

Briefing

Advice on reducing managed isolation and quarantine requirements and expanding Pacific one-way quarantine-free travel

Date due to MO: 28 October 2021 **Action required by:** 28 October 2021

Security level: IN CONFIDENCE **Health Report number:** HR20212360

To: Hon Chris Hipkins, Minister for COVID-19 Response
Ministers with Power to Act on COVID-19 matters

Contact for telephone discussion

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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 Withdrawn | |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:

Advice on reducing managed isolation and quarantine requirements and expanding Pacific one-way quarantine-free travel

Security level: IN CONFIDENCE **Date:** 28 October 2021

To: Hon Chris Hipkins, Minister for COVID-19 Response
Ministers with Power to Act on COVID-19 matters

Purpose of report

1. This briefing provides advice and seeks decisions on two issues:
 - a. reducing the time spent in Managed Isolation for people admitted to facilities from a total of 14 days managed isolation to 7 days managed isolation and self-isolation pending a negative day 9 test result from a test taken in the community, commencing 14 November 2021.
 - b. limited expansion of one-way quarantine-free travel (QFT) for Recognised Seasonal Employer (RSE) workers to other eligible travellers¹ from Samoa, Tonga and Vanuatu, as well as Tokelau (via Samoa), from 8 November 2021.
2. This briefing follows an earlier version on 22 October [HR20212331 refers]. Following discussions with the office of the Minister for COVID 19 Response this report replaces that advice. The substantive changes between the two versions are changing the day 12 PCR test to a day 9 test, and where the day 12 test was 'strongly recommended' the day 9 test is now compulsory.

Summary

Reducing stays in Managed Isolation from 14 days to 7 days Managed Isolation and self-isolation until they return a negative day 9 test result

3. Developments in the science of COVID-19 transmission, infectious periods, and testing approaches, particularly around the Delta variant, mean that the length of time people are required to be in Managed Isolation can be decreased with minimal additional risk to the community. This is dependent on appropriate testing and isolation measures.
4. Officials recommend shortening the length of Managed Isolation stays for border arrivals accordingly. This will ensure that Managed Isolation continues to be justifiable

¹ Eligible travellers are people who have the right to reside permanently in New Zealand (including first time resident visa holders and Australians) and people covered by existing border exceptions, including critical health workers and medical transfers, agreed in-principle by Cabinet in July 2021 [CAB-21-MIN-0276]. Cabinet has since agreed that government representatives from all three countries will be eligible [CBC-21-MIN-0089]. Further limited border exceptions, including for groups such as Manaaki ODA scholars, will be considered by responsible Ministers in the future.

and proportionate to the risk of COVID-19 and is likely to be positively received by people entering Managed Isolation.

5. From 14 November 2021, officials recommend that on day 7 of their stay all border arrivals in Managed Isolation transition into self-isolation, if they meet low-risk health indicators, until they return a negative day 9 test taken in the community.
6. The changes to Managed Isolation and the development of a self-isolation component, which is necessarily a high-trust model, will need further consideration, and we will work through this prior to implementation. As part of this work, we will look to adjust the testing regime to further reduce the public health risk, including an additional COVID-19 test on day 9 at a community testing centre in addition to the existing regime with tests on day 0/1, 3 and 6/7.
7. The capacity gained from moving to a 7 day Managed Isolation stay offsets the reduction in Managed Isolation rooms that are being used for community cases, rather than creates the opportunity for increasing throughput of border arrivals at this time.
8. This paper includes regulatory changes to amend the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to enable the changes to Managed Isolation settings.
9. This paper also has implications for the self-isolation pilot, which would need to change from 14 days to 10 days to be consistent with the new approach.

Expansion of one-way quarantine-free travel (QFT) for Recognised Seasonal Employer (RSE) workers

10. Officials are also seeking agreement from Ministers to limited expansion of one-way quarantine-free travel to New Zealand from Samoa, Tokelau, Tonga, and Vanuatu from 8 November 2021.
11. This proposal builds on the successful one-month trial of RSE workers from Samoa, Tonga, and Vanuatu which commenced on 4 October 2021.
12. Officials propose to expand one-way QFT to other eligible travellers from Samoa, Tokelau, Tonga and Vanuatu as agreed in principle by Cabinet in July 2021, being those people who have the right to reside permanently in New Zealand (including first time resident visa holders and Australians), and people covered by border exceptions [CAB-21-MIN-0276] from these four countries [CBC-21-MIN-0089] from 8 November 2021.
13. Given the low risk, officials recommend that the additional health measures applied to the limited RSE cohort are removed (except for vaccination requirements) and settings for expanded travellers be aligned with Cook Islands and Niue QFT under a Pacific low risk pathway.

Recommendations

We recommend you:

- a) **note** that developments in the science of COVID-19 transmission, infectious periods, and testing approaches, particularly around the Delta variant, mean that the length of time people are required to be in Managed Isolation can be decreased with minimal additional risk to the community. **Noted**
- b) **note** that officials recommend shortening Managed Isolation for border arrivals (who are not cases) from 14 days to 7 days before transitioning to self-isolation, until they receive a negative day 9 test result from a test taken in the community. **Noted**
- c) **agree** that from 14 November 2021, Managed Isolation stays will change from 14 days (336 hours) to 7 days (168 hours) followed by self-isolation until they return a negative day 9 test. **Yes/No**
- d) **note** that this date has been chosen to allow adequate planning and workforce readiness to safely introduce the new length of stay processes. **Noted**
- e) **note** that the current tests at day 0/1, day 3 and day 6/7 will remain in the testing regime. **Noted**
- f) **note** that the day 6/7 test is important because evidence indicates that by day 6/7, testing will have caught 80 to 90 percent of cases. **Noted**
- g) **note** that a low-risk indicator check and health check will be required to leave Managed Isolation. **Noted**
- h) **note** that the self-isolation component of this approach is necessarily a high-trust model. **Noted**
Testing regime
- i) **note** that the current testing regime may change to enable testing prior to departure from Managed Isolation and the Ministry of Health will develop advice by the week of 1 November on these changes. **Noted**
- j) **note** that the results of the day 6/7 test may not be available until after a person has departed Managed Isolation. **Noted**
- k) **note** that an additional rapid antigen test for border arrivals prior to leaving Managed Isolation will be implemented as part of the change to a 7 day Managed Isolation stay followed by 3 day of self-isolation, and that officials will report back to Ministers by 1 November on this. **Noted**
- l) **note** that MIQ cannot guarantee implementation of rapid antigen testing by 14 November until further operational detail on this processes is developed. **Noted**
- m) **agree** that the 7 day Managed Isolation stay will be introduced from 14 November even if rapid antigen testing is not yet in place. **Yes/No**
- n) **agree** to a day 9 test for people who have been in Managed Isolation and self-isolation through community testing centres. **Yes/No**

- o) **note** that the Minister for COVID-19 response has requested further advice from officials on options for monitoring compliance with the requirement for a day 9 test that minimise the impact on contact tracing and follow up capacity **Noted**
- p) **note** that if a person tests positive after they have departed Managed Isolation the local public health unit will undertake an assessment on the case and determine an appropriate arrangement, which may or may not involve a return to Managed Isolation, depending on their individual circumstances; **Noted**
- q) **note** that officials will be conducting a review of the testing regime in Managed Isolation to inform ongoing consideration of the appropriate testing regime for returnees. **Noted**
- r) **note** that due to workforce constraints for some Managed Isolation facilities a transition period of 2-3 days (from 14 November) may be required in order to administer rapid antigen tests, ensure IPC protocols are maintained, and to ensure that everyone departing meet low-risk indicators to qualify for release. **Noted**
- s) **note** that in facilities that have a cohort at the end of their stay on 14 November 2021, priority for departure will be given to people who are on days 13 and 14 of their stay and who have received a negative day 11/12 test. **Noted**
- Managed isolation capacity (MBIE advice)*
- t) **note** that the number of Managed Isolation rooms available to border arrivals has decreased due to the conversion of rooms from Managed Isolation to Quarantine use to support the response to the current community outbreak of COVID-19. **Noted**
- u) **note** that Managed Isolation has taken significant interventions to support community cases as well as border arrivals and moving to a 7 day stay will not result in any capacity gain in the near future. **Noted**
- v) **note** the Minister for COVID-19 Response has instructed officials to provide further advice on whether there will be additional Managed Isolation capacity available to use to increase throughput of border arrivals in the medium term. **Noted**
- Implementation of the self-isolation approach*
- w) **note** that the Minister for COVID-19 Response has directed officials to provide further information on self-isolation guidelines, including testing arrangements and rapid antigen testing by the week of 1 November. **Noted**
- Self-isolation pilot*
- x) **agree** to rescind Cabinet's previous decision that participants in the self-isolation pilot will be required to remain on the premises of their isolation accommodation for 14 days. **Yes/No**
- y) **agree** that instead, the duration of the self-isolation pilot will be for a period consistent with the changes to the requirements for border arrivals leaving Managed Isolation. **Yes/No**

Interaction with quarantine-free travel arrangements

- z) **note** that given New Zealand's obligations under quarantine-free travel Arrangements, officials will update the Cook Islands and Niue prior to any public announcement of changes to Managed Isolation and Quarantine settings. **Noted**
- Amending the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020*
- aa) **agree** to amend clause 10 the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to state that a person's period of isolation in a Managed Isolation facility is 7 days (168 hours). **Yes/No**
- bb) **agree** that the maximum period of isolation or quarantine is 14 days (336 hours). **Yes/No**
- cc) **agree** that Cabinet authorise the Minister for COVID-19 Response to make decisions consistent with the decisions in this paper on any technical issues which may arise during the drafting process. **Yes/No**
- dd) **invite** the Minister for COVID-19 Response to issue drafting instructions to Parliamentary Counsel Office to give effect to the above recommendations. **Yes/No**
- Amending the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (MBIE advice)*
- ee) **agree** that the statutory prerequisites for making the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations (No 3) 2020 are met. **Yes/No**
- ff) **agree** that there are no grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 327. **Yes/No**
- gg) **agree** to amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations (No 3) 2020 to set new fees. These new fees will be calculated based on current fees (charged at a pro-rata rate), subject to rounding. **Yes/No**
- hh) **note** that the Parliamentary Counsel Office has drafted amendments to the Regulations to give effect to these decisions. **Noted**
- ii) **agree** to the amendments to the Regulations contained in the draft Amendment Regulations (attached as Appendix One) to:
- a. update the charges for persons entering Managed Isolation to reflect the reduced length of stay; and
 - b. other consequential changes to the Regulations.
- jj) **note** that the pro-rata charges included in the drafted amendments apply standard rounding practices. **Noted**
- kk) **note** that the updated Managed Isolation charges will apply to all persons departing Managed Isolation after 12.01am on 14 November 2021. **Noted**
- ll) **agree** that Cabinet authorise for submission to Executive Council the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 3) 2021. **Yes/No**

- mm) **note** that a waiver of the 28-day rule to the amendments to the Regulations is sought so the amendments can come into force on 14 November 2021 at 12.01am on the grounds that the updated charges should come into effect at the same time as the reduction to the length of stay in Managed Isolation, to give full effect to the government's decision and avoid the risk of over-recovery of fees on the grounds that the changes are minor and confer only benefits to the public. **Noted**
- nn) **agree** to waive the 28 day rule to enable the Amendment Regulations to come into force on 14 November 2021 at 12.01am **Yes/No**
- oo) **note** that officials are currently reviewing fee levels and will make recommendations to Cabinet on appropriate fee levels in early 2022. **Noted**
Expanding one-way quarantine-free travel for Recognised Seasonal Employer Workers (MFAT advice)
- pp) **agree** to expand one-way quarantine-free travel from 11.59pm on 7 November 2021 to other eligible travellers from Samoa, Tokelau, Tonga and Vanuatu as agreed in principle by Cabinet in July 2021, being those people who have the right to reside permanently in New Zealand (including first time resident visa holders and Australians), and people covered by border exceptions [CAB-21-MIN-0276]. **Yes/No**
- qq) **note** that further border exceptions will be considered by Ministers in the future, but that entry will continue to need to be managed given the constrained quarantine capacity in these countries, for returnees. **Noted**
- rr) **agree** that the provision allowing Recognised Seasonal Employer workers to enter with at least one vaccination dose be phased out by 1 January 2022 in favour of being fully vaccinated. **Yes/No**
- ss) **agree** that consistent with the low risk posed by Samoa, Tokelau, Tonga and Vanuatu, all travellers (including unvaccinated NZ citizens and exempt unvaccinated non-new Zealanders who meet the requirements to come to NZ) will not be required to undertake COVID-19 tests prior to departure [CBC-21-MIN-0089] or post-arrival, nor stay at home on arrival. **Yes/No**
- tt) **note** that travellers will be required to comply with existing quarantine-free travel eligibility pre-requisites. **Noted**
- uu) **agree** that given the current legislative framework for quarantine-free travel is complex and not fit-for purpose for current use, nor for supporting the proposals in this paper, that the parts of the Air Border Order and quarantine-free travel notices and exemptions that need to be amended to give effect to the proposal in this paper be replaced with a new legislative framework that is adaptable for future changes in circumstances. **Yes/No**
- vv) **note** that MIAS vouchers for travellers who no longer require them will be cancelled in accordance with the voucher cancellation framework. **Noted**

ww) **invite** the Minister of Immigration to certify any necessary changes to immigration instructions required to bring the changes agreed by Cabinet into effect at the appropriate time.

Yes/No



Dr Ashley Bloomfield
Te Tumu Whakarae mō te Hauora
Director-General of Health
Date: 28 October 2021

Rt Hon Jacinda Ardern
Prime Minister
Date:

Hon Grant Robertson
Deputy Prime Minister
Minister of Finance
Date:



Hon Chris Hipkins
Minister for COVID-19 Response
Date: 28/10/21

Hon Andrew Little
Minister of Health
Date:

Hon Kris Faafoi
Minister of Justice
Date:

Hon Kelvin Davis
Minister for Māori Crown Relations
Date:

Hon Aupito William Sio
Minister for Pacific Peoples
Date:

Hon Peeni Henare
Associate Minister of Health
Date:

Hon Dr Ayesha Verrall
Associate Minister of Health
Date:

Advice on reducing managed isolation and quarantine requirements and expanding Pacific one-way quarantine-free travel

Background and context

1. We have been working with the Ministry of Business, Innovation and Employment (MBIE) and the Ministry of Foreign Affairs and Trade (MFAT) to progress two issues that support ongoing efforts as part of Reconnecting New Zealanders to the world to carefully evolve our current border settings to enable people to travel safely to New Zealand, while maintaining strong public health settings.
2. This briefing provides advice on:
 - a. reducing the time spent in Managed Isolation for people admitted to facilities from a total of 14 days Managed Isolation to 7 days Managed Isolation and self-isolation pending a negative day 9 test result, commencing 14 November 2021 (**Part A**).
 - b. limited expansion of one-way quarantine-free travel (QFT) for Recognised Seasonal Employer (RSE) workers to other eligible travellers² from Samoa, Tonga and Vanuatu, as well as Tokelau (via Samoa), from 8 November 2021 (**Part B**).

Part A: Proposal to reduce the length of stay in Managed Isolation

Managed Isolation – current state

5. Managed Isolation has been highly successful at preventing incursions of COVID-19 through New Zealand's borders with over 180,000 arrivals through Managed Isolation since its inception. We have an increased understanding of the epidemiology of the Delta variant and growing evidence around the effectiveness of testing regimes for people in Managed Isolation settings.
6. Over the last eighteen months, our Managed Isolation and Quarantine (MIQ) settings have continually adapted and improved to ensure they are serving the purpose they are needed for in the current context. This includes ensuring that there continues to be a strong public health basis for the restrictions placed on people in MIQ and that they are proportionate and justifiable.

² Eligible travellers are people who have the right to reside permanently in New Zealand (including first time resident visa holders and Australians) and people covered by existing border exceptions, including critical health workers and medical transfers, agreed in-principle by Cabinet in July 2021 [CAB-21-MIN-0276]. Cabinet has since agreed that government representatives from all three countries will be eligible [CBC-21-MIN-0089]. Further limited border exceptions, including for groups such as Manaaki ODA scholars, will be considered by responsible Ministers in the future.

7. There has been a significant reduction in the number of positive COVID-19 cases coming across the border in recent months and the majority of arrivals report that they are fully vaccinated.
8. Managed Isolation has been operating at its maximum capacity since managed return flights from New South Wales commenced in July 2021 after quarantine free travel with Australia was suspended. With an additional four Managed Isolation facilities being converted to Quarantine facilities since August, in order to maintain our commitments to travellers with existing Managed Isolation Allocation System (MIAS) vouchers, cohorting has been suspended, scheduled maintenance has been deferred, and the entire MIQ operating contingency is currently being used.

Reduction in managed isolation from 14 days to 7 days with 3 days self-isolation

9. The 14-day Managed Isolation duration was initially proposed to cover one incubation period of the virus. The aim was to minimise any risk of a person leaving Managed Isolation with an active infection. The current testing regime has reliably identified nearly all cases arriving at the border.
10. However, recent evidence indicates that the increased risk of transmission of COVID-19 from reducing a returnee's isolation period to 10 days is low, with the series of tests and other appropriate mitigations now in place. This is consistent with our proposed approach to the management of community close contacts.
11. For people leaving Managed Isolation on day 7 and transitioning into 3-day self-isolation, their last PCR test while in a Managed Isolation facility would take place on day 6/7. This is likely to catch 80 to 90 percent of cases (based on recent experience, between 12 and 15 people out of 5000). Rapid antigen testing on release would help to reduce the risk further.
12. International evidence increasingly suggests that increased frequency of testing can provide some level of compensation for decreased duration of quarantine/isolation with respect to managing public health risks. New Zealand has recently added the additional day 6/7 nasopharyngeal swab to the testing regime of border arrivals and officials are proposing additional testing including a rapid antigen test on day 7 prior to departure. Officials will provide further advice to Ministers on this by 1 November 2021.
14. There is a small risk associated with people travelling from Managed Isolation to their self-isolation arrangements, and given the number of people, this would need to occur using standard transport routes. As part of implementation, we will identify whether additional infection, prevention and control (IPC) measures should be undertaken to reduce risks, noting that the use of masks would be mandatory. Guidance on safe travel will be provided.
15. The risks of self-isolation following completion of seven days In Managed Isolation is low, as long as people can isolate separately (for example, *where possible* this would mean access to their own bedroom and bathroom), comply with the self-isolation requirement, and undergo testing at day 9. Clear communication will be provided to border arrivals prior to their arrival into Managed Isolation and before departure to ensure that they are aware of the self-isolation requirements and can make the necessary plans ahead of departure. Further public health advice will be developed as part of work to prepare to implement these changes.

16. These proposals for a shortened stay in Managed Isolation and a self-isolation component also recognise:
 - a. higher levels of vaccination in arrivals - upwards of 75 percent of people over the age of 12 report that they are at least partially vaccinated. All non-New Zealand citizens entering the country will be required to be vaccinated from 1 November.
 - b. requirements for pre-departure testing for travellers from most countries
 - c. the shorter average incubation period of the Delta variant and recent testing/case detection data from Singapore and other jurisdictions that confirms that the majority of acute cases of COVID-19 are detected within the first three days of a quarantine/isolation period (provided there is a low risk of transmission in Managed Isolation).

A day 6/7 test, health check and the low risk indicators check would be the determinative process before leaving a Managed Isolation facility on day 7 and transitioning to self-isolation

17. Currently, the final routine test for SARS-CoV-2 is a PCR test from a nasopharyngeal swab taken on day 11/12 of Managed Isolation. This allows for 48 – 72 hours for labs to process the tests and provide notification of results, prior to border arrivals' scheduled release on day 14. This buffer period is particularly important in Auckland, where there are large volumes of routine returnee, border workforce, and community tests being processed.
18. To provide increased assurance, particularly for those who are travelling outside of the Auckland region following Managed Isolation, we will also implement a rapid antigen test. This will sit alongside the low-risk indicators assessment and health check on leaving, where symptomatic people will need to remain. The Ministry of Health and MBIE will finalise the testing regime in Managed Isolation as part of implementation planning and will provide further advice to the Minister for COVID-19 response by 1 November.
19. Officials recommend an additional test be taken by returnees in the community on day 9 as the determining factor before finishing their self isolation. The day 9 test is suggested to identify a very small number of cases who may have a longer incubation period. Officials are developing processes if a case is identified at day 9. Note that any returnee who developed symptoms after release from MIQ would be asked to seek immediate testing. Final advice on this, including options for monitoring and compliance will be provided to the Minister for COVID-19 Response by 1 November 2021.
20. Officials will also be conducting a review of the testing regime in Managed Isolation, to inform ongoing consideration of the appropriate testing levels for returnees.

Managing cohorts to reduce the risk of exposure

21. The current suspension of cohorting (separating arrival groups in Managed Isolation) to help free up Managed Isolation rooms to support the current Auckland outbreak could increase the likelihood of in-facility transmission if people about to leave are exposed to COVID-positive arrivals before their cases have been detected. Prevention of such exposure events becomes more important as the duration of Managed Isolation decreases.
22. However, mitigating the increased risk of cohort suspension is being achieved by stringently adhering to current IPC protocols by all border arrivals and workers in facilities including the continuation of room restrictions until a negative day 0/1 test is

received. Even if full cohorting could not be achieved it would be prudent to minimise the risk of mixing very early and late stay arrivals.

Shortened Managed Isolation stays should be rolled out nationally

23. We propose that the move to a 7 day stay in Managed Isolation followed by self-isolation is rolled out for all travellers, regardless of where in New Zealand they enter Managed Isolation. The public health rationale for reducing periods of isolation and quarantine in Auckland applies equally to other parts of New Zealand. Different regional settings would introduce inequities, the risk of legal challenge, unnecessary complexity in the system with attendant resource implications, and could threaten compliance with testing measures. Differentiated settings would also not be possible to be implemented by 14 November, if at all.
24. Officials have considered the concerns of locations which do not currently have any community COVID-19 cases, like Christchurch and Rotorua. Officials consider that any perceived risk of COVID-19 entering these communities as a result of the new approach will be mitigated through the use of clear guidelines for individuals self-isolating, individuals will be fully vaccinated and are therefore considered to be low risk (alongside increasing rates of vaccination in the community), and individuals being required to get a test on day 9, in addition to the testing regime as part of the 7 day stay in managed isolation. The risk to communities is therefore considered to be low.

Implementation of the change to a 7 day stay followed by self-isolation

Self-isolation processes

25. Establishing the self-isolation component will necessarily be a high-trust model and will require a carefully considered implementation approach. Key implementation considerations that will need to be considered include:
 - a. Guidance to support best-practice self-isolation, and to support testing compliance.
 - b. Connection into primary-health care settings, as part of wellbeing checks.
 - c. Whether there are particular circumstances that could require specific isolation requirements, including particular high-risk professions, for example mariners or people travelling to Antarctica.
 - d. Identification of processes to manage close-contacts or cases that may be identified during Managed Isolation or self-isolation.
26. Should a person test positive once they have been released from Managed Isolation the local public health unit will undertake an assessment on the case and determine an appropriate arrangement, which may or may not involve a return to Managed Isolation, depending on their individual circumstances.
27. Officials will provide further advice during the week of 1 November on how self-isolation will be implemented, along with any further detail on rapid antigen testing.

Implementation of the change to the 7 day Managed Isolation and 3 day self-isolation model (MBIE advice)

28. The move to a 7 and 3 model will apply to all travellers who enter Managed Isolation under the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the

Isolation and Quarantine Order), with the exception of air crew and maritime crew³. It does not apply to community cases or close contacts admitted under Section 70 of the Health Act 1956.

29. In order to ensure this system change takes place in an orderly manner and to enable Managed Isolation to undertake this transition, MBIE proposes it takes affect from 14 November 2021. It will apply to everyone in Managed Isolation on that date.
30. This date has been chosen as a shift to the MIQ system of this nature requires lead-in time to undertake. MIQ will need to reconfigure operating procedures, inform staff, adjust rosters and train them on the new processes. In particular, the first 2-3 days of the new length of stay will involve the departure of thousands of people (everyone in MIQ between day 7 and 14 of their stay), while current departure protocols are set up to manage much smaller numbers. In order for this to be introduced in an orderly manner that complies with COVID-19 IPC protocols, at least 14 days lead-in time is necessary.

Workforce implications

31. MBIE advises that shifting to a 7 day stay will impact Health and MIQ workforces. Hotel staff will be impacted and workforce rostering will need to be adjusted to reflect earlier departures. There will be an increase in transport logistics to support onward travel for people who are released, including air transfers. Additional staff and carriers will need to be brought in to support more frequent onwads travel plans.
32. Departure protocols will also need to be revised and aligned to ensure border arrivals are able to leave on time. This includes operational practices around shutting down common areas, lifts and lobbies for arrivals, departures and testing. Cohorts will also need to be kept separate within facilities where possible, e.g. during exercise and may require additional staff supervision to ensure compliance with IPC measures. MBIE officials have confirmed that these changes can be in place by 14 November subject to operational and resource requirements being addressed.
33. Changes to implement additional testing will place additional pressure on the Health workforce as well, particularly around the increased need for testing and health checks. We will need to identify appropriate workforce to manage this, acknowledging that there is extremely limited additional capacity within the testing and tele-health workforce at this time.

^{3 3} As defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 and the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

Transition period

34. On 14 November, all border arrivals who have been in Managed Isolation for 7 days or longer will be eligible to exit Managed Isolation if they have met the low-risk indicators for release.
35. In order to manage demand on the health workforce in particular there may need to be a transition to the new length of stay over two to three days at some facilities to manage the number of people who are eligible for departure. For example, on 1 November there are approximately 1,300 people between day 7 and day 14 of their stay – these figures will be similar for 14 November. This is significantly larger than the average 300-400 departures we process at present.
36. To mitigate issues, we will prioritise the exit of the border arrivals who stayed the longest first. In other words, we would exit those who have been in a Managed Isolation for 14 and 13 days first and so on.
37. We expect significant comments or queries by returnees who have been in isolation for 7 or more days if their exit process is delayed beyond 14 November 2021 but will ensure this is communicated clearly. There is a BORA risk if returnees are not released on day 7 and are kept for more days than proscribed by the Managed Isolation Order, however we believe this is justifiable as any delay will be in order to protect public health by ensuring IPC controls are maintained and all returnees are assessed to ensure they meet the low-risk indicators for release.

Managed Isolation system capacity

38. The Managed Isolation system is currently operating at maximum capacity. The increase in community cases and requirement to convert Managed Isolation facilities to Quarantine facilities has meant Managed Isolation has needed to suspend cohorting, defer scheduled maintenance and use its entire operating contingency in order to meet its commitments to border arrivals with MIAS vouchers booked in the coming weeks as well as continue to approve vouchers for emergency allocations for those who are eligible.
39. The number of Managed Isolation rooms available to border arrivals has decreased since the beginning of the current outbreak in mid-August following the conversion of the Ibis Ellerslie, the Holiday Inn and the Novotel Ellerslie in Auckland and the Distinction in Hamilton to Quarantine facilities for community cases. It is likely that further community Quarantine facilities will be required. The number of border arrivals entering Managed Isolation over this time has increased: the week of 11 October saw 500 more border arrivals entering Managed Isolation than the previous week.

Rooms lost from Managed Isolation for community Quarantine since August 2021

Facility	Rooms converted⁴
Ibis Ellerslie	100
Holiday Inn	220
Novotel Ellerslie	140
Distinction Hamilton (now Amohia)	110
Total	570

40. The capacity gained from moving to a 7 day stay offsets the reduction in Managed Isolation rooms, rather than creates the opportunity for increasing throughput of border arrivals at this time. If the suspension of cohorting is ended or any additional Managed isolation facilities are converted to Quarantine facilities, the need to find rooms for border arrivals will become more acute again.
41. In the future, should the number of community cases stabilise with no further facilities being required for Quarantine, and the health and facility workforce are increased to manage higher throughput, then Managed Isolation may be able to increase the number of rooms available on the Managed Isolation Allocation System (MIAS) each month for border arrivals to use.
42. We may be able to begin increasing throughput in December, but this is highly dependent on staffing levels and pressures from the community outbreak. MBIE officials will update Ministers with further information on when an increase in throughput may be possible in due course.

Quarantine capacity for community cases and close contacts

43. It should be noted that decreasing the length of Managed Isolation stay will not necessarily result in additional space for COVID-19 community cases or close contacts. This is because, with the exception of two facilities, every other Auckland Managed Isolation facility has stated that they will not accept either COVID-19 community cases or close contacts. If either, or both, of the two facilities noted above do become Quarantine facilities this will have the direct impact of decreasing the number of border arrivals that Managed Isolation is able to accommodate.
44. Officials continue to work to identify appropriate solutions for close contacts that cannot be safely isolated in the community.

⁴ Not all managed isolation rooms can be used as quarantine rooms e.g. only 88 of the 100 managed isolation rooms at Ibis Ellerslie are used as quarantine rooms

Interaction with the self-isolation pilot

45. On 27 September, Cabinet agreed to the design parameters of a self-isolation pilot, including that participants will be required to remain on the premises of their isolation accommodation for 14 days, with all the requisite IPC measures [CAB-21-MIN-0386 refers]. The first participants in the self-isolation pilot are scheduled to arrive in the country from 30 October.
46. Officials no longer consider that participants in the self-isolation pilot should be required to remain in their place of isolation for 14 days. Rather, consistent with the changes proposed in this paper, officials propose that the duration of the self-isolation pilot be 7 days followed by self-isolation until the result of a day 9 test, consistent with the changes to the requirements for border arrivals leaving Managed Isolation.

Interaction with quarantine-free travel arrangements

47. Officials will inform the Cook Islands and Niue of the change to Managed Isolation settings given that the quarantine-free travel (QFT) Arrangements state New Zealand will maintain 14 days' quarantine for applicable travellers. New Zealand is obligated to seek the agreement of the Cook Islands and Niue to amend the QFT Arrangements. While a reduction in Managed Isolation would not create any immediate changes to current QFT operation (Cook Islands two-way QFT is currently suspended and preparations for two-way QFT are ongoing with Niue), this will be a contributing factor in their risk assessment of QFT.

Financial implications (MBIE advice)

48. Moving to a 7 day Managed Isolation stay is likely to impact fee revenues. Any additional costs to move to a 7 day stay will initially be met from within baseline.
49. Forecasting the impact of changing to a 7 day stay for fees revenue is subject to a number of variables including the demographic of the border arrivals i.e. the mix of first time New Zealand border arrivals, families and children and critical workers. Further, if more community cases require Managed Isolation, this impacts on revenue as community cases are not charged for staying in MIQ facilities.
50. To determine a high-level impact, officials have taken the forecast monthly fee revenues, and pro-rated these down from 14 days to 7 days, giving an estimated monthly and

annualised impact of a decrease in revenue. These costs are detailed in Tables 1 and 2 below.

51. *Table 2: Estimated revenue impact of changing to a 7 day Managed Isolation stay at pro-rated rate of fees*

\$m Managed Isolation Fee revenue	Monthly Revenue	Annualised
Forecast Monthly revenue (14 day standard)	\$16.1m	\$193.1m
Expected revenue based on 7 days pro-rated	\$8.0m	\$96.5m
Forecast Revenue impact	-\$8.1m	-\$96.6m

52. Officials consider the pro-rata fee level for 7 days to be an appropriate interim measure given the condensed timeframes to implement changes. The 7 day pro-rata fees have not necessarily been set at an appropriate level to recover costs, and will by proxy mean an increase in Government subsidisation of the cost of Managed Isolation. Officials are currently reviewing fee levels and will make proposals to Ministers on appropriate fee levels in early 2022.
53. While there is no capacity to increase throughput in the short-term as Managed Isolation and Quarantine supports the current community outbreak, in future as the number of community cases decreases we can expect that a reduced duration of Managed Isolation will allow increased numbers of travellers to return through our facilities.
54. The increased intensity of the services that will be required to support more travellers stay for a shorter duration (cleaning, health checks, repairs and maintenance, screening, etc) will require additional workforce. We anticipate this will impact the health workforce (who will be required to administer more health checks and testing), the hotel-employed workforce (who will deliver more maintenance, cleaning and catering services), and also MBIE workforce (who deliver administration and planning, as well as check-in and check-out processes which will near-double) to reflect increased throughput.
55. Operating costs such as the transfer of travellers from airports to facilities are also expected to increase.
56. MBIE will be seeking an increase in FTE and operational funding to reflect these costs in the November omnibus budget bid being led by DPMC and Treasury, which is due to be considered by Cabinet on 15 November.
57. MBIE anticipate that continuing shifts in MIQ's operating model and the expectations we place on facilities will also impact contract negotiations and the continuing cost of hotel contracts. These contract negotiations are due to occur in early 2022 ahead of the expiry of current contracts in June 2022.

Legislative implications

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

58. The COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 currently defines a period of isolation as 14 days (336 hours). In line with public health advice to

reduce this to 7 days followed by 3 days self-isolation, officials recommend amending the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 so that period of isolation and quarantine is changed to 7 days (168 hours).

59. This would involve amending clause 10 of the Isolation and Quarantine Order to state that:
 - a. a person's period of isolation or quarantine is 7 days (168 hours); and
 - b. the maximum period of isolation is 14 days (336 hours).
60. Note, cases or close contacts entering MIQ under the Public Health Act 1956 will need to remain until they meet the low-risk indicators.

The COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020

61. Under s 7(4) and 7A(5) of COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (the Regulations), fees for a 7 day stay can be charged on a pro-rata basis (i.e. half of the current fees). Managed Isolation charges are based on a 14-day Managed Isolation stay and are subsidised at different rates for New Zealanders and non-New Zealanders. If a returnee stays longer than 14 days, they are not required to pay more than the fees set out in ss 7 and 7A of the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (the Regulations).
62. The Regulations do not allow sufficient flexibility to charge fees at a lower rate in situations where a returnee is required to stay for longer than 7 days. For example, a returnee who tests positive for COVID-19 while in Managed Isolation and is required to stay past 7 days could be charged for up to a 14-day stay.
63. While the Regulations provide the ability to partially waive fees, fee waiver powers do not apply to critical workers and their immediate family. Given that the Managed Isolation stay requirement is shifting to 7 days, maintaining this setting could lead to inequitable outcomes and potential over-recovery of fees.
64. Therefore, MBIE propose to amend the Regulations to set a fee for a 7 day Managed Isolation stay. These new fees will be calculated based on the pro-rata rate of current fees for 7 days.
65. Table 1, below, sets out the revised charge levels. All figures are GST inclusive. MBIE notes that these figures have been set on a broadly pro rata basis, although in some cases rounding departs from a strictly pro rata figure.

Nationality / visa status	Traveller	Current fee	New Fee (7 day stay)
New Zealand citizens and resident class visa holders; Australian citizens and permanent residents who are ordinarily resident in New Zealand Critical health workers	First or only person in a room [7(1)(b)]	\$3,100	\$1,610
	Fellow resident adult [7(2)(a)(ii)]	\$950	\$610
	Fellow resident child aged 3 years or older [7(2)(b)(ii)]	\$475	\$305

Nationality / visa status	Traveller	Current fee	New Fee (7 day stay)
Temporary entry class visa holders	First or only person in a room [7(1)(a)]	\$5,520	\$2,760
	Fellow resident adult [7(2)(a)(i)]	\$2,990	\$1,495
	Fellow resident child aged 3 years or older [7(2)(b)(i)]	\$1,610	\$805
Other critical workers	First or only person in a room [7A(2)]	\$5,520	\$2,760
	Fellow resident adult [7A(3)(a)]	\$2,990	\$1,495
	Fellow resident child aged 3 years or older [7A(3)(b)]	\$1,610	\$805

Commencement and transition

66. MBIE propose that the new charges take effect for all returnees who depart Managed Isolation on or after 14 November 2021 including those in the transitional group who have spent more than 7 days in Managed Isolation. This will avoid both significant administrative complexity in applying charges in a varied way across the transitional cohort, as well as the potential for returnees to face differing fee levels based solely on when the MIF they were placed in was able to arrange their early release.

Timing and 28-day rule

67. A waiver of the 28-day rule is sought so the amendments to the Regulations can come into force on 14 November 2021 at 12.01am. It is important that the charges should come into force at the same time as the change to the length of required Managed Isolation stay, both to give full effect to the Government's decisions and to avoid the risk of inadvertently over-recovering from those who spend a reduced time in Managed Isolation.
68. The proposal to amend the fee levels is a necessary reflection of the larger decision to reduce the length of time most returnees will spend in Managed Isolation. The change will only confer benefits on the New Zealand public, who have been given notice of the pending change when the broader policy is announced publicly.

Compliance

69. The Regulations comply with the:
- a. principles of the Treaty of Waitangi;
 - b. rights and freedoms contained in the New Zealand Bill of Rights Act (NZBORA) 1990 or the Human Rights Act 1993;

- c. principles and guidelines set out in the Privacy Act 1993;
 - d. relevant international standards and obligations; and
 - e. Legislation Guidelines (2018 edition).
70. The proposed amendments confer only benefits to the public (a reduced fee to reflect the shorter stay in managed isolation) and therefore do not have any adverse implications for the government's Treaty of Waitangi, NZBORA or Human Rights Act 1993 obligations.

Statutory prerequisites before making the Regulations

71. Section 32B and 32C of the Act require that before the Minister can recommend making regulations which set charges for Managed Isolation, they must be satisfied of the following matters:
- a. The charges concerned relate to Managed Isolation or Quarantine Facility (MIQF) costs (including direct and indirect costs);
 - b. the prescribed charges recover from any class of persons no more than an estimate of the actual and reasonable MIQF costs incurred in relation to that class (including both direct and indirect costs); and
 - c. there is appropriate provision to grant relief from the payment of the prescribed charges in circumstances where payment of the charges would cause undue financial hardship; and
 - d. the prescribed charges do not limit or are justified limits on the rights and freedoms in the New Zealand Bill of Rights Act 1990.
72. The proposed amendments relate to MIQF charges, which were originally set below the actual costs of Managed Isolation, because they do not include costs of MBIE's partner agencies or other additional reasonable costs.
73. The proposed amended charges only change the fee levels to reflect a proportionate cost for the shorter time that returnees will spend in Managed Isolation. The assessment of Managed Isolation costs and the appropriate levels to cost recover, which informed the initial setting of these charges, continues to apply.

Regulations Review Committee

74. I recommend that you agree that there are no grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

75. The draft regulations were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet, subject to the following:
- a. the statutory prerequisites relating to regulations in the COVID-19 Public Health Response Amendment Act 2020 are met; and
 - b. the granting of a waiver of the 28-day rule to allow the regulations to come into force on 14 November 2021.

Human rights implications

76. Under the COVID-19 Public Health Response Act 2020, the Minister is required to be satisfied that a COVID-19 Public Health Response Order does not limit or is a justified limit on the rights and freedoms in NZBORA. The proposals to change to a 7 day Managed Isolation stay followed by a 3 day self-isolation requirement and associated Order changes in this paper engage the right to freedom of movement and the right not to be arbitrarily detained under sections 18 and 22 the New Zealand Bill of Rights Act 1990 (NZBORA).
77. The Isolation and Quarantine Order already requires an individual to stay for up to 14 days. The Regulations require that Managed Isolation fees be paid for up to 14 days. Changing the period of isolation or quarantine to 10 days, including a 7 day stay in Managed Isolation will mean that people may leave Managed Isolation earlier and may be liable for proportionately reduced Managed Isolation fees. Therefore, the proposals do not further limit the right to freedom of movement and the right not to be arbitrarily detained under NZBORA.
78. The changes will come into effect following necessary amendments to the Isolation and Quarantine Order and associated legislation on 14 November. This is due to the need to inform returnees of the changes, as well as legislative and implementation processes to enact these changes.
79. However, 7 days in Managed Isolation is still a significant imposition on a person's rights, in particular the right to freedom of movement. A stay in Managed Isolation is a detention and to avoid arbitrariness, it should only be as long as is required to protect public health. A stay of 7 days in Managed Isolation can be justified as a reasonable limit on public health grounds as set out above to prevent further COVID-19 cases in the community with the attendant health implications. For these reasons, I am satisfied that any limits on the right to freedom of movement and the right not to be arbitrarily detained proposed in this paper are justified.

Impact analysis

80. The Regulatory Impact Analysis (RIA) Team at the Treasury has determined that the proposals reducing Managed Isolation and Quarantine stays for overseas border arrivals from 14 to 7 days and associated pro-rata of fees changes are exempt from the requirement to provide a Regulatory Impact Statement. The exemption is granted on the grounds that the proposals are intended to manage, mitigate or alleviate the short-term impacts of the declared emergency event of the COVID-19 pandemic, and implementation of the policy is required urgently to be effective (making complete, robust and timely Regulatory Impact Statements unfeasible).
81. Given the significance of the potential impacts, the RIA Team strongly supports a review of the changes, to be carried out in early 2022, to assess wider impacts, including the compliance with mitigation measures and proposed model of Managed Isolation fees.

Proactive Release

82. This paper will be proactively released with appropriate withholdings under the Official Information Act 1982.

Part B: Limited expansion of one-way quarantine-free travel for Recognised Seasonal Employer workers

83. This proposal provides an opportunity to test some of the low-risk pathway settings that may be deployed as part of the Reconnecting New Zealanders strategy and would lighten demands on MIQ facilities.
84. This paper seeks Ministers' agreement to limited expansion of one-way quarantine-free travel (QFT) for Recognised Seasonal Employer (RSE) workers to other eligible travellers from Samoa, Tonga and Vanuatu, as well as Tokelau (via Samoa), from 8 November 2021.
85. Cabinet previously agreed to a staged approach to one-way QFT beginning with a trial of RSE workers only from Samoa, Tonga and Vanuatu, with a review one month after commencement to enable consideration of its expansion [CBC-21-MIN-0089]. The trial began on 4 October 2021 and has proceeded successfully with three flights from Samoa and Vanuatu so far. No positive COVID-19 cases have been detected among incoming workers.
86. During the trial RSE workers have been required to have at least one dose of a COVID-19 vaccine pre-departure, complete a period of self-isolation on arrival at a facility provided by RSE employers and return negative COVID-19 saliva tests at days 0/1 and 5. Cabinet previously noted the Ministry of Health would review the efficacy and on-going application of these measures [CBC-21-MIN-0089].
87. The pilot has reinforced the previous assessment by the Director-General of Health that Samoa, Tokelau, Tonga, and Vanuatu are able to safely operate one-way QFT and are low COVID-risk. None has had a COVID-19 community case. Under the QFT Arrangements Samoa, Tonga, and Vanuatu have committed not to open QFT from other countries. Given the low risk and the challenges of implementing the measures to cohorts less cohesive than RSE workers, officials recommend that the additional measures applied to the one-way QFT trial be removed (except for vaccination requirements) and settings for expanded travellers be aligned with Cook Islands and Niue QFT under a Pacific low-risk pathway. Consistent with Cabinet's acceptance of earlier advice on RSE workers, and our current exemptions policy, officials do not recommend pre-departure testing of travellers. Partners' testing capacity is limited and there is no Public Health need.
88. It should be noted that from 1 November 2021, all non-New Zealand citizens (including those from Samoa, Tonga, and Vanuatu) are to be fully vaccinated prior to travel except those exempt as agreed by Cabinet on 4 October 2021, including RSE workers [CAB-21-MIN-0403]. The provision for RSE workers to arrive having received at least one dose, could be phased out by 1 January 2022, in favour of RSE workers being fully vaccinated, in view of rising vaccination levels in Samoa, Tonga, and Vanuatu.⁵
89. Officials have requested that expanded one-way QFT begin as soon as possible, however officials advise that the system would need until 8 November 2021 to ensure operational readiness and provide an adequate notice period to travellers. QFT flights would operate as both scheduled services and limited RSE charter flights from Samoa, Tonga, and

⁵ Vaccination rates of eligible population: Samoa 94% first dose, 60% fully vaccinated as of 14 October; Tokelau 99% fully vaccinated; Tonga 79% first dose, 49% fully vaccinated as of 20 October; Vanuatu 39% first dose, 26% fully vaccinated as of 26 September.

Vanuatu. The process for pre-departure eligibility checks will be worked through, with Immigration New Zealand (INZ) offices in Samoa and Tonga, working with airlines in Samoa and Tonga to perform compliance checks (currently the Pacific governments are responsible for this for RSE workers). Partner governments would continue to confirm the 14-day in-country status. Travellers would also be required to comply with the QFT eligibility prerequisites in schedule 2 of the Air Border Order.

90. Officials recommend you authorise them to replace or amend the current Air Border Order and associated notices and exemptions as necessary or desirable to give effect to this QFT scheme. The Minister of Immigration will certify any necessary changes to Immigration Instructions required to implement the changes in this paper.

Equity

91. One-way QFT for RSE workers to New Zealand from Vanuatu, Samoa, and Tonga as well as Tokelau (via Samoa) will provide economic benefit to New Zealand's regional communities.
92. It will also have a positive impact on communities in those countries and Pasifika communities in New Zealand.

ENDS.

Appendix One

COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 3) 2021