within the Australian Fishing Zone and some adjacent high seas areas under international arrangements.

- iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and*
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *No person on board has tested positive COVID-19 test in the 14 days before departure; and*
- g) *No person on board is waiting for the results of a COVID-19 test taken; and*
- h) *All persons on board must undergo a medical examination and testing on arrival in New Zealand;*
  - i. *Medical examination as defined in the Air Border Order means examination or testing that involves only 1 or more of the following:*
    - (a) *taking temperatures;*
    - (b) *seeking and obtaining information about symptoms;*
    - (c) *carrying out chest auscultation;*
    - (d) *taking nose swabs or mouth swabs (or both)*
- i) *All persons must download the NZ COVID-19 Tracer app and register their contact details so contact tracers can get in touch if they need to.*

## **Economic and supply justification for granting an exemption**

17. The *Rehua* is part of the Sealords fleet of vessels. Sealords is based in Nelson, New Zealand and is equally owned by Māori through Moana New Zealand, and global seafood company Nippon Suisan Kaisha, Ltd (Nissui). The *Rehua* accounts for most of the company's ling and a significant amount of its Hoki. It also produces the largest volume of Sealord's skin-off product. Sealords employs more than 1,000 people in New Zealand.

## **Other vessels impacted by the suspension in QFT with Australia**

18. The *Rehua* was one of six vessels for which you granted an exemption from the MBO on 13 July. All of those exemptions became void once QFT with Australia was paused because they were all subject to the same condition that there should be no pause or suspension of QFT in operation at the port of origin at the time of their departure.
19. All of these vessels were notified that their exemptions were no longer valid when QFT with Australia was suspended. To date, the *Rehua* is the only vessel that has subsequently sought a new exemption. Exemption requests from the other vessels will be dealt with on a case by case basis, subject to specific information about each vessel's

journey, history of crew exchanges and ports of departure. It may be that, for circumstances unique to each case, no further exemptions are appropriate.

## Equity

20. An exemption for the *Rehua* from clauses 17 and 19 may appear to be disadvantaging other fishing vessels operating between New Zealand and Australia that are required to meet the obligations under the Maritime Border Order.
21. To provide equitable outcomes for all fishing operators we will apply the same case by case assessment for any future exemption request, as noted above.

## Next steps

22. A notice to give effect to the revised exemption is attached for your signature. We recommend you sign the exemption notice before 2:00PM on Friday 6 August 2021 to enable the Notice to be gazetted ahead of the arrival of the *Rehua* on 8 August 2021.
23. If you agree to sign the notice, the Ministry will advise *Sealords* in writing that the exemption has been granted.
24. The Ministry will publish the notice in the *New Zealand Gazette*.  
The exemption will come into force at 11.59pm NZST on Friday 6 August 2021.

## Recommendations

I recommend you:

- a) **Note** that under section 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (the Maritime Border Order) you may exempt any person or class of persons from the requirement to comply with any provision of the Order. **Noted**
- b) **Note** under the Maritime Border 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. **Noted**
- c) **Note** that you have previously granted an exemption to the *Rehua*, however due to the suspension of QFT with Australia this exemption no longer applies. **Noted**
- d) **Note** that: **Noted**
  - The *Rehua* has had no contact with anyone outside of its existing crew and an Australian Fisheries Management Authority observer since 1 July 2021;
  - The vessel's most recent port stop in Burnie Tasmania did not break its bubble; and
  - The vessel's arrival back in Nelson on or around 8 August presents a very low risk to public health.
- e) **Note** we have assessed these exemptions as low risk in the context of the current suspension of QFT because of the COVID-19 resurgence in some Australian states and territories. **Noted**

- f) **Agree** to grant the amended exemption for the crew of the *Rehua* from clauses 17 and 19 of the Maritime Border Order by 2pm, Friday 6 August 2021. **Agree**
- g) **Note** that if you agree to sign the attached exemption notice the Ministry will notify *Sealord* in writing. **Noted**
- h) **Agree** that because the exemption will lessen the controls on the affected crew, the exemption comes into effect when notified and Gazetted, and does not require the 48-hour notification period. **Agree**



Dr Ashley Bloomfield

**Te Tumu Whakarae mō te Hauora**  
**Director-General of Health**

Date: 4/8/2021



Hon Chris Hipkins

**Minister for COVID-19 Response**

Date: 5/8/2021

ENDS.

**Appendix one: Previous Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (*Rehua*) – attached**

PROACTIVELY RELEASED

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

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (“the Order”), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the Rehua scheduled to arrive in New Zealand on or around the 2 August 2021 from clause 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) All crew have not travelled outside of the designated QFT routes between Australia and New Zealand in the past 14 days; and*
- b) All crew have not been to any locations of interest in relation to any current community outbreaks of COVID-19 in the past 14 days; and*
- c) All crew have not been identified as a close or casual contact of any cases of COVID-19 in the last 14 days; and*
- d) All crew are not experiencing symptoms of COVID-19 at time of departure; and*
- e) There is no contact with crew of foreign ships in the 14 days at any time prior or during transit to New Zealand; and*
- f) There is no pause or suspension of QFT in operation at the port of origin at the time of departure; and*
- g) There is no pause or suspension of QFT in operation at any ports visited at any point of the ships journey; and*
- h) There is no pause or suspension of QFT in operation at any place visited by any crew member that is still in place when that crew member onboard the ship*

Dated at Wellington this 21st day of June 2021

Hon Chris Hipkins



Minister for COVID-19 Response

**Appendix two: Exemption of Persons from clauses 17 and 19 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 for the crew of *FV Rehua* – attached**

PROACTIVELY RELEASED

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

Pursuant to clause 31A of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 ("the Order"), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, hereby make an exemption for the crew members of the **Rehua** scheduled to arrive in New Zealand on or around 8 August 2021 from clauses 17 and 19 of the Order.

*This exemption is subject to the following conditions:*

- a) *In the 14 days prior to arrival no person on board has been in any place other than:*
  - i. *New Zealand;*
  - ii. *A Quarantine Free Travel (QFT) place as defined in clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);*
  - iii. *At sea on board the vessel in transit between New Zealand and a QFT place; and*
- b) *No person on board has been in any COVID-19 locations of interest at the relevant times advised by the Australian or the New Zealand Government in the 14 days prior to the ship's arrival in New Zealand; and*
- c) *No person on board has been identified as a close or casual contact of a case of COVID-19 in the 14 days prior to the ship's arrival in New Zealand; and*
- d) *No person on board is experiencing symptoms of COVID-19 at the time of the ship's departure; and*
- e) *No person on board has made physical contact with another person during the ship's journey to New Zealand who was not onboard the ship at the time of the ship's departure except for a person who undertakes a necessary task as per clause 24 of the Air Border Order; and*
- f) *No person on board has tested positive COVID-19 test in the 14 days before departure; and*
- g) *No person on board is waiting for the results of a COVID-19 test taken; and*
- h) *All persons on board must undergo a medical examination and testing on arrival in New Zealand;*
  - i. *Medical examination as defined in the Air Border Order means examination or testing that involves only 1 or more of the following:*
    - (a) *taking temperatures;*
    - (b) *seeking and obtaining information about symptoms;*
    - (c) *carrying out chest auscultation;*
    - (d) *taking nose swabs or mouth swabs (or both)*
- i) *All persons must download the NZ COVID-19 Tracer app and register their contact details so contact tracers can get in touch if they need to.*

Dated at Wellington this 5<sup>th</sup> day of August 2021

Hon Chris Hipkins



Minister for COVID-19 Response

PROACTIVELY RELEASED