



# BRIEFING

## Implications of shifting from a 14 to 7-day MIQ operating model

<b>Date:</b>	5 November 2021	<b>Priority:</b>	High
<b>Security classification:</b>		<b>Tracking number:</b>	2122-1661

Action sought		
	Action sought	Deadline
Hon Chris Hipkins <b>Minister for COVID-19 Response</b>	<p><b>Agree</b> to urgently amend the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to:</p> <ul style="list-style-type: none"> <li>provide for a transitional arrangement which enables MBIE to require people to remain in MIQ after their period of isolation or quarantine, in order to safely operationalise the shift to the new 7 day operating mode;</li> <li>create a power for the Chief Executive of MBIE to, on application in exceptional circumstances, allow individuals or groups who are unable to self-isolate to remain in MIQ following their period of isolation or quarantine.</li> </ul> <p><b>Note</b> that your direction on these issues is required today in order to ensure that the amendments to the Order are able to be drafted by PCO and a signature version of the Amendment Order provided to you by 11 November.</p>	5 November 2021

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Brigadier Rose King	Joint Head of MIQ	Privacy of natural persons	✓
Kara Isaac	General Manager, MIQ Policy		

The following departments/agencies have been consulted
The Ministry of Health, Ministry of Foreign Affairs and Trade, Immigration New Zealand

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <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 Withdrawn           |

Comments



# BRIEFING

## Implications of shifting from 14 to 7-day MIQ operating model

Date:	5 November 2021	Priority:	High
Security classification:		Tracking number:	2122-1661

### Purpose

This briefing sets out operational implications for the MIQ system in transitioning from a 14 to 7-day operating model. It provides information for your noting on matters related to cohorting, transitioning Managed Isolation Facilities (MIFs) into a new cycle, exiting people from MIQ on 14 November, individuals and groups remaining in MIQ for longer than 7 days, and MIQ fees.

It also seeks your agreement to urgently amend the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to provide a legal basis for keeping people in MIQ past the legislated 7 day managed isolation period (both those who may need to stay longer in the transitional phase due to exit volume pressures, and those who apply to stay because they can't appropriately self-isolate elsewhere).

### Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

a **Note** that due to the move to a 7-day operating model, and in light of our intention to maintain cohorting, MIQ will shift from the current 20 day cycle (4 days infill, 14 day stay, 2 days cleaning) to an 11 day cycle (2 days infill, 7 day stay, 2 days cleaning), with Christchurch MIFs operating on a 12 day cycle (with 3 infill days) for an interim period of one week in order to maximise capacity.

*Noted*

b **Note** that this new 11/12-day cycle will be implemented on an initial basis and we will closely monitor and review its effectiveness.

*Noted*

c **Note** that MIFs are in the process of being restacked to accommodate planned arrivals according to this new 11/12-day cycle, and we will be in a position to advise on how many rooms will be gained in the short and medium term once this restack has been finalised and bedded-in.

*Noted*

d **Note** that on 14 November, there will be approximately 2,600 people between day 7 and day 14 of their MIQ stay (these figures exclude groups and aircrew), and MIQ is working to ensure that all eligible people can be exited on 14 November.

*Noted*

e Legal professional privilege

*Noted*

f **Agree** to mitigate this risk by urgently amending the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to provide for a transitional arrangement in law, which enables MBIE to require people to remain in MIQ after their period of isolation or quarantine for as long as reasonably necessary, in order to safely operationalise the shift to a new operating model in a coordinated, orderly, and proportionate manner.

Agree /  Disagree

g **Note** that following this initial transitional period, MBIE's expectation is that the vast majority of people will exit MIQ on day 7, if they meet the low-risk indicators set out in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.

*Noted*

h **Note** that MOH has advised that certain individuals and groups who may be unable to safely self-isolate (e.g. Afghan evacuees, refugees, fishers) *may* need to remain in MIQ for longer than 7 days, but retaining any individual or group in MIQ past 7 days requires public health justification, and express legal provision.

*Noted*

i **Agree** to urgently amend the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to create a power for the Chief Executive of MBIE to, on application in exceptional circumstances, allow individuals or groups who are unable to self-isolate to remain in MIQ following their period of isolation or quarantine.

Agree /  Disagree

j **Note** is intended that this power would be removed by future amendment of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 once it is no longer required.

*Noted*

k **Note** that your direction on the proposed amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 is required today in order to ensure that the amendments to the Order are able to be drafted by PCO and a signature version of the Order provided to you by 11 November.

*Noted*

l **Note** that under the amended MIQ Charges Regulations that come into effect on 14 November, MBIE will have no ability to charge individuals who entered MIQ on or after 14 November for MIQ stays longer than 7 days.

*Noted*

m **Note** that given MBIE's expectation that nearly everyone will be able to exit MIQ on day 7, we judge that the existing regulatory settings will sufficiently provide for cost recovery associated with most people's MIQ stay.

*Noted*

n **Agree** to proactively release this briefing with any withholdings consistent with the Official Information Act 1982.

Agree /  Disagree

  
Brigadier Rose King  
Joint Head of MIQ  
MIQ, MBIE

5 / 11 / 21



Hon Chris Hipkins  
Minister for COVID-19 Response

8 / 11 / 21

## Background

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1. On 28 October, Ministers with Power to Act on COVID-19 matters agreed to reduce the duration of stay in Managed Isolation and Quarantine (MIQ) for border arrivals from 14 days to 7 days (subject to meeting required Health criteria), and that people exiting MIQ be required to self-isolate until receipt of a negative day 9 COVID-19 test in the community [HR-2021-2360 refers]. Ministers agreed that these changes take effect from 14 November.
2. This briefing sets out operational implications for the MIQ system in transitioning from a 14 to 7-day operating model. It provides information for your noting on matters related to cohorting, transitioning Managed Isolation Facilities (MIFs) into a new cycle, exiting people from MIQ on 14 November, individuals and groups remaining in MIQ for longer than 7 days, and MIQ fees.
3. The Ministry of Health (MOH) has provided you with a companion briefing on health-related implications of Ministers' 28 October agreement [HR-2021-2389 refers].

## Implications of shifting from 14 to 7-day MIQ operating model

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4. At this juncture, MIQ will retain its core operating model, and apply it to a 7-day stay.

### Maintaining cohorting where possible and practicable

5. On 18 October, you agreed to suspend cohorting across the entire MIQ system, in order to provide MIQ with maximum flexibility to accommodate planned border arrivals [MBIE-BR-2122-1377 refers], although we advised you that cohorting would be maintained where possible and practicable.
6. We have explored the impact that suspending cohorting would have on room availability. The impact is not considered material. Given that, and on the weight of public health advice<sup>1</sup>, we intend to maintain this 'cohorting where possible' approach in shifting to the 7-day operating model.

### Transitioning MIFs into a new cycle

7. Due to the 7-day operating model, and in light of our intention to maintain cohorting, MIQ is intending to shift from the current 20 day cycle (4 days infill, 14 day stay, 2 days cleaning) to an 11 day cycle (2 days infill, 7 day stay, 2 days cleaning). In order to maximise capacity, Christchurch MIFs will operate on a 12 day cycle (with 3 infill days) for an interim period of one week.
8. Infill days are required to fill MIFs most effectively, and are a function of planned arrival numbers and flight schedules. Cleaning days are a function of workforce constraints (insofar as we do not have a 24-hour cleaning workforce).
9. Given flight schedules the most efficient option for transitioning to the new 11-day cycle will see 11 MIFs remain empty between 1-4 days<sup>2</sup> from 14 November. This reflects the transition from an 18 day cohort model to an 11 day cohort model.
10. This new 11 day cohort model will be implemented on an initial basis and we will continue to review its effectiveness. It may prove to be necessary to revert to a 3 day infill model.

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<sup>1</sup>Ministers were advised that whilst the risk of in-MIF transmission (as a result of suspending cohorting) is being mitigated by stringent adherence to IPC protocols and room restrictions until receipt of a negative day 0/1 test, prevention of exposure events (eg among very early arrivals and imminent departures) is critical as the duration of Managed Isolation decreases [HR-2021-2360 refers].

<sup>2</sup> 2 MIFs for 4 days, 3 MIFs for 3 days, 4 MIFs for 2 days, 2 MIFs for 1 day

11. Transitioning to this new cycle will support MIQ's operational reserve to be re-established over time. This operational reserve is critical to enable MIQ the flexibility to pivot to support more community quarantine rooms if required, and handle shocks to our network (such as loss of rooms for operational reasons such as regular and unplanned maintenance and possible loss of a facility (eg fire)).
12. MIFs are in the process of being restacked to accommodate planned arrivals according to this new 11/12-day cycle. We will be in a position to advise on how many rooms will be gained by shifting from a 14 to 7-day operating model once this restack has been finalised. In agreeing to the new operating model, Ministers with Power to Act noted that it would not result in any MIQ capacity gain in the near future [HR-2021-2360 refers].
13. On 28 October, Ministers with Power to Act also noted that you had directed officials to provide further advice on whether additional Managed Isolation capacity would be available to increase throughput of border arrivals in the medium term [HR-2021-2360 refers]. We will come back to you with this advice once the new cycle has been bedded-in.

### **Exiting people in MIQ who have already stayed 7 days on 14 November**

14. In agreeing to the new operating model, Ministers with Powers to Act noted that a transition period of 2-3 days from may be required to exit all people who have already been in MIQ for 7 days or more on 14 November [HR-2021-2360 refers].
15. On 14 November, there will be approximately 2,600 people between day 7 and day 14 of their MIQ stay (1,762 in Auckland, 262 in the Central region, and 623 in Christchurch). These figures exclude groups and aircrew. By way of comparison, 300-400 people ordinarily exit MIQ per day across all regions. Exiting people from the Crowne Plaza (391), Grand Millennium (388) Pullman (385), and the Stamford Plaza (376) presents significant operational challenge.
16. At this stage, MIQ is working to ensure that all eligible people can be exited on 14 November – on the proviso you agree to a) move from a day 6/7 to a day 5/6 PCR test across MIQ, and b) agree that rapid antigen tests be used to satisfy exit requirements for people who have not yet received the results of their day 5/6 PCR test, and are travelling outside of Auckland (see companion MOH briefing). However, we are still undertaking planning, and may find that exiting all such people is not possible.
17. In order to exit all eligible people on 14 November, MIQ is:
  - Providing communications to affected border arrivals (eg to organise onward travel plans for 14 November)
  - Surging staffing numbers
  - Arranging a greater number of busses to transport people to airports, and to the Northern/Southern Auckland borders
  - Liaising with Air New Zealand regarding the possibility of putting on more flights out of Christchurch
  - Arranging for manual data input (eg regarding onward addresses) that would usually take place on exit to occur after 14 November.
18. On 28 October, Ministers with Power to Act noted that, in the event we are unable to exit all eligible people on 14 November, we will prioritise the exit of arrivals who have been in MIQ the longest [HR-2021-2360 refers]. **Annex One** provides a breakdown of approximate numbers of people that will have been in MIQ for 7-14 days on 14 November.

19. Legal professional privilege

20.

21.

### **Exiting MIQ on day 7**

22. MOH's companion briefing [HR-2021-2389 refers] notes that self-isolation is necessarily light touch and high trust due to the low public health risk and competing pressures on health and MIQ systems.
23. MOH is developing guidance for self-isolation that will cover where people can access support and health care, wellbeing advice, information on testing, as well as self-isolation requirements. This guidance will be shared with returnees at multiple points prior to their travel (e.g. on public websites and in MIAS), as well as during their stay in a MIQF.
24. MIQ will not have a role in assessing or confirming whether people are in a position to safely self-isolate, or capturing information as to where people intend to self-isolate.

### **Individuals and groups remaining in MIQ past day 7**

25. MBIE's expectation is that all people exit MIQ on day 7, if they meet the low-risk indicators<sup>3</sup> set out in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.
26. Having people remain in MIQ for longer than 7 days (eg 10 or 14 days) impedes MIQ's ability to plan for border arrivals, and risks failing to yield substantive capacity gains in shifting to a 7-day operating model.
27. MOH has advised that certain individuals and groups who are unable to safely self-isolate may need to remain in MIQ for longer than 7 days (e.g. medically vulnerable groups or those with high health needs).
28. Whilst our preference is for another government agency or industry body to attend to these people (eg the Ministry of Social Development), we could accept, as an interim measure, individuals in exceptional circumstances for a transitional period throughout November.
29. Groups present a greater challenge due to their size and complexity. Below is an indicative list of the groups we have been advised *may* need to remain in MIQ for longer than 7 days:
  - Afghanistan evacuees
  - Refugees
  - Fishers

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<sup>3</sup> Medical examination and testing determine a person is at low risk of having or transmitting COVID-19.

- Cricketers
  - US Antarctic Programme (potentially for 14 days to meet international guidelines for people travelling to Antarctica)
  - Cargo crew servicing the Pacific (potentially for 14 days, at the behest of Pacific Island Governments)
  - 501 deportees
  - People with high health needs
  - Unaccompanied minors.
30. Retaining any individual or group in MIQ past 7 days requires public health justification, and express legal provision.
31. We are seeking your agreement to urgently amend the Isolation & Quarantine Order to create a power for the Chief Executive of MBIE to, on application in exceptional circumstances, allow individuals or groups to remain in MIQ following their period of isolation. This application could be made by the individual or group, or a third party on behalf of the group, where appropriate. This power would include non-exhaustive criteria (eg because a person is unable to self-isolate for 3 days).
32. We will provide you with more fulsome advice next week about any groups likely to need to stay in MIQ for longer than 7 days.
33. If it transpires that there are some groups who cannot be accommodated outside MIQ and need to stay in MIQ for 14 days, this will need to be provided for by notices issued by a Medical Officer of Health under s70 of the Health Act 1956.

### **Timing constraints for making the proposed amendments to the Order**

34. Amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 need to be signed by the Minister at least 48 hours before they come into effect (in accordance with [section 14 of the COVID-19 Public Health Response Act 2020](#)). For the proposed implementation date of 11:59pm on 13 November 2021, the order will need to be signed before 11:59pm on Thursday 11 November 2021. The proposal at this stage is that a version of the Order will be provided to you on Thursday for signing.
35. PCO have advised that given the number of proposals and complexities in drafting, in order to provide a signature version by 11 November, complete drafting instructions (based on Ministerial approval) must be issued by COP Friday 5 November. Accordingly, we are seeking your urgent direction on these proposals today.

### **Implications for the MIQ fees regime**

#### *Fees for individuals*

36. Ministers with Power to Act agreed to amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (the Regulations) to set new fees for a 7 day MIQ stay. The new fees were based on the current fees (set at a broadly pro rata basis), calculated by using the GST exclusive amount as the starting point and exercising reasonable rounding. Some categories were rounded up and some were rounded down as appropriate. This approach was taken across all categories. MBIE is currently undertaking a review of the fees regime and will be providing you with options for new fee levels for the 7 day stay.

37. The amended Regulations, which will come into force on 14 November 2021, provide that people who have entered MIQ on or after 14 November will only be liable for the new, 7 day stay fees.
38. The new fee levels will not apply to people in the transitional cohort, who will have already been in MIQ for 7 or more days on 14 November. This group will be invoiced on the basis of the existing pro-rata provisions in the Regulations, which provide that “the chief executive may determine that a lesser charge is payable in respect of a person who stays in an MIQF for less than 14 days. The lesser charge must be calculated on a pro rata basis (rounded up to a number of whole days)”.
39. As advised in the initial advice on reducing MIQ requirements (Health Report 20212360 refers), we are proposing to apply the flat 7 day fee to everyone in the transitional group to 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. The alternative would be to manually process each of the 2,600 transitional invoices individually to work out the exact length of each person’s shorter stay (could be 7, 8, 9, 10, 11, 12 or 13 days) and invoice accordingly. This manual process is expected to take several weeks.
40. Our proposed approach will enable us to continue to automate invoicing, and ensure that these are issued in a timely way. We also judge that a blanket approach is fairer than charging based on actual days stayed given that for most in this group, any days spent in MIQ past 14 November will likely be due to operational pressures rather than anything within their control. It will also be simpler and more transparent for border entrants to navigate.
41. Legal professional privilege

#### *Fees for groups in MIQ on 14 November*

42. Many groups, such as fishers and RSE worker, are charged for services which are provided to them that are additional to the standard MIQ offering covered by the fees Regulations (e.g. dietary requirements, large volumes of translation services) to allow for the recovery of additional costs incurred. These services are charged for via separate contracting, while their ‘core’ MIQ fee is charged under and in accordance with the fees Regulations. These contracts already have the flexibility to respond to lesser additional charges being due based on fewer additional services being provided (as a result of a shorter stay).
43. In terms of their ‘core’ MIQ fee, consistent with the approach to charging individuals, we are intending to apply the flat 7 day fee to all groups who have been in MIQ for 7 or more days on 14 November, to 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.

#### *Fees for individuals and groups that stay in MIQ for more than 7 days*

44. As noted in paragraph 27 above, there may be individuals or groups who, for an initial transitional period, may need to stay in MIQ past the required 7 day isolation period.



45. Under the amended Regulations that come into effect on 14 November, MBIE will have no ability to charge individuals (including under contract) who entered MIQ on or after 14 November for MIQ stays longer than 7 days. This is consistent with current settings, where fees are capped at 14 days and people required to stay in MIQ longer (for example, those who test positive for COVID-19, or refuse a test) are not charged for their additional time in MIQ.
46. Given that MBIE's expectation is that nearly everyone will exit MIQ on day 7, we judge that the existing regulatory settings will sufficiently provide for cost recovery associated with most people's MIQ stay. Furthermore, a number of the groups being discussed as potentially needing to stay for more than 7 days (e.g. refugees and 501 deportees) are exempt from fees, regardless of their length of stay.
47. If however, there was interest in recovering costs in the exceptional instances where people or groups apply to stay in MIQ for more than 7 days, this would require Cabinet agreement to amend the Regulations. We will closely monitor this situation and provide you with further advice if volumes suggest that a legislative change to recover costs for the additional 3 days is justified.

#### *Upcoming fees review*

48. As the new 7 day fees have been derived from the current fee levels, they contain a high degree of government subsidisation and are not necessarily set at an appropriate level to recover costs. MBIE is currently reviewing fee levels for all categories and will provide you with advice on this in the coming weeks.

### **Next steps**

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49. Subject to your agreement to the recommendations in this paper, we will urgently issue drafting instructions to PCO to amend the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to provide a legal basis for keeping people in MIQ past 7 days.
50. We will provide you with further advice next week about any groups likely to need to stay in MIQ for longer than 7 days, and the implications of this.

### **Annexes**

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Annex One: People who will have stayed in MIQ for 7-14 days on 14 November

## **Annex One: People who have been in MIQ 7-14 days on 14 November**

The table, below, sets out the number of people in each MIF who will have been in MIQ for 7-14 days – and are therefore eligible to exit (assuming they satisfy the low-risk indicators test) – on 14 November. These numbers are approximate (based on current planning), and exclude groups and aircrew.

<b>MIF</b>	<b>14d</b>	<b>13d</b>	<b>12d</b>	<b>11d</b>	<b>10d</b>	<b>9d</b>	<b>8d</b>	<b>7d</b>	<b>Total</b>
Crowne Plaza Auckland			127	64	92	108			391
Four Points Sheraton	114								114
Grand Millennium Hotel	176	144	68						388
Naumi Hotel						22			22
Novotel Auckland Airport		8							8
Pullman Hotel	219	166							385
So Hotel			26		33	19			78
Stamford Plaza Auckland					42	30	137	167	376
<b>Auckland total</b>	<b>509</b>	<b>318</b>	<b>221</b>	<b>64</b>	<b>167</b>	<b>179</b>	<b>137</b>	<b>167</b>	<b><u>1,762</u></b>
Ibis Hamilton					80				80
Jet Park Hotel					70				70
Rydges						33	50	29	112
<b>Central total</b>					<b>150</b>	<b>33</b>	<b>50</b>	<b>29</b>	<b><u>262</u></b>
Crowne Plaza Christchurch		32	56	140					228
Distinction	97								97
Novotel Christchurch Airport					97	111	50		258
Sudima Christchurch Airport								40	40
<b>Christchurch total</b>	<b>97</b>	<b>32</b>	<b>56</b>	<b>140</b>	<b>97</b>	<b>111</b>	<b>50</b>	<b>40</b>	<b><u>623</u></b>
<b>All regions total</b>	<b>606</b>	<b>350</b>	<b>277</b>	<b>204</b>	<b>414</b>	<b>323</b>	<b>237</b>	<b>236</b>	<b><u>2,647</u></b>