



Cabinet

Minute of Decision

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COVID-19 Strengthened Maritime Border Restrictions

Portfolios **Health / Customs**

On 10 August 2020, following reference from the Cabinet Social Wellbeing Committee, Cabinet:

Health assessment and testing of arrivals, and associated isolation requirements

- 1 **noted** that the Ministry of Health will continue to ensure a fit-for-purpose testing regime for the maritime border is in place;
- 2 **noted** that the COVID-19 Public Health Response (Maritime Border) Order (the Order) defines 'low risk indicators' as a negative COVID-19 test and a health assessment that shows the person is at low risk of having or transmitting COVID-19;
- 3 **agreed** that the Order be amended to require that any person wishing to enter New Zealand temporarily for shore leave or permanently to enter New Zealand from a maritime vessel be permitted to do so provided that:
 - 3.1 all crew on the vessel test negative for COVID-19;
 - 3.2 it has been at least 14 days since its last port visit or contact with another vessel (or other people);
 - 3.3 all people on board the vessel have been symptom-free for the past 14 days;
 - 3.4 all people on board the vessel have been assessed as meeting the low risk indicators;
- 4 **agreed** that in any other case, any person seeking to enter New Zealand from a maritime vessel be required to undertake managed isolation for 14 days;
- 5 **agreed** that the Order be amended to require that where isolation on the vessel is not appropriate, a Medical Officer of Health or Health Protection Officer can direct the people on the vessel to leave it and enter a managed isolation facility;
- 6 **noted** that, under these new provisions, the crew of commercial vessels may continue to operate safely around the vessel without completing any isolation in New Zealand, as they are not seeking to enter New Zealand;
- 7 **directed** Health and Customs officials to work together to strengthen the testing regime that applies to port workers;
- 8 **directed** the Ministry of Health to urgently ensure that all reasonable steps are in place to mitigate the risk of COVID-19 from seafarers disembarking after 14 days isolation;

Pre-arrival enhancements

- 9 **noted** that the current requirement to provide advance notice of arrival in New Zealand (set out in the Custom and Excise Act 2018) specifies 48 hours advance notification;
- 10 **agreed** that the Order be amended to require notice from the person in charge of a vessel intending to come to New Zealand either:
- 10.1 one week (168 hours) before they arrive in New Zealand; or
 - 10.2 immediately on their departure from port if the expected journey time to New Zealand is less than a week;
- 11 **agreed** that the Order be amended to require notifications from the person in charge of the vessel as it approaches New Zealand, at timeframes specified by the authorities monitoring the vessel's progress;
- 12 **agreed** that the person in charge of an arriving vessel must seek and obtain an allocation at a Managed Isolation Facility at the closest place to their intended port of arrival, for all persons on board the vessel proposing to enter New Zealand who will require isolation on arrival;
- 13 **noted** that for the purpose of enabling effective management of and security for the isolation of the vessel or the people on board, Customs officers will use existing powers under the Customs and Excise Act 2018 if it is necessary to direct a vessel arriving in New Zealand or that has arrived in New Zealand to go to a port other than where the person in charge of the vessel has nominated as the port of arrival in New Zealand;

Port workers and people leaving the vessel to be required to adopt safety measures

- 14 **noted** that the Order requires the use of social distancing and protective equipment by port workers or others going onto vessels;
- 15 **noted** that some workers may work around vessels or the crew of a vessel but not actually go onto a vessel, and that some people on vessels may leave to work around it or go into port facilities and must be considered high risk when doing so;
- 16 **agreed** that the Order be amended to require that port workers and people leaving the vessel for any purpose must:
- 16.1 maintain physical distancing (to the greatest extent practicable) from any other person; and
 - 16.2 wear appropriate personal protective equipment;

All transfers between ports, airports and MIFs to be managed by MBIE

- 17 **noted** that most crew changes require no isolation, as the crew go directly from the vessel to the airport (or vice versa);
- 18 **noted** that transfers to and from Managed Isolation Facilities, and to and from ports and airports, will be managed by the Ministry of Business, Innovation and Employment with input from a Medical Officer of Health;

- 19 **agreed** that the Order be amended to require a person (or the organisation representing them) that needs a transfer to or from a Managed Isolation Facility to notify the Ministry of Business, Innovation and Employment at least four days (96 hours) prior to the need for the transfer;

Isolation on the vessel where appropriate

- 20 **noted** that where a secure berth and supporting monitoring system can be arranged, isolation on a yacht or other pleasure craft is possible, if the vessel is appropriate;
- 21 **agreed** that the Order be amended to require other craft and people to stay away from yachts and other pleasure craft in isolation;
- 22 **agreed** that the Order be amended to require people on yachts and other pleasure craft in isolation to remain on the vessel and to not interact with other people or vessels, except as otherwise allowed;

Use existing MIF capacity for maritime arrivals

- 23 **noted** that existing Managed Isolation Facility capacity will be used for any maritime arrivals requiring on-shore isolation;

Enforcement is proposed to include an infringement regime

- 24 **noted** that where enforcement officers cannot achieve compliance through effective engagement and encouragement, Police will undertake any further action required;
- 25 **agreed** that the infringement regime in the COVID-19 Public Health Response Act 2020 be applied to the powers under the Order (where appropriate) to give enforcement officers an additional enforcement option;

Legislative implications

- 26 **invited** the Ministers of Customs and Health to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above proposals;
- 27 **noted** that there are additional minor policy, technical, definitional and clarification changes proposed to be made to the Order that do not further materially impact on roles, responsibilities, obligations or individual rights;
- 28 **authorised** the Ministers of Customs, Health and Housing to make decisions consistent with the overall policy in the paper attached under CAB-20-SUB-0390, and to issue drafting instructions to the Parliamentary Counsel Office on minor policy, technical, definitional and clarification changes to the Order;

Infringement regime to apply to some components of the Order

- 29 **agreed** that the infringement regime in place under the COVID-19 Public Health Response Act 2020 apply to some of the requirements of the Order;

Financial impacts

- 30 **noted** that it is estimated that Customs will require **§ 9(2)(g)(i) OIA** to effectively implement the Order;
- 31 **noted** that while some limited redirection of staff from current duties and other agencies will be possible to meet requirements, **§ 9(2)(g)(i) OIA** will need to be new staff;

- 32 **noted** that the additional staff and operating costs are estimated for Customs to be between s 9(2)(g)(i) OIA over 15 months (September 2020 to December 2021);
- 33 **noted** that the Ministers of Customs, Health and Housing will report back to Cabinet on options for implementing the Order in August 2020, seeking approval for the necessary additional expenditure, as part of an upcoming funding paper for managed isolation and quarantine requirements;

Other matters

- 34 **directed** the Ministry of Health and New Zealand Customs Service, in consultation with other border and transport agencies as appropriate, to report weekly to the Minister of Housing, Minister of Health and Minister of Customs on the COVID-19 related activities at the maritime border and management of any risks and issues arising;
- 35 **invited** the Ministers of Customs, Housing, Health and Immigration to give further consideration to the issues concerning small vessels arriving in New Zealand to ensure that there is adequate planning for their arrival.

Michael Webster
Secretary of the Cabinet