



BRIEFING

COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022 – for signing

Date:	15 February 2022	Priority:	Urgent
Security classification:		Tracking number:	2122-2720

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Note the contents of this briefing. Agree to sign the attached COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022.	15 February 2022

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

The following departments/agencies have been consulted
Ministry of Health

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comments



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Purpose

1. This report recommends that you sign the attached COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022 (Amendment Order).
2. The Amendment Order gives effect to your decision to reduce the length of stay in managed isolation as part of the move to Phase Two of the Omicron plan [BR2122-2661 and HR 20220175 refer].

Recommended action

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

- a **Note** that on 11 February 2022, you agreed to a range of amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Order) [BR2122-2661 and HR 20220175 refer].

Noted
- b **Note** that Ministry of Health and Ministry of Business, Innovation and Employment officials advise that the attached COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022 (Amendment Order) is in line with the purposes of the COVID-19 Public Health Response Act 2020, to prevent and limit the risk of the outbreak or spread of COVID-19.

Noted
- c **Note** that before signing the Amendment Order, the COVID-19 Public Health Response Act 2020 requires that you must be satisfied that the Amendment Order does not limit, or is a justified limit, on the rights and freedoms in the New Zealand Bill of Rights Act 1990.

Noted
- d **Note** that you consulted with the Prime Minister, and Ministers of Justice and Health on the policy decision to reduce the period of managed isolation [HR20220175 refers].

Noted

Maritime Border Order Amendments

- e **Note** that the Ministry of Health has subsequently provided advice that the period of isolation in the COVID-19 Public Health Response (Maritime Border) Order 2020 should be reduced from 10 days to seven days to align with changes to the Order.

Agree/Disagree
- f **Agree** that the Amendment Order amends the COVID-19 Public Health Response (Maritime Border) Order 2020 to reduce the period of isolation for maritime arrivals from 10 to seven days.

Agree/Disagree

g **Agree** that the Amendment Order contain a transitional provision that provides a person isolating on board a vessel at 11.59pm Tuesday 15 February 2022 who has already isolated for seven days or more may be required to continue isolating for a period of up to 72 hours to ensure a co-ordinated, orderly, proportionate departure from their vessel.

Agree/ Disagree

h **Agree** to sign the attached Amendment Order giving effect to the decision to reduce the period of managed isolation to seven days.

Agree/ Disagree

i **Agree** that the Amendment Order does not need to be published 48 hours before it comes into force, as required by Section 14(2) of the COVID-19 Public Health Response Act 2020, because the effect of the Amendment Order reduces the requirements imposed by a COVID-19 order.

Agree/ Disagree

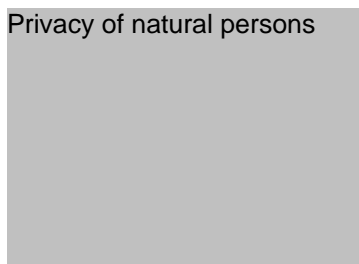
j **Note** that, if you sign the attached Amendment Order, the amendments will come into effect at 11.59 pm Tuesday 15 February 2022.

Noted

k **Note** that planning is underway to release the approximately 1,016 people in managed isolation who will be eligible to exit on Wednesday 16 February 2022.

Noted

Privacy of natural persons



Manager, MIQ Policy
MIQ, MBIE

15 / 02 / 2022

A handwritten signature in blue ink, appearing to read 'Chris Hipkins'.

Hon Chris Hipkins
Minister for COVID-19 Response

15 / 02 / 2022

Process for amending a section 11 Order

3. Under the COVID-19 Public Health Response Act 2020 (the Act) an order may be made if either:
 - a. an epidemic notice is in force (under the Epidemic Preparedness Act 2006);
 - b. a state of emergency has been declared (under the Civil Defence Emergency Management Act 2002); or
 - c. it has been authorised by the Prime Minister.
4. There is currently an epidemic notice in place, which allows orders to be made under section 11 of the Act. To make or amend an order under section 11 you must:
 - a. have received advice from the Director-General of Health about:
 - i. the risks of the outbreak or spread of COVID-19
 - ii. the nature and extent of measures that are appropriate to address those risks
 - b. be satisfied that the proposed Amendment Order does not limit or is a justified limit on the rights and freedoms as specified in NZBORA
 - c. consult with the Prime Minister, the Minister of Justice, Minister of Health, and any other Ministers you think necessary, and
 - d. be satisfied that the order is appropriate to achieve the purposes of the Act.

Public Health Rationale

5. The Ministry of Health has sought your agreement for changes to managed isolation settings during Phase Two and Phase Three of the Omicron response plan [HR20220175]. Under the Maritime Border Order, a person arriving at the maritime border can either isolate at a managed isolation facility or on board their vessel. Those maritime border arrivals isolating in a managed isolation facility will have their period of isolation set by the Isolation and Quarantine Order while the isolation period for those who remain on board their vessel is set by the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (Maritime Border Order). Consequently, changes to the Maritime Border Order are also required to align the isolation period for people isolating on board a vessel.
6. The attached Amendment Order makes the changes necessary to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (Isolation and Quarantine Order) and the Maritime Border Order to give effect to the decision to reduce the period of managed isolation.

Contents of the Amendment Order

Exiting people in MIQ who have already stayed seven days

Period of isolation or quarantine

7. The Amendment Order reduces a person's period of isolation from 10 to seven days. This will align the period of managed isolation with the recent reduction in isolation for close contacts triggered when we moved to Phase Two of the Omicron plan.
8. The Ministry of Health has provided additional public health advice that indicates that the period of isolation or quarantine set out in the Maritime Border Order should also be amended from 10 to seven days to align with the changes to the Isolation and Quarantine Order. The Amendment Order has been drafted to give effect to that advice.


Transitional provision to ensure orderly exit

9. The Amendment Order provides for a new transitional provision, that will enable MIBE to safely operationalise the new operating model in a coordinated, orderly and proportionate manner. This provision will allow the Chief Executive of MBIE to require people to remain in managed isolation after their period of isolation ends for as long as reasonably necessary. This provision is limited to a period of 72 hours and ends at 11.59pm Friday 18 February 2022.
10. The Amendment Order provides for a similar transitional provision in the Maritime Border Order for those isolating on board a ship.

Provision for those who may need to extend their stay in MIQ

11. Clause 10(5) of the Order provides that the Chief Executive can, in exceptional circumstances and on application, extend a person's stay in a managed isolation facility for up to seven days. The Amendment Order removes the requirement that the Chief Executive only consider preventing, and limiting the risk of, the outbreak or spread of COVID-19.
12. This provision allows people who have already spent seven or more days in managed isolation when we move to Phase Two to apply to stay in managed isolation if they are, for example, unable to secure accommodation for the remainder of the time they would originally have remained in managed isolation.
13. The Amendment Order also clarifies that the Chief Executive does not require a public health justification to extend a person's stay, if they request an extension.

New Zealand Bill of Rights Act 1990 (NZBORA)

14. Legal professional privilege
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Next Steps

15. Section 14(2) of the COVID-19 Public Health Response Act 2020 requires any COVID-19 order to be published at least 48 hours before coming into effect unless you are satisfied that the effect of the COVID-19 order is to reduce the requirements imposed by a COVID-19 order. As noted above, the Amendment Order reduces the requirements imposed on border arrivals to isolate in a managed isolation facility.
16. If you agree to sign the Amendment Order, the amendments will be gazetted and come into force at 11.59pm Tuesday 15 February 2022.
17. MBIE MIQ has identified 1,016 individuals who will be eligible to exit managed isolation on Wednesday 16 February 2022. Logistical planning is well underway to release those individuals who wish to exit managed isolation after seven days. This includes prioritising the processing of their test results and the organisation of transport for those isolating in a facility that is not located where they originally arrived (for example, those persons who arrived in Auckland but are isolating in a facility in Christchurch).