



# BRIEFING

## MBIE MIQ provision of alternative isolation accommodation

<b>Date:</b>	11 March 2022	<b>Priority:</b>	High
<b>Security classification:</b>		<b>Tracking number:</b>	2122-3031

Action sought		
	Action sought	Deadline
Hon Chris Hipkins <b>Minister for COVID-19 Response</b>	<b>Note</b> the contents of this briefing.	15 March 2022

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Melanie Taylor	Manager, MIQ Implementation and Regulation Policy	Privacy of natural persons	✓
Privacy of natural persons	Principal Policy Advisor, MIQ		

The following departments/agencies have been consulted
Ministry of Health

**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 Withdrawn           |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**



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### Purpose

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1. This report updates you on how the Ministry of Business, Innovation and Employment (MBIE) intends to use Managed Isolation and Quarantine (MIQ) facilities as part of providing alternative isolation accommodation for community cases during the current Omicron outbreak. This is to support your discussion at the Cabinet Social Wellbeing Committee on Wednesday 16 March 2022 on the paper being taken by the Ministers of Health and Housing, entitled *COVID-19 Care in the Community programme: update on implementation and direction*.

### Recommended action

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

- a **Note** that on 9 March 2022, the Cabinet Social Wellbeing Committee agreed to decommission all but four MBIE Managed Isolation and Quarantine (MIQ) facilities by the end of June 2022.  
*Noted*
- b **Note** that MBIE MIQ has begun to decommission MIQ facilities in line with this decision, with 20 facilities being deactivated immediately with a further eight due to cease accepting people by mid-May.  
*Noted*
- c **Note** that MBIE's National Alternative Accommodation Service was established to provide self-contained accommodation in support of the health system's preparedness for an Omicron outbreak.  
*Noted*
- d **Note** MIQ has five facilities in Auckland, Hamilton, Wellington, and Christchurch that are currently accepting referrals for community cases, and discussions are currently underway about the provision of a sixth in Rotorua to support the managed quarantine of some community cases in line with the support provided to date.  
*Noted*
- e **Note** that as of Friday 11 March 2022 there are a total of 1,114 rooms that can be used for community cases.  
*Noted*
- f **Note** that on 16 March 2022, the Ministers of Health and Housing are taking a paper to the Cabinet Social Wellbeing Committee seeking agreement for MBIE to assume responsibility for the funding and procurement of alternative isolation accommodation with alternative isolation accommodation  
*Noted*
- g **Note** that MBIE MIQ has provided input to that paper about the nature of the role that MIQ could play in the community accommodation model.  
*Noted*

h **Note** that community cases entering a MIQ facility are directed to enter under clause 29 of the COVID-19 (Self-isolation and Permitted Work) Order 2022 and are required to comply with its requirements.

*Noted*

i **Note** that due to this requirement, community cases that are required to isolate in a MIQ facility are subject to greater restrictions on their rights, including the freedom of movement, than those who are required to isolate in the community.

*Noted*

j **Note** that MBIE MIQ facilities will continue to accept referrals for community cases under the appropriate legal mechanism and where there is capacity in the remaining facilities.

*Noted*



Melanie Taylor  
**Manager, MIQ Policy**  
MIQ, MBIE

11 / 03 / 2022



Hon Chris Hipkins  
**Minister for COVID-19 Response**

15 / 03 / 2022

## Background

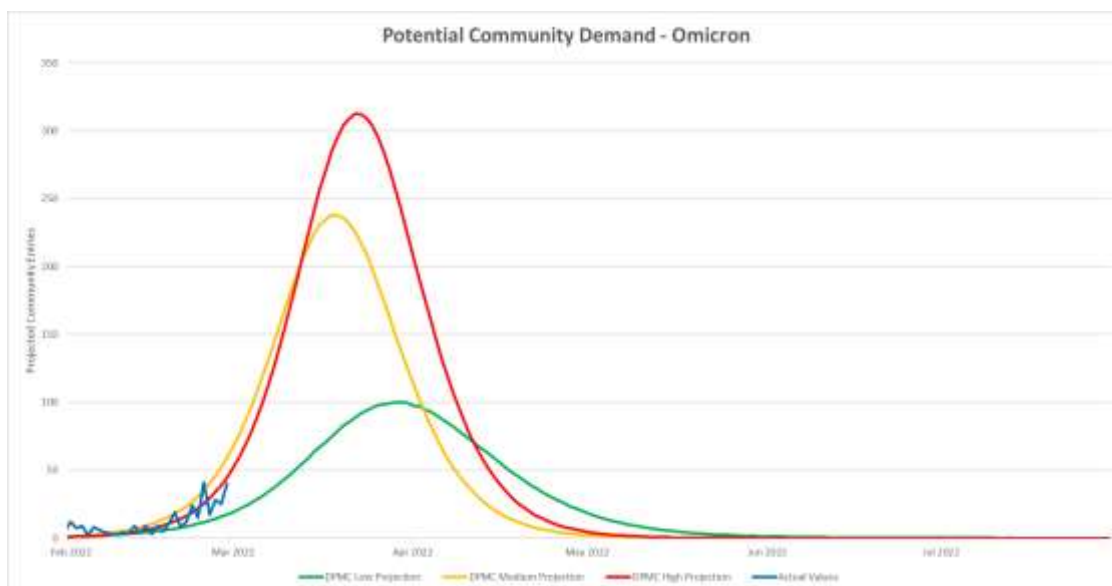
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- On 9 March 2022, the Cabinet Social Wellbeing Committee, with power to act, agreed that the MIQ network would be consolidated into three or four facilities in Auckland and Christchurch, with the remaining facilities decommissioned by the end of June. MIQ has now commenced the required process to decommission the remaining facilities while being mindful of the need to support community cases through the peak of the current Omicron outbreak.
- Managed Isolation and Quarantine (MIQ) is not the main intervention for managing risk at the border, or a core intervention for managing risk within the community. There are currently five facilities in Auckland, Hamilton, Wellington, and Christchurch accepting referrals for community cases, with 1,114 available rooms (although not all rooms are available at any one time due to cleaning and maintenance requirements). We are working with the local DHB and iwi to provide this same support in Rotorua until May 2022. However, MIQ capacity to accommodate community cases will be dependent on other workforces being available to provide adequate support, such as health workers.
- In addition, MIQ will not be able to accept community cases from outside of Auckland, Hamilton, Wellington, or Christchurch as the provision of inter-regional transfers ended when the border settings were amended as part of Reconnecting New Zealand. Accommodating community cases in areas without a facility will therefore have to be done through other channels.

## Alternative isolation accommodation

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- DPMC projections of the potential demand indicated slightly more than 300 cases per day needing alternative accommodation across the country at the peak of the Omicron wave.



- Community cases may require alternative accommodation because they live in overcrowded homes, experience family violence, or are homeless. Current alternative accommodation options include motels, campervans, or MIQ facilities.
- The Ministers of Health and Housing are due to take the paper *COVID-19 Care in the Community programme: update on implementation and direction* to the Cabinet Social Wellbeing Committee on Wednesday 16 March. This paper will seek agreement for MBIE to assume responsibility for the funding and procurement of alternative isolation accommodation to support District Health Boards and public health units. The paper also

seeks agreement for the provision of alternative isolation accommodation through a mix of existing MIQ capacity and MBIE's National Alternative Accommodation Service<sup>1</sup>.

8. MBIE, using the \$5.5 million approved by Cabinet in November 2021, has lead work on new alternative accommodation procurement arrangements, creating a new centralised function (the National Alternative Accommodation Service) to provide self-contained accommodation that will reduce the administrative work undertaken by DHBs and PHUs. This service is the primary mechanism to provide Care in the Community accommodation.

## **Community cases in MIQ**

9. MIQ has accepted community cases as a final escalation point for people who do not have safe place to isolate. Until recently, community cases were directed to enter MIQ by Medical Officers of Health (MOoH) under a nationwide section 70 notice that set out the conditions that a person must comply with while isolated. This notice was revoked when the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022 (the Self-isolation Order) was made.
10. Under clause 29 of the Self-isolation Order, a MOoH can determine that a person's place of self-isolation should be a MIQ if they consider that the person does not have a suitable residence or other accommodation for the purposes of complying with the self-isolation provisions; and the chief executive has confirmed that there is capacity for the person to be isolated or quarantined under the COVID-19 Public Health Response (Isolation and Quarantine) Order 2021.
11. A direction under section 70 could only be for the purpose of preventing the outbreak or spread of any infectious disease, whereas the clause 29 power relates to the individual's ability to comply with the self-isolation requirements. As a result, a MOoH may reasonably take into consideration a greater range of factors than when making a decision under section 70.
12. The MIQ facilities that are being retained in Auckland, Hamilton, Wellington and Christchurch will be able to take community cases until mid-May. As these final remaining facilities will be decommissioned by the end of June, they need to be completely empty by the end of May. For the facilities remaining after 30 June there may be continued capacity in Auckland in Christchurch for them to continue taking community cases, but MBIE MIQ will provide further advice on the MIQ capacity for community cases closer to the time.

## **Operating Model**

13. MIQ facilities will continue to operate under the existing operating model and will only accept community cases referred under clause 29 of the Self-isolation Order.
14. MBIE MIQ has considered the alternative of operating some MIQ facilities that provide accommodation for community cases who could enter to the facility voluntarily, as opposed to at the direction of a MOoH. There is, however, no existing legal framework for this model and there would be no ability to impose or enforce requirements on those staying in a facility.
15. A voluntary community accommodation facility would also include risks for MBIE MIQ that would need to be managed, including:
  - a) the legal responsibility for the well-being of cases and staff; and
  - b) health and safety obligations as a PCBU.

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<sup>1</sup> Cabinet provided funding in November 2021 for MBIE to set up an alternative accommodation service [CAB-21-MIN-0493 refers].

16. While these obligations on MBIE also exist under the current operating model, MBIE's ability to manage those risks would be reduced in a situation where there is no legal basis that governs the activity of cases, or those visiting them, while in a facility.

*Risks associated with continuing to operate the full compliance MIQ model for community cases*

17. MIQ is in position to continue to support the quarantine of community cases until mid-May 2022. However, continuing to operate a full compliance MIQ model for large-scale community cases carries trade-offs.
18. Community cases who are required to isolate in MIQ under the Self-isolation Order are subject to greater restrictions than those who isolate in the community. For example, those who isolate in MIQ only have limited access to fresh air and are otherwise confined to their rooms whereas people in the community are permitted to do outdoor exercise in the neighbourhood of their place of self-isolation. These restrictions on the rights of these individuals must be justifiable under the New Zealand Bill of Rights Act 1990.
19. Experience during the early stages of the Delta outbreak, when community members were required to enter MIQ, highlighted the limitations of MIQ facilities as isolation or quarantine locations for people with complex needs. In the context of the current support available for people to isolate at home, those unable to stay at home are likely to be extremely vulnerable, including victims of family violence. A permanent police presence was necessary at those facilities during the Delta outbreak, particularly in relation to the health and safety risk to staff. The withdrawal of New Zealand Police to an 'on-call' model removes the dedicated police presence on-site.
20. There may also be a significant reduction in the availability of health care workers as DHBs redeploy their workforce to relieve workforce pressures occurring as a result of the Omicron wave. We will work closely with DHBs so that all facilities accepting community cases have an appropriate level of health care workers on site. This may limit our capacity to accept community cases.