

Briefing

COVID-19 Public Health Response (Air Border) Amendment Order (No 14) – designating new countries as ‘very high risk’

Date due to MO: 27 November 2021 **Action required by:** 27 November 2021

Security level: IN CONFIDENCE **Health Report number:** 20212642

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

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)
Maree Roberts	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 Withdrawn | |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:

COVID-19 Public Health Response (Air Border) Amendment Order – designating very high risk countries

Security level: IN CONFIDENCE **Date:** 27 November 2021

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

Purpose of report

1. This report updates you on a new COVID-19 variant of concern and recommends that you sign the attached COVID-19 Public Health Response (Air Border) Amendment Order to designate nine new countries as 'very high risk'.

Summary

2. A new variant of COVID-19 was detected in South Africa (Omicron) and was first reported to the World Health Organization (WHO) on 24 November 2021.
3. On 26 November 2021, the WHO designated Omicron as a variant of concern.
4. An interim Public Health Risk Assessment was undertaken on 27 November to assess the risk that travellers entering New Zealand from South Africa and eight other countries in southern and central Africa pose to New Zealand.
5. I propose adding the following nine countries to the list of very high risk countries as a precautionary measure: Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Seychelles, South Africa and Zimbabwe.
6. I also propose that travellers entering New Zealand from these nine countries remain in Managed Isolation and Quarantine (MIQ) for 14 days, including any travellers already in MIQ.
7. The attached Amendment Order designates Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Seychelles, South Africa, and Zimbabwe, as very high risk countries.
8. Once Ministerial consultation is complete, you may wish to sign the attached Amendment Order.
9. Once signed, the Amendment Order will be gazetted and come into force at 11:59pm Sunday 28 November 2021.

Recommendations

I recommend you:

- a) **Note** that the World Health Organization designated a new variant of concern **Noted** (Omicron) on 26 November 2021.

- b) **Note** that on 27 November 2021 the Ministry of Health undertook a public health risk assessment to assess the situation regarding the new variant of concern. **Noted**
- c) **Note** that I propose adding the following nine countries to the list of very high risk countries as a precautionary measure: Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, the Seychelles, South Africa, and Zimbabwe. **Noted**
- d) **Note** that current travellers from very high risk countries have a seven-day managed isolation or quarantine (MIQ) period, and a three-day self-isolation period. **Noted**
- e) **Note** that the Chief Executive of the Ministry of Business, Innovation and Employment can require persons to remain in MIQ for longer than 7 days if not satisfied that persons meet low risk indicators to leave, and also in exceptional circumstances related to preventing, and limiting the risk of, the outbreak or spread of COVID-19, allow the person's period of isolation or quarantine to end up to 7 days later than it would otherwise end. **Note**
- f) **Agree** that the commencement period for the very high risk country requirements begins at 11:59pm Sunday 28 November 2021. **Yes/No**
- g) **Note** that there may currently be travellers in MIQ from these countries. **Noted**
- h) **Note** that the Ministry of Health will continue to review the situation over the coming days. **Noted**
- i) **Note** that the Ministry of Health will undertake a full public health risk assessment, including consideration of the MIQ period, on Monday 29 November 2021. **Noted**
- j) **Note** that the Ministry of Transport is working through the implications of travellers currently in transit, and that I will provide you with further advice on how these travellers will be managed. **Noted**
- k) **Note** the attached COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021 is in line with the purpose of the COVID-19 Public Health Act 2020, which is to prevent and limit the risk of, the outbreak or spread of COVID-19. **Noted**
- l) **Sign** the attached COVID-19 Public Health Response (Air Border) Amendment Order (No 14) 2021. **Yes/No**

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Dr Ashley Bloomfield

Te Tumu Whakarae mō te Hauora
Director-General of Health

Date:

Hon Chris Hipkins

Minister for COVID-19 Response

Date

COVID-19 Public Health Response (Air Border) Amendment Order (No 14) – designating new very high risk countries

Background

10. A new variant of COVID-19 was detected in South Africa (lineage B.1.1.529) and was first reported to the World Health Organization (WHO) on 24 November 2021. Data on this new variant is extremely preliminary with no preprints available. The only information available to date is a short statement from the WHO Technical Advisory Group on SARS-CoV-2 virus evolution (TAG-VE) which was convened on 26 November 2021 and other information being shared by scientists via Twitter.
11. The first known confirmed infection was from a specimen collected on 9 November. In recent weeks infections in South Africa have increased steeply, coinciding with the detection of the B.1.1.529 variant.
12. On 26 November 2021, the WHO designated this variant as a variant of concern and named it Omicron.
13. Cases have been reported from 9 provinces in South Africa indicating widespread transmission. Lesotho and Eswatini are enclaves within South Africa and although they have not reported any cases, this is likely to be related to low testing rates. Zimbabwe and Namibia have substantial land borders with Botswana and South Africa and also have low rates of testing and whole genome sequencing.
14. Cases in Hong Kong and Belgium are in managed isolation. The probability of community spread in these countries is not known at this time.

Interim Public Health Risk Assessment

15. Officials undertook an interim Public Health Risk Assessment (PHRA) on 27 November to assess the risk that travellers entering New Zealand from South Africa and 8 other countries in southern and central Africa pose to New Zealand.
16. As there is limited data on this new variant, as a precautionary measure I propose adding the following nine countries to the list of very high risk countries: Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Seychelles, South Africa and Zimbabwe.
17. I propose that the commencement of the new very high risk country designations begins at 11:59pm Sunday 28 November 2021. The Ministry of Transport has commenced discussions with relevant airlines and has advised that a commencement date of 11.59pm on Sunday 28 November can be managed operationally
18. Currently travellers from very high risk countries have a seven-day Managed Isolation and Quarantine (MIQ) period, and a three-day self-isolation period.
19. In exceptional circumstances, the Chief Executive of the Ministry of Business, Innovation and Employment (MBIE) can require travellers to remain in MIQ for up to a further 7 days if not satisfied that they meet low risk indicators to leave. Exceptional

circumstances relate to preventing and limiting the risk of the outbreak or spread of COVID-19.

20. On that basis I also propose that travellers entering New Zealand from these nine countries remain in MIQ for 14 days, including any travellers already in MIQ.
21. The PHRA is attached as **appendix one**. Please note that there is an error in the PHRA which recommends the designation of Zambia as a very high risk country, instead of Seychelles. I do not recommend Zambia be designated a very high risk country at this point in time.

Process for amending a section 11 Order

22. Under the COVID-19 Public Health Response Act 2020 (the COVID-19 Act), an Order may be made if either:
 - a. a state of emergency has been declared (under the Civil Defence Emergency Management Act 2002);
 - b. an Epidemic Notice is in force (under the Epidemic Preparedness Act 2006); or
 - c. it has been authorised by the Prime Minister.
23. There is currently an Epidemic Notice in place, which allows Orders to be made under section 11 of the COVID-19 Act.
24. As the Minister for COVID-19 Response, you may make an Order under section 11 of the COVID-19 Act.
25. To make an Order under section 11 you must:
 - a. have received advice from the Director-General about –
 - i. the risks of the outbreak or spread of COVID-19; and
 - ii. the nature and extent of measures that are appropriate to address those risks; and
 - b. have regard to any decision by the Government on how to respond to those risks and avoid, mitigate or remedy the effects of the outbreak or spread of COVID-19 (including considering any social, economic or other factors)
 - c. be satisfied that the proposed Order does not limit, or is a justified limit, on the rights and freedoms in the New Zealand Bill of Rights Act 1990
 - d. have consulted the Prime Minister, the Ministers of Justice and Health and any other Ministers you think necessary, and
 - e. be satisfied that this Order is appropriate to achieve the purpose of the COVID-19 Act.

Contents of the Amendment Order

New countries designated as very high risk

26. The Amendment order designates Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Seychelles, South Africa and Zimbabwe by adding these countries to Schedule 3 of the Air Border Order.

14-days Managed Isolation and Quarantine

27. Currently, travellers from very high risk countries are required to enter MIQ for seven days, followed by a three-day self-isolation period.
28. The Amendment order requires that travellers from the nine countries above are required to enter MIQ for a 14-day period.

New Zealand Bill of Rights Act 1990

29. A matter for you to consider each time an Order is proposed under the COVID-19 Public Health Response Act 2020 is whether the exercise of such powers will be appropriate. The power to make an Order under section 11 of the Act must be exercised consistently with the New Zealand Bill of Rights Act 1990 (NZBORA).
30. Any COVID-19 Order giving effect to a travel suspension requires a NZBORA assessment for proportionality, particularly due to the impact that any suspension will have for returning New Zealanders.
31. **§ 9(2)(h)**
[REDACTED]
[REDACTED]
[REDACTED]

Equity

32. There is potential for the impact of these restrictions to be more significantly experienced by New Zealanders who originate from the nine countries. Given that the limitations on travel to New Zealand is only intended to be a temporary measure, I do not consider the equity concerns to be sufficient to prohibit making this amendment order.

Next steps

33. The Ministry of Transport is working through the implications of travellers currently in transit. I will provide you with further information on how those travellers will be managed.
34. If you sign the amendment order, it will be gazetted and come into force at 11:59pm Sunday 28 November 2021.
35. The potential risk posed by the new Omicron variant is sufficient that the situation is urgent, and therefore the change in requirements will apply earlier than the usual 48 hours notice period

ENDS.

PROACTIVELY RELEASED

Memo

COVID-19 – New Variant of Concern

Date: 27 November 2021

To: Dr Ashley Bloomfield, Director-General of Health

Copy to: Dr Caroline McElnay, Director of Public Health

From: Dr Harriette Carr, Deputy Director of Public Health

For your: Information

Purpose of report

1. The purpose of this report is to outline information about a newly identified variant of concern, including what is known about the variant, actions taken by other jurisdictions, an initial assessment of the risk to New Zealand, and next steps.

Background and context

2. A new variant was detected in South Africa (lineage B.1.1.529) and was first reported to the World Health Organization (WHO) on 24 November 2021. The data is extremely preliminary with no preprints available. The only information available to date is a short statement from the WHO Technical Advisory Group on SARS-CoV-2 virus evolution (TAG-VE) which was convened on 26 November 2021 and other information being shared by scientists via Twitter.
3. The first known confirmed infection was from a specimen collected on 9 November. In recent weeks infections in South Africa have increased steeply, coinciding with the detection of the B.1.1.529 variant.
4. On 26 November, the WHO designated this variant as a variant of concern named Omicron.
5. Cases have been reported from nine provinces in South Africa indicating widespread transmission. Lesotho and Eswatini are enclaves of South Africa and although they have not reported any cases, this is likely to be related to low testing rates. Zimbabwe and Namibia have substantial land borders with Botswana and South Africa and also have low rates of testing and whole genome sequencing.
6. Cases in Hong Kong and Belgium are in managed isolation. The probability of community spread in these countries is not known at this time.

Omicron variant

Current information about the variant

7. There is considerable uncertainty related to the transmissibility, vaccine effectiveness, severity of illness (morbidity and mortality), risk of reinfection and other properties of the Omicron variant.

This variant is of particular concern partly because of the sheer number of mutations: 32 mutations in the spike protein. Multiple mutations are very unusual and may indicate an increase in transmissibility and/or ability for the virus to gain cell entry. Early evidence from South Africa suggests Omicron may be more transmissible than existing variants, including Delta, as prevalence has increased in recent samples to 75% in less than two weeks in South Africa, potentially indicating that this variant can outcompete Delta.

8. However, knowledge of the variant is still in its infancy and increased transmissibility may not be borne out by more data. For example, if the variant has been seeded by several visitors to the country in different locations at the same time, then this can appear to be associated with an increase in transmission initially, but then is typically not borne out by the data over time (unless the variant is in fact more transmissible). Therefore, data over the next two to three weeks will be very important.
9. Virologists are concerned that the large number of mutations may mean that there is an increased risk that the virus will infect people with existing immunity, whether through vaccination or past infection. There is as yet no evidence of this.

Actions taken in other jurisdictions

Concern has led to precautionary travel restrictions across several countries

10. A number of countries have already put measures in place in response to the new variant.
11. Australian officials met this afternoon and have announced restrictions on travel to Australia for those from nine southern African countries, and a requirement for citizens and permanent residents who are permitted to travel to undertake 14 days quarantine and testing once in Australia.
12. The UK has added six African countries (South Africa, Botswana, Lesotho, Eswatini, Zimbabwe and Namibia) to the red list, which requires passengers to book and pay for a government-approved hotel quarantine facility for 10 days.
13. Japan has tightened border controls for travellers from the same six countries, bringing in a 10-day quarantine beginning at 12.00am on 27 November local time. On Friday, Bahrain said it would suspend entry from those countries as well.
14. Austria, France, Italy, the Netherlands and Malta have all announced imminent entry bans to all travellers who have entered South Africa, Lesotho, Botswana, Zimbabwe, Mozambique, Namibia and Eswatini in the past two weeks. Switzerland has banned all direct flights from the same seven countries as well. Germany plans to declare South Africa a "virus variant area" from Friday night, which will mean that airlines may only enter from the country to repatriate German citizens.
15. The United States will restrict travel from South Africa, Botswana, Zimbabwe, Namibia, Lesotho, Eswatini, Mozambique and Malawi starting on Monday 29 November out of an abundance of caution. Canada is taking similar steps to the US.
16. Greece will allow only essential travel from South Africa, Lesotho, Botswana, Zimbabwe, Namibia, Mozambique, Eswatini, Zambia and Malawi from Saturday 27 November at 6.00am local time. Travellers will have to obtain a special permit from the local Greek embassies and diplomatic missions to travel and on arrival will be tested and put in quarantine hotels for 10 days, after which they will be tested again.
17. Turkey has issued a travel ban from Botswana, South Africa, Mozambique, Namibia and Zimbabwe from Friday 26 November.
18. Egypt, Singapore, Malaysia, Dubai, Saudi Arabia and Jordan have also announced restrictions on South Africa, Lesotho, Botswana, Zimbabwe, Mozambique, Namibia and Eswatini.
19. With immediate effect, Qatar Airways will no longer accept passengers travelling from South Africa or Zimbabwe until further notice.

Current measures in place in New Zealand

20. New Zealand currently has several measures in place to mitigate the risk of transmission of COVID-19 which are more stringent than in countries who have taken precautionary measures.
21. All international travellers (except for those from low-risk countries) are required to enter managed isolation and quarantine. Travel is currently limited to New Zealand citizens, permanent residents and permitted travellers, and the number of incoming travellers is limited by the number of managed isolation and quarantine (MIQ) spaces available.
22. All travellers entering New Zealand are required to complete a period of seven days in MIQ followed by three days of home quarantine. Full PPE and IPC requirements are observed in MIQ, and any border-related cases are subject to whole genome sequencing to determine the origin of the infection and link to any other cases in New Zealand.
23. Additionally, all travellers are required to have a negative pre-departure test before travelling to New Zealand and are tested on day 0/1, 3, 6 and 9 once here. The Chief Executive of MBIE can also keep people in MIQ for longer than seven days where they are not satisfied the person meets the low risk indicators, taking into account a range of factors.
24. Travellers from very high risk (VHR) countries are required to have a negative nasopharyngeal RT-PCR test taken within 72 hours of departure. Once in New Zealand, travellers are required to complete 14 days in managed isolation / quarantine facility and are able to be released following negative results from all required tests.

Travellers from South Africa

25. There have been five cases detected in New Zealand from South Africa in the last two months. Four of these cases arrived on 14 October 2021 and one case arrived on 29 September 2021. All cases have had whole genomic sequencing (WGS) completed which show Delta for all four cases who arrived in October and failed to return a result for the case who arrived in September.
26. Between 20 November 2021 and 27 November 2021, 40 travellers have arrived in New Zealand from South Africa. All testing to date has been negative. Between 28 November 2021 and 6 December 2021, 61 travellers are currently scheduled to arrive in New Zealand from South Africa, with 20 of these due to arrive on 30 November.

Risk to New Zealand

Public Health Assessment

27. The current measures that New Zealand has in place, as outlined above, mean that the likelihood that Omicron is already circulating in New Zealand is very low, and the current risk to New Zealand of Omicron breaching border controls is low. This view is further supported by actions taken by other countries, including transit hubs that limit the ability for travellers from affected countries to reach New Zealand.
28. Omicron is a variant of concern that, due to the mutations identified, requires a cautious approach while further research is undertaken to determine its incubation period, vaccine effectiveness (particularly in relation to the Pfizer vaccine for New Zealand), and likelihood of severe illness and hospitalisation.
29. It has been confirmed that flights from Southern Africa to New Zealand typically have transit in Singapore, United Arab Emirates and Qatar. All have placed restrictions on people entering their countries travelling from South Africa or Zimbabwe with Singapore and United Arab Emirates placing travel restrictions also for travellers from Botswana, Eswatini, Lesotho, Mozambique, Namibia.
30. It is likely that the variant is already also present in other countries where whole genome sequencing is not routinely undertaken. Our existing border measures will help us to detect any

cases of the variant regardless of country. We remain in a good position to minimise the impact of any new variants with isolation and routine testing of international arrivals.

31. Given the current border measures and additional proposed precautions, alongside international measures to limit spread of Omicron, the move to the COVID-19 Protection Framework (CPF) is not expected to be impacted. We will continue to monitor emerging evidence on vaccine effectiveness, particular in relation to the Pfizer vaccine, and review reopening timelines should evidence suggest that a more precautionary approach to reopening is required.

Next steps

32. As a precautionary measure we recommend enhancing efforts to keep Omicron offshore until further information is available. These additional measures should include limiting travel from Southern Africa to NZ citizens and permanent residents and requiring those arriving or who have arrived in the past seven days from southern Africa to complete 14 days in MIQ.
33. All MIQ facilities should remain fully compliant with protocols for minimising spread within facilities regardless of the country of origin of travel. Whole genomic sequencing of all border related positive tests should continue to be undertaken.
34. We will monitor the situation daily and undertake a formal risk assessment on Omicron on Monday 29 November when further information on spread and variant characteristics may be available. The assessment will also consider actions taken by other countries. The risk assessment will specifically look at whether any additional precautions are required, and whether there are any implications for the impending move to the CPF.
35. We will continue to monitor the emerging science and evidence on Omicron over the next few weeks and undertake further risk assessments as we understand more about the variant, its spread to other countries and monitor countries' responses.

Recommendations

It is recommended that you:

1.	Note	That a new variant of concern (Omicron) has been identified in South Africa in recent days	
2.	Note	That a number of international jurisdictions have already put travel restrictions and other measures in place in response to the new variant	
3.	Note	That New Zealand currently has a number of measures in place to mitigate the risk of transmission of COVID-19, which significantly reduce the risk of the new variant entering New Zealand	
4.	Note	That the current measures New Zealand has in place mean that the current public health risk to New Zealand from the Omicron variant has been assessed as low	

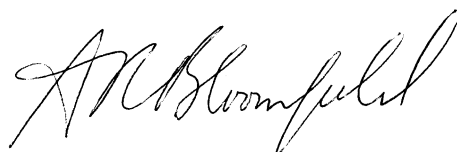
5	Agree	As an additional precautionary measure to keep Omicron off shore while we learn more about it to limit travel from southern African countries (South Africa, Lesotho, Botswana, Zimbabwe, Namibia, Mozambique, Eswatini, Zambia and Malawi) to New Zealand citizens and require people that do travel from those countries to complete 14 days in MIQ upon arrival with appropriate testing (day 0/1, 3, 6, 9, 12); in addition, people who have arrived from South Africa, Lesotho, Botswana, Zimbabwe, Namibia, Mozambique, Eswatini, Zambia and Malawi in the past seven days are required to complete 14 days in a MIQ, while anyone who is currently in home isolation should continue in home isolation until they have completed a full 14 days of isolation since arrival and undertake an additional test at day 12	Yes
6.	Note	That a risk assessment will be undertaken on Monday (earlier if there are significant developments) to review the situation further, and we will continue to monitor the emerging science and evidence on Omicron daily	
7.	Note	A review will be undertaken on Sunday to identify any significant changes to the international situation overnight	
8.	Note	Rapid WGS will continue to be undertaken for all cases identified at the border	

Signature _____

Dr Harriette Carr

Deputy Director of Public Health

Date: 27 November 2021



Signature _____

Dr Ashley Bloomfield

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

Date: 27 November 2021