

Office of the Minister for COVID-19 Response

Cabinet

Reconnecting New Zealanders to the World: Further advice on opening the medium-risk pathway

Proposal

- 1 This paper outlines the detailed settings for the medium-risk pathway, seeks agreement to proceed with Steps 1 and 2, and provides options for the sequencing and announcements of Step 3.

Relation to government priorities

- 2 This paper supports the ongoing response to COVID-19 and is part of the Reconnecting New Zealanders strategy.

Executive Summary

- 3 On 15 November Cabinet endorsed a three-step approach to opening the medium-risk pathway. On 24 November, the Social Wellbeing Committee with Power to Act agreed to the broad settings for the medium-risk pathway, and I have since agreed further detailed settings for testing and self-isolation.

Detailed settings for the medium-risk pathway

- 4 Under Step 1 arrivals under the medium-risk pathway will be required to undertake a PCR test on day 0/1 and to complete a series of three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RAT) before leaving self-isolation. The Ministry of Health is developing a digital solution to record testing information for monitoring purposes.
- 5 There will be a jurisdiction (country) category which can be used when the risk posed by travellers from a particular jurisdiction is very significant and additional risk mitigation measures are required (akin to the current Very High-Risk classification). This will be used in specific situations, such as when there is a concerning spike in cases or a new variant of concern. Additional measures can be applied to travellers from these countries, as appropriate to the risk.

Proceeding with the endorsed Steps

- 6 I now seek agreement to Steps 1 and 2 commencing in line with the endorsed timings. Ahead of Step 1, officials will provide COVID Ministers with an update if there has been any change that would materially compromise the ability to implement the Step safely.

Proposed phasing of Step 3

- 7 I also propose Cabinet consider the approach to the timing and phasing of Step 3. There are three feasible options for reopening under Step 3 for Ministers to consider:
- 7.1 Option A: a 'faster' rollout from 30 April;
 - 7.2 Option B: an 'early' rollout from 31 March (in line with the Traveller Health Declaration System); or
 - 7.3 Option C: a 'slower' rollout, from 30 April.
- 8 Opening more quickly under Option A or Option B will have significant economic benefits, while a slower roll out under Option C takes a more cautious approach. All options provide for a mix of friends and family, workers, students and visitors, as well as key major events (including sports), and continued border exceptions where needed.

Ongoing monitoring

- 9 The Border Executive Board, in consultation with the Ministry of Health, will monitor the effectiveness of border processes and systems, and report back to Reconnecting Ministers in February to inform ongoing improvements to processes and systems ahead of Steps 2 and 3.

Background

- 10 On 15 November Cabinet endorsed a three-step approach to opening the medium-risk pathway [CAB-21-MIN-0474 refers]. Subsequently, the Social Wellbeing Committee (the Committee) noted further advice on the timing of the Steps [SWC-21-MIN-0200 refers], being:
- 10.1 Step 1 – Fully vaccinated New Zealanders and other currently eligible travellers to and from Australia from 11.59 pm Sunday 16 January 2022
 - 10.2 Step 2 – Fully vaccinated New Zealanders and other currently eligible travellers to and from anywhere else from 11.59pm Sunday 13 February 2022; and
 - 10.3 Step 3 – Fully vaccinated foreign nationals (possibly staged by visa category) from Saturday 30 April 2022 [SWC-21-MIN-0200 refers].
- 11 The Committee also agreed the broad requirements for travellers entering through the medium-risk pathway including:
- 11.1 a negative pre-departure test within 72 hours prior to boarding;
 - 11.2 acceptable evidence of being “fully vaccinated” with an approved vaccine;
 - 11.3 declaration of all required information (using Nau Mai Rā)

- 11.4 a seven-day self-isolation requirement;
 - 11.5 a day 0/1 test on arrival; and
 - 11.6 a day 5/6 test prior to release from self-isolation.
- 12 The Committee authorised the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, to make decisions on the detailed settings for the medium-risk pathway, including any potential requirements for active monitoring or enforcement of traveller compliance with self-isolation requirements.
- 13 This paper reflects the Reconnecting New Zealanders Ministerial Group's discussion on Friday 3 December on the detailed settings for the medium-risk pathway.

Detailed settings for medium-risk pathway

Arrival and self-isolation testing

- 14 On Thursday 2 December the Border Executive Board and the Ministry of Health provided me with further information on how testing on arrival and testing in self-isolation could be operationalised. Officials have recommended, and I have agreed, that under Step 1 arrivals under the medium-risk pathway will be required to complete a:
- 14.1 PCR test on day 0/1; and
 - 14.2 Three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RAT) before leaving self-isolation.
- 15 The Ministry of Health recommended a PCR test on day 0/1 as this provides the highest level of assurance that COVID-19 cases will be detected. The Omicron variant highlights the need to be vigilant in identifying cases at the border. PCR testing increases the chances of catching cases and new variants at the border and reduces the chance of new variants entering the community.
- 16 To promote traveller compliance with day 0/1 testing requirements, the Ministry of Health are working to establish testing facilities in airport precincts or nearby, where travellers may go immediately after finishing arrival processing to give saliva sample for PCR testing. The Ministry of Health are actively engaged with the airports to determine how testing facilities could be implemented on the relevant precincts. They are also actively working with potential providers to facilitate the delivery of this saliva testing.
- 17 In addition to the day 0/1 test, the Ministry of Health also recommended that travellers have a RAT every two days (including days 3, 5 and 7) prior to release from self-isolation. RATs will be provided to travellers with clear instructions. These tests are straightforward for travellers to self-administer, which is likely to support compliance with testing requirements.

- 18 The Ministry of Health consider that after a day 0/1 PCR test has been taken, requiring three additional consecutive RATs would provide a sufficient level of assurance of identifying COVID-19 infections. Requiring additional PCR testing would impose a significant burden on testing and laboratory capacity, given the volume of travellers to New Zealand. Requiring multiple PCR tests is likely to also create equity issues as travellers will be self-isolating across New Zealand and may not be able to easily access PCR testing facilities and/or an appropriate location to isolate if they were to test positive.
- 19 Initially, reopening under the medium-risk pathway will only occur through the four main airports, Auckland, Wellington, Christchurch and Queenstown, where the relevant testing requirements will be facilitated.

Escalation pathway for symptomatic travellers

- 20 At each airport that receives international arrivals suitably trained health professionals will be maintained to provide advice to travellers on RAT use. To assess travellers presenting as symptomatic, there will be a toolkit available to the health professionals present at the airport to make decisions around escalation pathway, including RAT, transportation option, and transfer to MIQ. Decisions will be made on a case-by-case basis; however, clear guidance will be provided to ensure there is consistency in escalation response across the country.
- 21 As much as possible, a system approach will be taken to self-isolation, and travellers who have not tested positive for COVID-19 will be treated the same as close contacts of community cases.

Monitoring testing results

- 22 The Ministry of Health will be responsible for monitoring of day 0/1 testing requirements. Officials are currently in the process of developing a digital solution to record testing information for day 0/1 PCR test of arrivals for assurance and monitoring purposes.
- 23 The solution would utilise information from Nau Mai Rā and match this to Advance Passenger Processions data, to ensure we identify every passenger that comes through the border. The system will then match the information to the passengers' NHI number for monitoring of day 0/1 PCR test. Through this digital solution, any passenger who does not have a day 0/1 test will be sent automated emails on days 3 and 5 as a follow-up mechanism. If further following up is required, travellers will be contacted by phone to ensure they have completed their day 0/1 PCR test.
- 24 For recording of days 3, 5, and 7 RATs, it is expected that arrivals will be able to upload their test results to existing COVID-19 technological platforms. Initially these systems may include a declaration (e.g. a message or email) where the person reports whether the test was positive or negative, with over time systems such as MyCOVID record being used. Under the high trust model there will be no monitoring or follow up activity if the RAT surveys are not completed.

- 25 While developing the digital solution is achievable, there is a potential for delays while officials work through implementation challenges. Given the complexity of the proposed system, officials will also need time for connecting relevant databases and detailed testing. Consistent with the approach taken to date in the COVID response, the technology solutions will continue to improve and reduce gaps and risks over time.

Detailed self-isolation settings

- 26 Cabinet has agreed that large-scale self-isolation should be designed with the following features:
- 26.1 no limitations or requirements on how people travel from their arrival airport to their location of self-isolation;
 - 26.2 some limitations on where people may undertake their self-isolation to avoid sharing facilities with other parties;
 - 26.3 allowing only ordinary household members may be present in the premises while a person is undertaking self-isolation (while the individual traveller undertakes self-isolation in their home)¹;
 - 26.4 some limited (traveller-initiated) in-premises welfare support for people undertaking their self-isolation, focused on highlighting existing community services to travellers [SWC-21-MIN-0200 refers].
- 27 Officials have recommended, and I have agreed, the further detailed requirements for individuals, bubbles, groups, and classes of people, when entering self-isolation as part of the medium-risk pathway:
- 27.1 Individuals may choose to become a bubble after returning a day 0/1 negative test, if they are not already a bubble by virtue of travelling together and sharing a room;
 - 27.2 Bubbles can access common areas and facilities together as long as they have exclusive use of that facility or no one else can use that specific part of a facility at the same time²;
 - 27.3 Individuals/bubbles can move to and use a communal smoking area after returning a day 0/1 negative result (if this is only available for the use of the bubble).
- 28 In addition, I have agreed that elite sports and professional cultural groups are able to go offsite to train or rehearse, but that this will be restricted to groups that have been approved by either:

¹ Household members will be able to go about their business when they have someone self-isolating in their home.

² The facility needs to be available for the sole use of the group at the time when the group is using it (ie that the group is the only one using the facility during the time that they are using it), with adequate time/cleaning in between.

- 28.1 Sport New Zealand or MBIE Major Events (for elite sports groups/events); or
- 28.2 the Ministry of Culture and Heritage (for professional cultural groups).
- 29 These groups will be able to start training/rehearsing offsite after returning a day 0/1 PCR test and will be required to have sole use of the offsite location during the time the group is using it.
- 30 Private/sole use vehicles will need to be used to transport a group out of self-isolation to a facility and back again, and where possible driven by a member of the group. If a driver/s outside the group is required, the driver/s and all passengers must use appropriate PPE and physically distance.
- 31 The Ministry of Health will publish guidance for approved teams/groups to leave self-isolation (eg in order to train or rehearse) by December 24.

Other matters

- 32 I also propose that Norfolk Island is included with Australia as part of Step 1. This is consistent with the treatment of travellers from Norfolk Island as part of the previous trans-Tasman Quarantine Free Travel arrangements.

Assessment of country risk will continue to be used as part of the reconnecting approach

- 33 Both jurisdiction of origin and individual risk are factors in determining the entry pathway for travellers arriving in New Zealand:
 - 33.1 Quarantine-free travel is in place for several small low-risk Pacific island jurisdictions. A separate paper under consideration by Cabinet today seeks to simplify the arrangements and expand eligibility for quarantine-free entry to additional Pacific Island jurisdictions;
 - 33.2 The medium-risk pathway is designed to cover a broad spectrum of risk and will be used in the initial reopening phase to support fully vaccinated travellers from most countries;
 - 33.3 The high-risk pathway will be used to facilitate entry to New Zealand for travellers who do not meet the requirements of the medium-risk pathway, including New Zealand citizens traveling from a Very High-Risk (VHR) country and those who are unvaccinated.
- 34 Further work is underway to consider the potential wider application of a low-risk pathway as a subsequent step. The Department of Prime Minister and Cabinet will provide further advice on the wider use of a low-risk pathway and enduring settings to the Reconnecting New Zealanders Ministerial Group by the end of February 2022.

A traveller's jurisdiction of origin will continue to be used to help determine their entry pathway as part of the Reconnecting New Zealanders approach

- 35 As part of the reconnecting approach, the risk that the COVID-19 situation in a jurisdiction may pose to New Zealand will be considered. Over time we consider that there are likely to be three categories to enable differentiation between countries that pose a low-risk (Category A), an average risk (Category B) and a very high risk (Category C), which would replace the current Very High-Risk designation.
- 36 To enter through the medium-risk pathway, fully vaccinated travellers are required to declare that they have not been in a Category C jurisdiction for the past 14 days. Travellers that have been in such a jurisdiction in the past 14 days will be required to enter MIQ on arrival.
- 37 Placing jurisdictions into a specific category (C) can continue to be used when the risk posed by travellers from a particular jurisdiction is very significant and additional risk mitigation measures are required. This lever will be important in responding to specific situations, such as when there is a concerning spike in cases or a new variant of concern.
- 38 Where necessary a range of additional measures could be applied to category C jurisdictions, which could include MIQ, travel restrictions, or other additional measures such as testing.
- 39 The specific measures used in each situation may need to be targeted to reflect the situation and the nature of the risk posed from travellers entering from that jurisdiction. The Department of Prime Minister and Cabinet will report back to me by the end of February 2022 with further advice on the use of jurisdiction risk categories as part of the reconnecting approach, including any operational considerations.

Proceeding with the endorsed steps

- 40 In August, Cabinet agreed that decisions on reconnection are to be informed by public health factors, feasibility, and economic and social factors [CAB-21-MIN-0305 refers].
- 41 This has informed decisions to date on opening the medium-risk pathway, including the phased approach and endorsed timings so far. Notably:

Public health factors

- 41.1 Updated public health advice informed the most recent decisions on implementing the medium-risk pathway – this advice was supportive of the phased approach, given the need to manage cumulative public health risk, ensure appropriate systems are in place at the border, and to avoid undue pressure on the health system [SWC-21-MIN-0200 refers].
- 41.2 The Ministry of Health is closely monitoring all information related to Omicron. Further advice will be provided if there are implications for the planned Steps following a public health risk assessment on 5

January by the Ministry of Health. The Minister for COVID-19 response will be updated, following any developments, on 7 January.

- 41.3 It is important that the risk of COVID-19 cases being seeded in the community from the border can be managed effectively within the COVID-19 Protection Framework. This includes continuing to strive for as high as possible vaccination rates. While vaccination rates for Māori remain lower than for the rest of the population, there is a risk that Māori will be disproportionately impacted. The endorsed dates for commencement follow the bedding in of the COVID-19 Protection Framework to help ensure impacts can be minimised, and will enable vaccination rates to increase further and for booster shots to be rolled out.

Feasibility

- 41.4 Agencies have confirmed that the Steps can be implemented in line with the endorsed timings [SWC-21-MIN-0200 refers] – some systems continue to be on track for the implementation of the approach, however there are some outstanding issues regarding testing and self-isolation.
- 41.5 There are one-off and ongoing costs for agencies associated with implementing the medium-risk pathway. Funding is in place to meet these costs. Should additional funding be required, approval will be sought from Cabinet.

Economic and social factors

- 41.6 The approach to reconnecting has been informed throughout by consideration of economic and social factors – it recognises the economic and social benefits of reopening (including the positive impact on family reunification and social connections, business and investment engagement, air connectivity, supply chains, skills shortages, and the tourism and international education sectors), and balances these considerations against the need to continue protecting New Zealanders from health and non-health impacts from COVID-19 and other relevant factors (for example, the importance of prioritising reopening for New Zealand citizens in line with NZ BORA, ahead of wider reopening to other foreign nationals). Considerations relating to the commencement and sequencing of Step 3 are discussed below.

Commencement of Steps 1 and 2

- 42 Having considered these factors, I now seek agreement to Steps 1 and 2 commencing in line with the previously endorsed timing. Subject to Cabinet's decisions today, I will sign a replacement of the Air Border Order and an amendment to the Isolation and Quarantine Order. This will give effect to the opening of the medium-risk pathway and the timing for Step 1.

- 43 To ensure the planned commencement reflects any emerging information, officials will provide Covid Ministers with an update on 7 January 2022, prior to implementation of Step 1 to confirm if there has been a change in the:
- 43.1 public health factors that would materially compromise the ability to manage risk from international travellers through the agreed medium-risk pathway settings (including any relevant information from the public health risk assessment of Omicron in the first week of January); or
 - 43.2 non-health factors that would materially impact Step 1 being implemented as planned.
- 44 Updated high-level estimates on the case numbers in international arrivals, associated with the proposed Steps, will be provided as part of this assessment.
- 45 Officials will provide an update to the Reconnecting New Zealanders Ministerial Group by 8 February 2022 to confirm readiness to proceed with Step 2 as planned.

There are three balanced packages to consider for the sequencing of Step 3

- 46 I also propose Cabinet consider the timing and sequencing of Step 3. Three options have been developed that provide a balanced package for staged opening under Step 3, delivering on our economic and social objectives, by providing for family and friends, workers, business travel, events and students, while balancing public health considerations. These options are compatible with the Immigration Rebalance, which is also being considered by Cabinet today (20 December).
- 47 Staging the reopening through this Step will also enable the impacts of scaling up international travel (both inwards and outwards) to be managed. Each of the options is operationally feasible, and takes into account Immigration New Zealand's visa processing capacity, including the impact of processing the 2021 Resident Visas. Full reopening of all visa categories (including visitor visas) is not operationally feasible within current operational capacity before October 2022.
- 48 The three options for staging opening under Step 3 are:
- 48.1 Option A: a 'faster' rollout from 30 April 2022, which includes recommencing visa-waiver travel from this date;
 - 48.2 Option B: an 'early' rollout from 31 March for specific traveller types outlined in paragraph 49 below (aligned with the implementation of the Traveller Health Declaration System), with visa-waiver travel recommencing from either 30 April or 1 October; or
 - 48.3 Option C: a 'slower' rollout from 30 April, which delays recommencing visa-waiver travel until October.

49 All options include the following core set of traveller types in the initial Step 3 reopening:

- 49.1 Existing visa holders;
- 49.2 Australia (including third-country nationals in Australia);
- 49.3 workers (via an expanded border exception for skilled workers and reopening of Working Holiday Schemes);
- 49.4 students (via an expanded border class exception); and
- 49.5 events/sports (via an expanded border exception).

50 A summary of the above options is set out in Table one below³:

Table one: Summary of immigration options

At 31 March Option B: Early rollout	Category	At 30 April Option A: Faster rollout	At 30 April Option C: Slower rollout	At 1 October (or after this date)
✓	Existing visa holders [incl. 18k work currently offshore]	✓	✓	✓
✓ (or earlier)	Australia [est. 675k per year]	✓	✓	✓
✓	Workers: Working Holiday schemes [est. 50k per year]	✓	✓	✓
✓	Workers: Skilled workers Expanded border exception [est. 20k per year]	✓	✓	BAU work visa categories opened from 4 July.
✓	Student visas Class exception [Capped, e.g. 7k]	✓	✓	BAU student visa category open
✓	Events/sports [open]	✓	✓	BAU visa category open.
X	Visa-waiver [est. 1.2m per year]	✓	X	✓
X	Visitor visas [est. 730k per year]	X	X	BAU visitor visa category open

³ Traveller volumes included in the summary table are high-level estimates based on 65% of 2019 arrival volumes. The volume estimate for skilled workers is based of data from the Household Labour Survey.

- 51 Appendix 1 provides further information on the three options, and the relevant traveller types/visa categories and timing included as part of each option. Travellers who are part of a class exception will be included in the groups that can come under all the options and will be able to enter under Steps 1 and 2.
- 52 Consideration is sought today on Cabinet's preferred approach to staged Step 3 opening based on current public health, economic, and social factors. An in-principle decision today would enable early signalling to key sectors, including aviation and tourism, of the Government's plan for Step 3.
- 53 There has yet to be any engagement with Māori on the options and implications of progressing Step 3 of the medium-risk pathway. Ongoing engagement with our Treaty partners on these options is necessary as these decisions may have significant impacts on their communities. The future approach to ongoing engagement with Māori regarding opening the border settings, including for Step 3, will build on current engagement on domestic settings with the Iwi Chairs Forum including with the National Iwi Chairs Pandemic Response Group.

The preferred staging of opening under Step 3 can be determined by considering public health, social and economic factors

- 54 The key choice between the three options relates to the size and the speed of desired opening under Step 3. This will be shaped by the phasing and timing of higher-volume categories proposed for reopening: Australia, students, workers and visa-waiver travel. It is proposed that individuals travelling for the delivery of a Government-approved event (as per current border exception processes) are included in initial reopening under all three options.

Public health considerations

- 55 The phasing for Step 3 must take into account some key public health considerations. These include the effectiveness of our measures against COVID-19 and emerging variants of concern, the capacity of the public health and social support systems to support increasing cases in the community, the impact of winter on COVID-19 case numbers combined with the winter flu season, and our risk tolerance at the border (particularly related to self-isolation requirements). These considerations will help to guide Cabinet's decisions on the preferred approach to the sequencing of Step 3, and will also be important in making final reopening decisions in February.
- 56 As we are still learning about the nature of the Omicron variant, it is difficult to assess the potential impacts on New Zealand. Vaccine effectiveness and severity of disease will be two important aspects. The Ministry of Health is closely monitoring all information related to Omicron and this will remain under regular review through public health risk assessments, which will support the final decisions on the sequencing of Step 3 in February.

57 Another public health consideration is our understanding of the impact of winter on COVID-19 infection rates combined with the winter flu season. Countries in the Northern Hemisphere are facing significant challenges with COVID-19 spreading during the flu season and New Zealand can expect similar patterns. As we have seen over the course of the last 18 months, New Zealand's biggest COVID-19 outbreaks have occurred in August i.e. around the peak winter flu season. It will be important to avoid high numbers of COVID-19 cases during the peak of winter hospitalisations.

58 Our risk tolerance at the border will also impact the speed and sequencing of Step 3. Travellers under Step 3 (such as tourists) are less likely to adhere to the proposed requirements under the medium-risk pathway, e.g. 7-day self-isolation with testing. Therefore, we must be prepared to increase our risk tolerance that COVID-19 will enter our community via our borders. Through Steps 1 and 2 we will increase our understanding of how self-isolation can be made to be effective and acceptable. We may need to alter our settings if we are to reopen to higher volumes of travellers, such as visa-waiver travellers.

59 s9(2)(f)(iv) [Redacted]

Economic and social considerations

60 Economic and social considerations are also important in determining the preferred option to opening under Step 3. The key considerations for opening the higher-volume visa categories include the following:

60.1 s9(2)(f)(iv) [Redacted]

60.2 Workers - Reopening to more skilled workers and Working Holiday Scheme (WHS) visa holders would relieve pressure for both skilled and unskilled workers. WHS workers provide labour for a number of seasonal sectors, for example, tourism, hospitality and the primary industries, and are also tourists during their stay in New Zealand, providing potential benefits to regional economies. Skilled workers will help to fill critical skill shortages. Early opening to both a broader range of skilled workers and WHS will ensure the economy has access to skills and labour to continue our economic recovery and that will be needed for when we open to higher volumes of other types

of travellers (e.g. International tourists). s9(2)(g)(i)

[REDACTED]

60.3 Students – The entry of a larger number of students is time sensitive because of the academic calendar; an early reopening would enable a cohort to enter in time for Semester Two 2022 (commencing July). This would provide some immediate relief to the international education sector. There are choices as to the size of the cohort. The larger cohort, the greater potential risk from a health perspective, and the greater the trade-offs for visa processing priorities elsewhere (e.g. a slowing of processing for the 2021 Resident Visa). The Minister of Immigration and the Minister of Education intend to bring supplementary information and an additional recommendation to SWC on 15 December 2021 around the size of the international student intake as part of Step 3.

60.4 Visa-waiver travel – Recommencing visa-waiver travel represents significant growth in potential arrival volumes. This group of travellers would comprise family and friends, business travellers and tourists. Most of our high-value tourism markets and business travel come from countries with whom we share visa-waiver arrangements. However, volumes of arrivals are likely to be muted (at least initially) compared to those seen pre-COVID, particularly if self-isolation requirements remain in place. Opening to this group also sends an important signal that New Zealand is open for business, and primes market interest and border settings for such a time that self-isolation is no longer required. It would also support National Antarctic Programmes workers to enter ahead of the next season⁴. A later opening to visa-waiver travel could be aligned with any potential reductions to self-isolation requirements, making the reopening have a more meaningful impact.

Options for Step 3 timing and sequencing

61 Opening more quickly under Option A or Option B will have significant economic benefits, while a slower roll out under Option C takes a more cautious health approach. The key choice between the options is the timing of commencing visa-waiver travel:

61.1 A 'faster' rollout from 30 April (Option A), which includes **recommencing visa-waiver travel at this time**, might be best if Ministers are comfortable with the health situation, e.g. onshore

⁴ Alternative arrangement may need to be made for this group if visa-waiver travel is opened in October

mechanisms to control and manage outbreaks are working well and capacity can be managed.

61.2 An 'early' rollout from 31 March (Option B), may be appropriate if **earlier opening for specific traveller types** (e.g. to Australia, or to an expanded number of students) is desired. The timing of this option would be aligned to the implementation of the Traveller Health Declaration System on 31 March 2022.

61.3 A 'slower' rollout from 30 April (Option C), which **delays recommencing visa-waiver travel until October**, and might be best if Ministers want to delay higher volumes of arrivals because they are concerned about health considerations, e.g. winter flu season and/or if onshore community transmission is higher. However, anecdotal feedback suggests that a slower rollout, while maintaining the current self-isolation measures, would likely deter future travellers.

62 There is also an option to open to Australia earlier than 31 March, because of the confidence we have in its systems. Australia is our closest partner and has already moved to open travel to New Zealand. Earlier opening has the advantage of kick-starting the social and economic benefits outlined above without significantly increasing the health risk. However, there would be operational impacts as the Traveller Health Declaration System would not be digitally implemented by 31 March. s9(2)(b)(ii)

63 I propose that the broad timeframes for our preferred option for the staged opening under Step 3 are communicated as soon as decisions have been taken. As there is currently some confusion that all visitors would be able to enter New Zealand from 30 April 2022, officials recommend that further clarification around Step 3 could also be provided as part of an announcement. Early communication will also assist the airline industry (as discussed below).

The aviation sector is seeking certainty on the Government's re-opening plan

64 The aviation sector is urgently seeking as much certainty as possible, as soon as possible, about both:

64.1 the details of how Step 3 reopening will be staged. This underpins demand and will be a key factor for airlines deciding whether, and how often, to operate to New Zealand;

64.2 when the self-isolation requirements will be lifted. This also underpins demand, particularly as leisure and business travel are not expected to return until this requirement is lifted.

65 s9(2)(b)(ii)

s9(2)(b)(ii) [Redacted]
[Redacted]
[Redacted]
[Redacted]

66 Since the beginning of the pandemic, the number of airlines flying to New Zealand has reduced from 29 to 15, and total capacity is around 10 per cent of pre-COVID levels (with actual loadings much lower). s9(2)(g)(i) [Redacted]
[Redacted]
[Redacted]
[Redacted]

67 At this stage, lifting self-isolation requirements for travellers entering through the medium-risk pathway, is not currently being considered, but signalling that it will be reviewed will be important.

Monitoring and assurance

68 Once the approach has commenced, our border settings and systems will be monitored to ensure that they continue to be effective, appropriate and proportionate to risk.

69 An integrated approach to monitoring domestic and border settings will be taken to support consistency and reduce both health and legal risk. I will report back on the approach as part of future reviews of domestic settings under the COVID-19 Protection Framework from late January 2022.

70 The Border Executive Board (BEB) in conjunction with the Ministry of Health will report back to the Reconnecting New Zealanders Ministerial Group on the operation of the medium-risk pathway by:

70.1 8 February with recommendations for changes to processes or resourcing levels prior to commencing Step 2; and

70.2 10 April (or sooner if an early rollout under Option B is preferred) with recommendations for changes to processes or resourcing levels prior to commencing Step 3.

71 Any potential changes to systems identified by the BEB and Ministry of Health will be considered as part of the future review of domestic and border settings outlined in paragraph 69, alongside the other decision-making factors outlined earlier in this paper.

72 BEB will continue to work with agencies to collect and report data on the operation of the pathway, including the levels of non-compliance detected, to enable ongoing evaluation and refinement of systems and processes.

⁵ s9(2)(b)(ii) [Redacted]

- 73 The ongoing role of the COVID-19 Independent Continuous Review, Improvement and Advice Group (CICRIAG) in providing independent advice will provide additional assurance.

Next Steps

- 74 Subject to Cabinet's agreement today I will sign a replacement Air Border Order and an amendment to the Isolation and Quarantine Order on Tuesday 21 December 2021.
- 75 The Ministry of Health is closely monitoring all information related to Omicron. Further advice will be provided if there are implications for the planned Steps. Separate advice is being provided to the Reconnecting New Zealanders Ministerial Group on the use of the Very High Risk classification and on risk mitigations at the border in response to Omicron.
- 76 DPMC and relevant agencies will provide an update on Step 1 to Covid Ministers on 7 January 2022 to confirm if the Step can proceed as planned. This will be informed by a public health assessment on 5 January including on the implications of Omicron.
- 77 I will report back on an integrated approach to monitoring domestic and border settings as part of future reviews of domestic settings under the Framework from late January 2022.
- 78 The Border Executive Board will report back to Reconnecting New Zealanders Ministerial Group regarding the implementation of Step 1 of the medium-risk pathway by 8 February, and Step 2 by 10 April (or sooner if the early rollout under Option B is preferred), with any potential changes to be considered as part of the future reviews of domestic and border settings by the Department of Prime Minister and Cabinet.
- 79 DPMC and relevant agencies will report back to me, in consultation with the Reconnecting New Zealanders Ministerial Group, by 8 February to confirm readiness to proceed with Step 2 as planned, subject to which I will sign an amendment to the relevant Orders to give effect to the Step.
- 80 DPMC will provide further advice to the Reconnecting New Zealanders Ministerial Group on the enduring settings for the low-risk pathway and the use of jurisdiction risk categories by the end of February 2022. Subject to decisions by Ministers, further amendments to the relevant Orders will be made.
- 81 DPMC and MBIE will report back to the Reconnecting New Zealanders Ministerial Group to confirm the sequencing for re-opening under Step 3 in January, including early re-opening with Australia, based on updated public health advice.
- 82 The Border Executive Board report-back on *Collective Responsibility for an Integrated Border System and COVID-19 Border Defences* was previously due in December 2021 and will now be provided in early 2022.

Financial Implications

83 There are a range of one-off and ongoing costs for agencies arising from implementation of the approach. Costs will be met within existing baselines or through previously approved funding. Should further funding requirements be identified following the commencement of the approach, approval will be sought from Cabinet.

84 s9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Legislative Implications

85 Subject to decisions today, the Minister for COVID-19 Response will enable Step 1 to occur by signing the replacement Air Border Order and the amendment to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 on Tuesday 21 December.

86 Amendments to enable Step 2 will be made in early February 2022.

Immigration changes

87 At present, most foreign nationals offshore can only apply for a temporary entry-class visa if they qualify for a border exception. This setting is governed by regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, which will need to be amended to enable Step 3 to be implemented.

88 Cabinet has already agreed [CBC-20-MIN-0069 and LEG-21-MIN-0090] that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Health and the Minister for COVID-19 Response) are authorised, if necessary, to revoke the regulations, in whole or in part, upon the recommendation of the Minister of Immigration.

89 I anticipate that these Ministers will decide on the detail of dates for opening and invite the Minister of Immigration to issue drafting instructions accordingly. I invite Cabinet to agree at this point to a waiver of the 28-day requirement, on the basis that the change will only confer benefits. The Minister of Immigration will also certify amendments to immigration instructions to implement the Steps at the appropriate time.

International law considerations

90 s9(2)(h) [Redacted]
[Redacted]
[Redacted]
[Redacted]

s9(2)(h)

[Redacted text block]

Impact Analysis

Regulatory Impact Statement

- 91 A panel consisting of representatives from the Treasury and the Department of the Prime Minister and Cabinet (DPMC) has reviewed the Regulatory Impact Statement (RIS) “Reconnecting New Zealanders to the World: Implementing the Medium-risk Pathway” produced by DPMC. The review panel considers that it **partially meets** the Quality Assurance criteria.
- 92 The RIS presents a convincing problem definition with a range of feasible options. The consultation undertaken was very limited – partly due to time constraints – which constrains the analysis. The high-level qualitative analysis of options would have benefited from more detailed analysis of their impacts, including comprehensive distributional analysis. Ideally the RIS would have explored how realistic the implementation path was (including possible risks), and set out measures of success for monitoring outcomes.

Population Implications

- 93 Population implications were set out in the previous paper “Moving forward with the approach” [CAB-21-MIN-0474 refers].

Treaty Analysis

- 94 The Te Tiriti/Treaty principles require that the Crown be properly informed by Māori of their interests and to act reasonably and with the utmost good faith towards Māori. In this context, engaging to understand the impacts of Reconnecting NZ on Māori is an important part of meeting the Crown’s Te Tiriti obligations.

Implications of the medium-risk pathway

- 95 The use of self-isolation may disproportionately affect Māori as they are more likely to live in multi-family, multi-generational households and are also overrepresented in lower socio-economic populations. They are also less likely to have alternative living options or afford other forms of isolation such as hotels.
- 96 There is currently workforce fatigue among Māori service providers due to the implications of the outbreak and vaccination roll out, which may be exacerbated by the opening of our borders. This will need to be carefully monitored.
- 97 To mitigate these concerns and to allow for equitable outcomes, it is important that Māori are involved and are participating in developing options for decisions

that will work for them. This also includes the adequate resourcing and funding to support them in developing these options.

- 98 There are active concerns by Māori for the ability of vaccinated people still being able to transmit the virus. The requirement for those coming into the country on airlines to be vaccinated, to have testing requirements, and undertake a period of self-isolation provides layered protection to mitigate these risks at the border and the requirement for those who are unvaccinated to enter into MIQ will also support addressing concerns raised by iwi.

Engagement with Māori

- 99 COVID-19 is already having a disproportionate effect on Māori due to a range of factors, including underlying health conditions, lower vaccination rates and welfare situations. To ensure that the domestic settings in place are proportionate to protect the health and wellbeing of Māori, ongoing engagement on the COVID-19 Protection Framework is underway through Te Arawhiti with Officials and the National Iwi Chairs Forum.
- 100 Te Arawhiti have also conducted wider engagement with multiple pan-Māori Organisations, including Whānau Ora Commissioning Agencies on behalf of Ministers and agencies. Individual agencies have also been conducting their own engagement on their respective Reconnecting workstreams through their relevant networks.
- 101 Changes to border settings also need to consider Māori vaccinations rates and general equity considerations. The approach to ongoing engagement with Māori regarding border settings, including for Step 3, will build on current engagement on domestic settings with the Iwi Chairs Forum including with the National Iwi Chairs Pandemic Response Group.

Human Rights [Legally privileged]

102 s9(2)(h)
[Redacted text block]

104 s9(2)(h) [Redacted]

[Redacted]

Consultation

106 This paper was prepared by the COVID-19 Group in the Department of the Prime Minister and Cabinet. The Ministry of Health reviewed the paper and provided specific input. Specific input was also provided by Immigration New Zealand on the sequencing of Step 3. Crown Law advised on the Bill of Rights implications.

107 The following agencies were also consulted on the paper: the New Zealand Customs Service (Customs), Ministries of Foreign Affairs and Trade, Justice, Primary Industries, Business, Innovation and Employment, Social Development, Transport, Te Arawhiti, Parliamentary Counsel Office, Te Puni Kōkiri, Office of Ethnic Communities, and the Treasury.

Communications and Proactive release

108 I propose that, subject to Cabinet’s agreement, the Prime Minister will announce the proposed timing for Step 3.

109 I intend to proactively release this paper and its associated minute with any appropriate redaction where information would have been withheld under the Official Information Act 1982.

s9(2)(f)(iv) [Redacted]

[Redacted]

s9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Recommendations

The Minister for COVID-19 Response recommends that Cabinet:

Requirements for the medium-risk pathway

- 1 note that in November 2021, Cabinet
 - 1.1 endorsed a phased approach to opening the medium-risk pathway, and that Step 1 occur at 11.59pm on 16 January 2022 [CAB-20-MIN-0474];
 - 1.2 endorsed the timing of Step 2 to occur at 11.59pm 13 February 2022, subject to assessments of public health, social and economic factors, and authorised the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, to make decisions on detailed settings for the medium-risk pathway, including any potential requirements for active monitoring or enforcement of compliance [SWC-21-MIN-0200];
- 2 note that the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, has agreed the following operational details for the medium-risk pathway including:
 - 2.1 travellers will be required to submit a PCR test on day 0/1 and complete a series of at least three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RAT) before leaving self-isolation;
 - 2.2 to assess travellers presenting as symptomatic, there will be a toolkit available to the health professionals at the airport to make decisions regarding an appropriate escalation pathway, including RAT, transportation options, and transfer to MIQ, with decisions being made on a case-by-case basis (with clear guidance to ensure consistency across the country);
 - 2.3 elite sports and professional cultural groups will be able to go offsite to train or rehearse, but that this will be restricted to groups that have been approved by either Sport New Zealand or MBIE Major Events (for elite sports groups/events) or the Ministry of Culture and Heritage (for professional cultural groups);

- 3 note that to promote traveller compliance with day 0/1 testing requirements, the Ministry of Health are working with other agencies and with airports and airlines to establish testing facilities in airport precincts or nearby, where travellers may go immediately after finishing arrival processing to give saliva sample for PCR testing;
- 4 note that re-opening under the medium-risk pathway will occur only through the four main airports, Auckland, Wellington, Christchurch and Queenstown, where the relevant testing requirements will be facilitated;
- 5 agree that Norfolk Island is included with Australia as part of Step 1;

Use of jurisdictional categories

- 6 note that under the reconnecting approach, jurisdictional categories will be used when the risk posed by travellers from a particular jurisdiction is very significant and additional risk mitigation measures are required, such as when there is a concerning spike in cases or a variant of concern (akin to current VHR classification);
- 7 note that the Department of the Prime Minister and Cabinet (DPMC) will provide further advice to the Reconnecting New Zealanders Ministerial Group on the enduring settings for the low-risk pathway and the use of jurisdiction risk categories by the end of February 2022;

Decisions to proceed with Steps 1 and 2

- 8 agree that Steps 1 and 2 can proceed in line with the previously endorsed timing, i.e. 11.59pm on 16 January 2022 for Step 1 and 11.59pm on 13 February 2022 for Step 2;
- 9 direct officials from DPMC and the Ministry of Health, in consultation with relevant agencies, to provide an update to COVID Ministers on 7 January 2022, ahead of Step 1, that confirms:
 - 9.1 there has been no change to the public health factors that would materially compromise the ability to manage risk from international travellers through the agreed medium-risk pathway settings;
 - 9.2 there has been no change to the assessment of the non-health factors that would materially impact on the Step being implemented as planned;
- 10 note that officials from DPMC and relevant agencies will provide an update to the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, by 8 February 2022, to confirm readiness to proceed with Step 2 as planned;

Proposed phasing for Step 3

- 11 note that officials have identified three options for reopening under Step 3:

- 11.1 Option A: a 'faster' rollout from 30 April 2022, which includes recommencing visa-waiver travel from this point;
 - 11.2 Option B: an 'early' rollout from 31 March (aligned with the implementation of the Traveller Health Declaration System), with visa-waiver travel following from 30 April 2022 (per Option A);
 - 11.3 Option C: a 'slower' rollout from 30 April 2022, which delays recommencing visa waiver travel until October 2022;
- 12 note that the Cabinet Social Wellbeing Committee invited the Minister for COVID-19 Response and Minister of Immigration to report back for Cabinet to finalise the sequencing and timing for reopening under Step 3, including prioritisation of sectors where there are known skills shortages, and options on the size of the international student mid-year intake as a part of Step 3;

13 s9(2)(g)(i) [Redacted]

Ongoing monitoring

- 14 invite the Minister for COVID-19 Response to report back on an integrated approach to monitoring domestic and border settings;
- 15 note that the Border Executive Board report-back on *Collective Responsibility for an Integrated Border System and COVID-19 Border Defences* was due in December 2021 and will now be provided in early 2022;

Financial recommendations

- 16 note that funding to meet one-off and ongoing costs for agencies associated with implementing the approach will be met within existing baselines or through previously approved funding;
- 17 note that should further funding requirements be identified following the commencement of the approach, approval will be sought from Cabinet;

18 s9(2)(f)(iv) [Redacted]

Communications

19 s9(2)(f)(iv) [Redacted]

Legislative implications

- 20 note that a replacement Air Border Order and an amendment to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 are being prepared to give effect to the opening of the medium-risk pathway;
- 21 note that the Minister for COVID-19 Response will sign the replacement Air Border Order and the amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to give effect to the establishment of the medium-risk pathway and the timing of Step 1 in line with the above decisions;
- 22 note that regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 establishes that most foreign nationals offshore can only apply for a temporary entry-class visa if they qualify for a border exception;
- 23 note that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Health and the Minister for COVID-19 Response) are authorised, if necessary, to revoke the regulations, in whole or in part, upon the recommendation of the Minister of Immigration [LEG-21-MIN-0090];
- 24 authorise the above Ministers to decide on the detail of dates for opening and the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office accordingly;
- 25 agree to a waiver of the 28-day requirement, on the basis that the change will only confer benefits;
- 26 note that the Minister of Immigration will also certify amendments to immigration instructions to implement the Steps at the appropriate time.

Authorised for lodgement

Hon Chris Hipkins
Minister for COVID-19 Response

Appendix 1 – Step 3 visa categories included in Step 3 Options

Appendix 1 and the Supplementary Information are withheld in full under s9(2)(f)(iv)



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Reconnecting New Zealanders: reopening under Step 3

Further information for Ministers

17 December 2021

SWC considered advice on options for reopening under Step 3 and for the intake of international students ...

Context

- On 15 December Cabinet Social Wellbeing Committee (SWC) considered three options for reopening under Step 3 of the Reconnecting New Zealanders Strategy:
 - Option A: a 'faster' rollout from 30 April 2022, which includes recommencing visa-waiver travel from this point; or
 - Option B: an 'early' rollout from 31 March 2022 (aligned with the implementation of the Traveller Health Declaration System), with visa-waiver travel following from 30 April 2022 as per Option A; or
 - Option C: a 'slower' rollout from 30 April 2022, which delays recommencing visa-waiver travel until October 2022.
- The Ministers of Immigration and Education also brought supplementary information and an additional set of recommendations to SWC on options on the size of the international student intake as part of Step 3: a) 3,000; or b) 7,000; or 10,000 students.

Purpose

- This slide pack set out further information on Option B and options for the intake of international students



All options under Step 3 provide a balanced 'core package'

- All options provide for family/friends, short term visitors (e.g. business travel, tourists, family) from Australia, workers and other groups of significant importance to the Government and sectors:

Family and friends

Existing visa holders

- Granting entry-permission to all with a valid visa offshore.

Australia

- Reopening to Australia to enable all in Australia to come.

Workers

Skilled workers

- Widening the 'other critical worker' border exception, removing labour market test and reducing salary requirement to 1.5x median wage.
- Simplified requirements enable a wider range of occupations/sectors to come in, ahead of work visa categories reopening under the Immigration rebalance.

Critical shortages

- Rolling over existing critical workforce class exceptions and limited new ones to manage significant skill shortages, ahead of work visa categories reopening under the Immigration rebalance.
- E.g. dairy workers, rural contractors, shearers.
- Removal of caps where appropriate.

Working Holiday Schemes

- Reopening Working Holiday Schemes to provide workers (particularly for seasonal sectors) and tourists.
- Reopening of capped schemes can be staged.

Groups of significant importance

Events/sports

- Adding all necessary government-approved events and sports teams to lists for border exceptions.
- E.g. Super Rugby Pacific, Women's Cricket World Cup.
- Removal of caps and streamlining of processing.

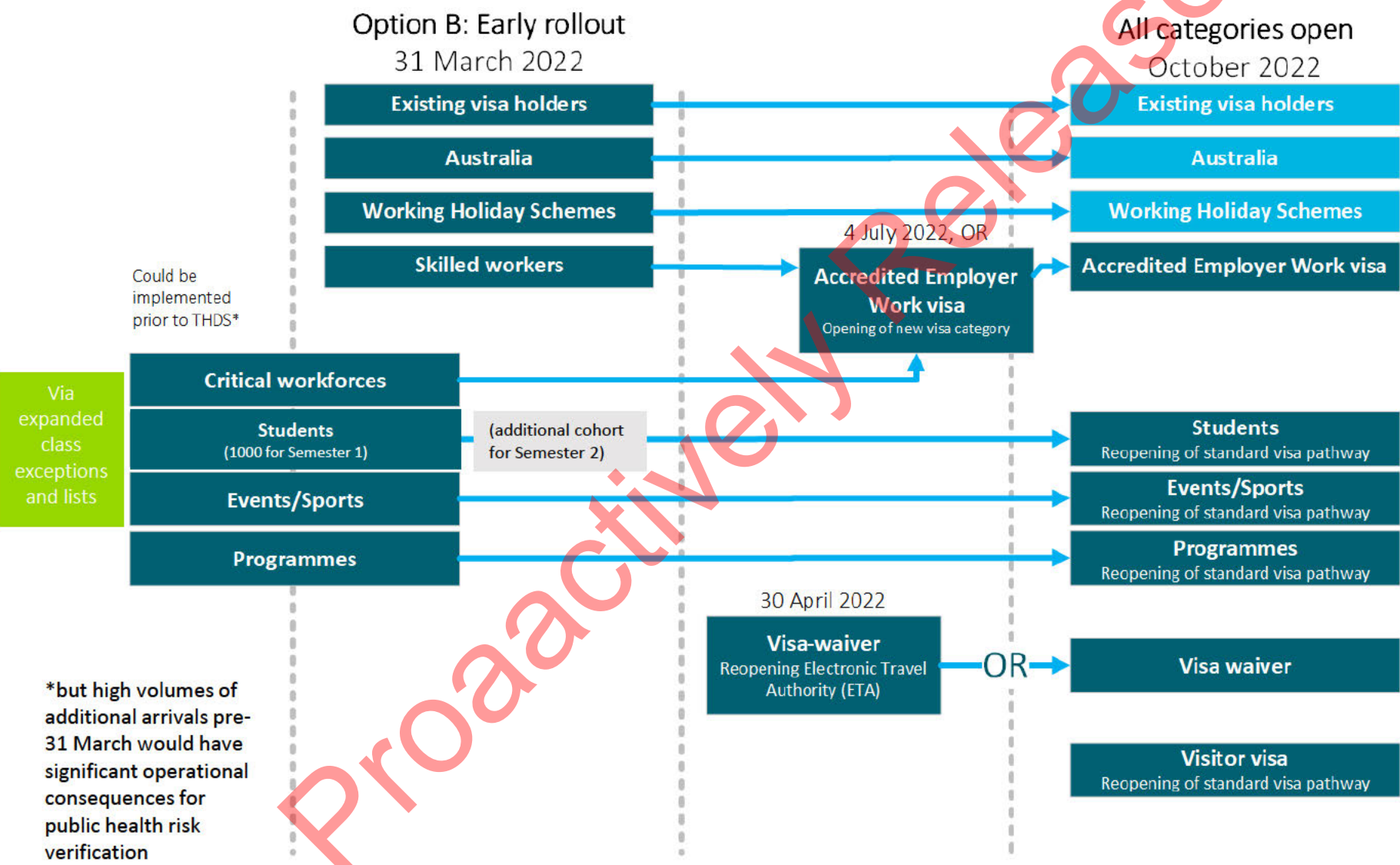
Programmes

- Adding all necessary government-approved events and sports teams to lists for border exceptions.
- E.g. the Antarctic programme, construction.
- Removal of caps and streamlining of processing.

International students

- Introducing a new capped class exception for Semester Two 2022 students.
- Ministers have options around the size of the cap (over 3,000 will result in visa processing trade-offs elsewhere).

Option B provides the core package from 31 March and some groups could be implemented earlier if desired



Options B provides an expanded range of workers to support the economy

Critical Workforces (31 March 2022 or earlier)

- Border class exceptions for critical workforces that don't meet the 'other critical worker' border exception will continue, and could be expanded to meet workforce shortages, until visa categories reopen under the Immigration Rebalance (from July 2022 as desired).
- An 'omnibus' paper will be going to the Border Exceptions Ministerial Group in late January 2022 seeking agreement to a limited set of new critical workforce class exceptions and to 'rollover' existing ones, covering groups such as dairy farm workers, rural contractors, shearers and Pacific workers.

Skilled workers and Working Holiday Scheme visa holders (no earlier than 31 March 2022)

- Reopening to an expanded group of skilled workers and Working Holiday Scheme (WHS) visa holders would relieve pressure for both highly-skilled and lower-skilled workers and would be consistent with the Immigration Rebalance.
- WHS workers provide labour for a number of seasonal sectors, e.g. tourism, hospitality and the primary industries, and are also tourists during their stay.
- Early opening to both a broader range of skilled workers and WHS will ensure the economy has access to skills and labour to continue our economic recovery.
- Opening work visa categories to a larger number of lower-skilled workers too quickly may result in a shock to the labour market and would not be consistent with the Immigration Rebalance.

Option B provides an expanded range of groups of significant importance to the Government and sectors

Events/sports and programmes (31 March 2022 or earlier)

- The 'omnibus' policy paper will be going to the Border Exceptions Ministerial Group in late January 2022, seeking agreement to additional events and programmes to be added to border exception lists with the removal of caps as needed.
- This would benefit groups such as Antarctic programmes, Super Rugby Pacific, the Women's Cricket World Cup and infrastructure projects (in addition to workforce groups as per the previous slide).
- It would also allow a greater number and diversity of sports and cultural groups to travel to New Zealand, providing economic, social and cultural benefits.

• s9(2)(f)(iv)

Options for the intake of international students

- SWC considered Officials' advice on three options to bring in a cohort of international students for Semester 2: a) 3,000, b) 7,000 or c) 10,000, including the visa processing trade-offs attached to options b) and c)
- Further information was requested on the current processing timeframes for the visa categories that would need to be traded-off, and the trade-offs associated with a 4th option d) 5,000 students. Table one below sets out this information:

Table One: Current processing timeframes for resource-intensive visa categories that would need to be traded off

Visa type	50% completed within:	75% completed within:	90% completed within:
Work visa of partner			
Partner of worker	42 days	63 days	3 months
Partner of student	35 days	59 days	4 months
Partner of New Zealander	59 days	3 months	5 months
Family residence			
Partner of New Zealander	4 months	6 months	10 months
Other critical worker border exceptions (note: the 1.5 times the median wage 'bright line' salary threshold will simplify and streamline processing, reducing times)	-	10 working days	15 working days



- An intake of 5,000 would lessen but not remove the visa processing trade-offs required, as set out in table two:

Table Two: Summary of visa processing trade-offs under different options for an expanded international student border exception

Option	Visa processing trade-off required	Wider processing impacts
a) 3,000	Negligible (assuming all else equal).	None
b) New option 5,000	Processing would need to stop for: <ul style="list-style-type: none"> • <u>2 months on one category</u> (either work visas for partners or family residence applications), and • <u>20 days on 'Other Critical Worker' border exceptions</u> while these resources are focused on processing border exceptions for students. 	<ul style="list-style-type: none"> • Wait times will grow by 1.5 to double. • Requests for 'Other Critical Worker' border exceptions will build up, impacting timeliness for getting workers across the border. <p>Impacts on the growth of on hand applications not able to be reversed within 2022 due to other processing commitments (2021 Resident Visa and roll out of Employer Accreditation under the temporary work visa reforms), and difficulties expanding workforce.</p>
c) 7,000	Processing would need to stop for: <ul style="list-style-type: none"> • <u>up to 2 months on two categories</u> (work visas for partners and family residence applications), and • <u>up to 30 days</u> on processing of requests under the 'Other Critical Worker' border exception while these resources are focused on processing border exceptions for students. 	As above
d) 10,000	Processing would need to stop for: <ul style="list-style-type: none"> • <u>2 months on two categories</u> (work visas for partners and family residence applications), and • <u>30 days on 'Other Critical Worker' border exceptions</u> while these resources are focused on processing border exceptions for students. 	As above

PROCESSED

Regulatory Impact Statement: Reconnecting New Zealanders to the World: Implementing the Medium-risk Pathway

Coversheet

Purpose of Document	
Decision sought:	This analysis has been produced to inform a Cabinet decision on the best approach for opening a medium-risk pathway for updating border settings as part of the Reconnecting New Zealanders (RNZ) policy workstream.
Advising agencies:	DPMC in consultation with MOH, Customs, MoT and MBIE
Proposing Ministers:	Minister for COVID-19 Response
Date finalised:	15 December 2021
Problem Definition	
<p>Border settings have played a key role in keeping COVID-19 out of New Zealand but have also had a range of impacts, including on citizens and others wishing to enter New Zealand and on wider economic and social wellbeing.</p> <p>The domestic and international COVID-19 context has now evolved, and the relative public health risk posed by international arrivals is lower than was previously the case. A policy response is required to update our border settings to ensure they remain proportionate to the evolving public health risk and to address some of the negative impacts from our status quo settings, including on the economic, social and cultural wellbeing of New Zealanders and international visitors and workers, and our connections to the world. This paper seeks to address what changes to border settings are most appropriate.</p> <p>Cabinet has endorsed a three-step medium-risk pathway and timeline for Reconnecting New Zealanders with the world that will reduce current entry restrictions for arriving travellers. This is one of the options analysed in this paper.</p>	
Executive Summary	
<p>In response to the COVID-19 pandemic, New Zealand changed its border settings to protect communities from the impacts of the virus. Since March 2020, borders have been closed to all travellers other than New Zealand citizens, permanent residents and temporary visa holders with border exceptions, and a Managed Isolation and Quarantine system has been in place for all arrivals except those from Quarantine Free Travel partner countries.</p> <p>While many countries have experienced prolonged disruption to economic activity and curtailed personal freedoms, New Zealand's COVID-19 response has largely enabled the continuation of social interaction and economic activity within our borders.</p> <p>Our border settings have played an important role in keeping COVID-19 out of New Zealand but have also had a range of other impacts. New Zealand's tourism and international</p>	

education sectors for example have experienced significant adverse impacts; and the ability to connect beyond our national borders has been curtailed. The ability of citizens and other eligible travellers to return to New Zealand from overseas has also been significantly impacted.

The current border settings, referred to in this paper as the 'status quo', require all international arrivals (with a very small number of exceptions), to enter managed isolation for seven days followed by isolation at home until the result of a day 9 test has been received.

As the COVID-19 context domestically and internationally has continued to evolve, so too has the relative risk posed by international arrivals. Recent advice from the Ministry of Health indicates that there is now a lower relative level of public health risk from international travellers than was previously the case.

Given this evolving context, it is appropriate to update New Zealand's border settings to ensure they remain proportionate to the evolving public health risk. An updated approach to the border will also address some of the negative impacts from our status quo settings, including on the economic and social wellbeing of New Zealanders, restrictions to personal freedoms, international visitors and workers, and our connections to the world.

It is against this background that Cabinet endorsed a three-step medium-risk pathway for reducing current entry restrictions for travellers arriving in New Zealand. The pathway includes pre-departure testing requirements, proof of full vaccination, self-isolation, and testing requirements on arrival and on release from self-isolation:

- Step 1: Fully vaccinated New Zealand citizens and those residence-class visa holders and other travellers eligible under our current restrictive border settings from Australia from 11.59 pm on 16 January 2022 (provided they have been in Australia or New Zealand for the past 14 days).
- Step 2: Fully vaccinated New Zealand citizens and those residence-class visa holders and other travellers eligible under our current restrictive border settings, from all but very high-risk countries from 11.59pm Sunday, 13 February 2022.
- Step 3: Fully vaccinated foreign nationals from 30 April 2022 onwards, with the re-opening staged over time.

This timeline was publicly announced by the Minister for COVID-19 response on 24 November.

This paper analyses the costs and benefits of the status quo (Option 1) by contrasting it with four other options:

- Option 2: The Cabinet endorsed three-step pathway.
- Option 3: A one-step approach whereby fully vaccinated eligible travellers, including foreign nationals, would be able to travel to New Zealand with the same entry requirements as Option 2 (including the requirement for travellers to be fully vaccinated and other measures noted above), from 16 January 2022 onwards.
- Option 4: An approach whereby Australian citizens and permanent residents are included as eligible travellers under Step 1 of the Cabinet endorsed approach.
- Option 5: The phased approach of opening up the border outlined in the Cabinet endorsed approach (including the requirement for travellers to be fully vaccinated and other measures noted above), but with the requirement to self-isolate removed.

The analysis supports the Cabinet endorsed three-step approach as the preferred option. The steps endorsed by Cabinet seek to phase risk in over time in a way that can be safely managed by our health system, enabled in part by increasing vaccination rates through summer and early 2022. A faster reopening approach could bring too much risk over the international border at a time when the domestic outbreak is still developing, and the COVID-19 Protection Framework is still bedding in. The phased approach will ensure border settings remain sustainable, proportionate, lawful, and reflective of the lower relative public health risk, and complementary to our domestic policy settings. Opening up the border with a self-isolation pathway can facilitate increased volumes of travellers while ensuring risks can be managed to minimise the health and non-health impacts of COVID-19.

Ensuring there is a carefully managed transition will enable the positive impacts of reopening to be realised, including benefits for individual and collective wellbeing, and support for economic livelihoods, social connections, and family reunification. While a faster approach to reopening would be operationally feasible, it would not provide an opportunity to review the risk settings and volumes after each step as the domestic and international COVID-19 context continues to evolve.

This option has significant benefits over the status quo while continuing to effectively manage public health risk. The phased approach will also ensure health impacts are minimised, including in relation to vulnerable groups.

Given the significant impact that border settings are having on a wide range of stakeholders, it is important that our approach continues to be kept under review, particularly public health risk factors, ahead of the implementation of each step. The Ministry of Health is closely monitoring developments around the Omicron variant to ensure the border settings remain proportionate to any risk presented by the variant.

Limitations and Constraints on Analysis

Consultation and engagement

An inter-agency working group is in place to develop advice for Reconnecting New Zealanders, including Ministry of Health, Ministry of Transport, Ministry of Business, Innovation and Employment (Immigration, MIQ), Ministry of Foreign Affairs and Trade, the Treasury and the New Zealand Customs Service. There has also been ongoing consultation across wider agencies, including Te Puni Kōkiri, Te Arawhiti, Ministries for Ethnic Communities, Pacific Peoples, Social Development and Justice.

Due to the dynamic nature of the public policy response to COVID-19, this Regulatory Impact Statement (RIS) has been prepared under a limited timeframe. This has constrained the potential to consult widely on the specifics of the medium risk pathway.

There has however been wide engagement on the broader Reconnecting New Zealanders (RNZ) policy work. This has included an August 2021 public forum that brought together experts to discuss the next steps in the reconnection strategy. This public forum included a presentation from Sir David Skegg, a panel discussion with experts and a speech from the Prime Minister.

Wider consultation on reconnecting has also been undertaken with the Strategic COVID-19 Public Health Advisory Group (SPHAG); the Unite Against COVID-19 Community Panel; the Business Leaders Forum, the aviation sector via the Future Borders sprint, and direct engagement between the Ministry of Transport and industry.

If there was more time available, it would have been possible to undertake a more thorough consultation process focussed on the medium-risk pathway. This could have included workshops with key stakeholders and direct engagement with the SPHAG, the Community Panel and the Business Leaders Forum and Iwi Leaders Forum.

Changes to border settings follow from changes to domestic settings under the COVID-19 Protection Framework. Changes to domestic settings includes ongoing engagement on the COVID-19 Protection Framework through Te Arawhiti with Officials and the National Iwi Chairs Forum. Te Arawhiti have also conducted wider engagement with multiple pan-Māori Organisations, including Whānau Ora Commissioning Agencies on behalf of Ministers and agencies. Many of the points raised during engagement on domestic settings will also be relevant to the RNZ programme. The approach to ongoing engagement with Māori regarding opening the border settings will build on current engagement on domestic settings with the Iwi Chairs Forum including with the National Iwi Chairs Pandemic Response Group.

Operational factors

The constrained timeframe available to prepare this RIS has also impacted the ability for a more detailed cost benefit analysis of the options to be undertaken.

This paper analyses the high-level feasibility of the five options considered, but does not consider operational implementation factors, which fall outside the scope of this paper. For example, this paper does not include an analysis of the specifics around how day 0/1 testing will be rolled out by implementing agencies, or how arrivals will log their test results.

A separate RIS was prepared by the New Zealand Customs Service on Compliance and Enforcement of the Traveller Health Declaration System (THDS) to accompany the Cabinet Paper that sought endorsement of the key policy and administrative settings necessary to implement the THDS [SWC-21-MIN-0178].¹

The Ministry of Business, Immigration and Employment (MBIE) will effect the required changes to enable Step 3 of the medium-risk pathway through Immigration Instructions following separate advice to Cabinet. MBIE is also preparing separate advice on the future of the MIQ system. As such, both of these issues fall outside the scope of this RIS.

¹ This Cabinet Paper and RIS will be proactively released in January 2022.

Responsible Manager(s) (completed by relevant manager)

Alice Hume
Policy Manager
Strategy and Policy – COVID-19 Group
Department of the Prime Minister and Cabinet
15 December 2021

Quality Assurance (completed by QA panel)

Reviewing Agency:	The Treasury and the Department of the Prime Minister and Cabinet
Panel Assessment & Comment:	<p>A panel consisting of representatives from the Treasury and the Department of the Prime Minister and Cabinet (DPMC) has reviewed the Regulatory Impact Statement (RIS) “Reconnecting New Zealanders to the World: Implementing the Medium-risk Pathway” produced by DPMC. The review panel considers that it partially meets the Quality Assurance criteria.</p> <p>The RIS presents a convincing problem definition with a range of feasible options. The consultation undertaken was very limited – partly due to time constraints – which constrains the analysis. The high-level qualitative analysis of options would have benefited from more detailed analysis of their impacts, including comprehensive distributional analysis. Ideally the RIS would have explored how realistic the implementation path was (including possible risks), and set out measures of success for monitoring outcomes.</p>

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Context

1. New Zealand's COVID-19 context has evolved significantly since the Reconnecting New Zealanders (RNZ) programme was initially developed in July 2021:
 - The emergence of the delta variant and ongoing presence of COVID-19 in the community required a significant shift in COVID-19 strategy – from an elimination to a minimisation and protection strategy.
 - There has been a step change in domestic vaccination rates. As of 10 December, 94% of eligible people in New Zealand have had their first dose and 89% are fully vaccinated.
 - New Zealand has transitioned from the Alert Level Framework to the COVID-19 Protection Framework; and the Auckland travel boundary restrictions have been lifted.
 - Non-New Zealand citizen arrivals are now required to be vaccinated; and the requirement for international arrivals to spend 14 days in a Managed Isolation and Quarantine (MIQ) facility has been reduced to 7 days, followed by 3 days of self-isolation.
2. These material changes to the COVID-19 context have impacted the comparative risk posed by international arrivals and represent significant developments to New Zealand's COVID-19 settings. It is now appropriate to update our approach to RNZ to take account of these developments to allow for greater freedoms while continuing to carefully manage public health risks.
3. The domestic and international COVID-19 context continues to evolve and remains uncertain. Factors impacting this include: the impact of recent changes to domestic settings and the overall effectiveness of the new Framework, vaccination rates and effectiveness, different international approaches to public health responses, and new and emerging variants of concern. The recent emergence of the new Omicron variant illustrates the continuing evolution of the global epidemiological situation.
4. This significant level of uncertainty calls for a cautious approach to considering options for updating border settings to ensure our public policy objectives for responding to COVID-19 continue to be met. This requires strong management of COVID-19 within New Zealand to ensure health impacts are minimised, vulnerable communities are protected, and economic and social stability are maintained.
5. It will be important that updated border settings continue to enable strong COVID-19 management within New Zealand while supporting economic, social, and cultural wellbeing benefits from reopening.

Background

6. As part of the Reconnecting New Zealanders (RNZ) programme, Cabinet agreed on 9 August [CAB-21-MIN-0305] that three principal issues should be taken into consideration for reconnecting decisions: public health factors, feasibility; and economic and social

factors. Cabinet also agreed to shift border settings to a risk-based approach, based on three entry pathways:

- Low risk: Quarantine-free entry for low-risk travellers, being fully vaccinated travellers who have only been in low-risk countries for the 14 days prior to entering New Zealand.
 - Medium risk: Self-isolation and testing requirements for vaccinated travellers who have been in medium-risk countries for the 14 days prior to entering New Zealand.
 - High risk: Full MIQ and testing requirements for all travellers who have been in high- and very high-risk countries in the 14 days prior to entry, and all non-vaccinated travellers from countries not identified as low-risk.
7. The pathways take account of vaccination status, testing, and isolation requirements in proportion to risk. The model is designed to be scalable and does not rely on country-specific agreements so can more easily accommodate changes to country and individual risk (e.g. approved vaccination type) over time.
8. On 24 November, the Cabinet Social Wellbeing Committee, having been authorised by Cabinet to have Power to Act [CAB-21-MIN-0498] endorsed a three-step medium-risk pathway and timeline for Reconnecting New Zealanders that will reduce current entry restrictions for travellers arriving in New Zealand:
- Step 1: Fully vaccinated New Zealand citizens and those residence-class visa holders and other travellers eligible under our current restrictive border settings from Australia from 11.59 pm on 16 January 2022 (provided they have been in Australia or New Zealand for the past 14 days).
- Step 2: Fully vaccinated New Zealand citizens and those residence-class visa holders and other travellers eligible under our current restrictive border settings, from all but very high-risk countries from 11.59pm Sunday, 13 February 2022.
- Step 3: Fully vaccinated foreign nationals from 30 April 2022 onwards, with the re-opening staged over time.
9. Ministers also agreed the broad entry requirements for travellers, including pre-departure testing requirements, proof of full vaccination, self-isolation, and testing requirements on arrival and on release from self-isolation [SWC-21-MIN-0200 refers].
10. The broad timeline for this approach was publicly announced by the Minister for COVID-19 Response on 24 November.
11. This RIS responds to the shift in COVID-19 strategy and considers the medium risk pathway approach endorsed by Cabinet against the status quo, and three additional options. It does not consider existing Quarantine Free Travel (QTF) arrangements with the Cook Islands and Niue or arrangements with other low risk Pacific nations, which are being led by the Ministry of Foreign Affairs and Trade.

The status quo

12. The 'status quo' requires all international arrivals (with a very small number of exceptions), to enter managed isolation for seven days followed by isolation at home

until the result of a day 9 test has been received. Travellers are required to obtain a managed isolation and quarantine (MIQ) voucher confirming their place in managed isolation before being able to board a flight to New Zealand.

13. The demand for MIQ vouchers has significantly outstripped supply for an extended period. As of mid-November, prior to the 24 November announcement by the Minister for COVID-19 Response on the broad timeline noted above, the average chance of securing an MIQ spot was approximately 35% (e.g. travellers had around a one in three chance of securing an MIQ voucher to enable them to enter New Zealand).

Impact on NZ Inc

14. The flow-on effects of implementing the medium-risk pathway will impact and interplay with a broad range of existing workstreams, including Managed Isolation and Quarantine (MIQ), the COVID-19 Protection Framework, testing capacity, Immigration New Zealand visa processing, MBIE's Tourism Communities: Support, Recovery and Re-set Plan, Ministry of Transport's Maintaining International Air Connectivity (MIAC) scheme, Ministry of Foreign Affairs and Trade travel advisories and consular functions, NZTE's 'exporters allocation' for MIQ scheme; and the development of the traveller health declaration system (THDS – which will play a key role as we open up a self-isolation pathway for more travellers).

What is the policy problem or opportunity?

The policy problem

15. New Zealand's COVID-19 response to date has largely enabled the continuation of social interaction and economic activity within our borders. This experience contrasts with many other countries that have experienced prolonged disruption to economic activity and extended lockdowns that have significantly impacted GDP. For example, New Zealand's GDP decreased by 1.1 percent in 2020, compared with an average decrease of 4.4 percent across the OECD.
16. Our current border settings have impacted some sectors of the community more than others. The ability of New Zealanders to connect beyond our national borders and the ability of people offshore to travel to New Zealand has been significantly curtailed. This has particularly impacted sectors of the community reliant on international visitors, as well as industries with skills shortage reliant on skilled migrants and those who need to travel to maintain or grow their businesses. For example, the international visitor market has been suspended since March 2020 (with the exception of a brief and partial return when trans-Tasman Quarantine-Free Travel was in effect), resulting in an acutely negative impact on businesses which rely on that market.
17. While these adverse impacts have not impacted GDP in the same way that we have seen in many other countries, this calculus is changing as international borders reopen and the risk of lost economic and social opportunities increases. For example, international tourism has already started to recover, with the World Economic Forum reporting that international tourism arrivals increased 58 percent globally in the three months ended 30 September 2021, compared to the same period in 2020. During the same period, New Zealand's current border settings meant that we did not benefit from a share of this boost in international tourism.

18. s9(2)(h)

19. It is now appropriate to update our approach to the border in line with the changed context outlined above (the move from elimination to minimisation and protection strategy; the requirement for non-New Zealand citizens to fully vaccinated prior to arrival; high domestic rate of vaccination; transition to the Framework and the removal of Auckland boundary restrictions; and the ongoing presence of COVID-19 in the community).

20. s9(2)(h)

What stakeholders think of the problem

21. Commensurate with the significant impact that current border settings are having on a wide range of New Zealand communities, there are high levels of public interest, including from the private sector, lobby groups and public healthcare experts in seeing a timely response from government to the changing circumstances.

22. Parts of the community will welcome fewer restrictions due to the positive impact on economic livelihoods, restoration of freedoms and leisure, social connections, and family reunification. Others may perceive there to be a disproportionate increase to the risk posed to the community by relaxed border settings – despite the reduced relative risk of international arrivals following the implementation of the Framework.

23. Communities from around New Zealand, including Māori and Pacific Peoples which have been disproportionately affected by the COVID-19 pandemic, may be impacted by the updated border settings, if they introduce greater risk to those communities. For example, the use of self-isolation may disproportionately affect Māori as they are more likely to live in multi-family, multi-generational households and are also overrepresented in lower socio-economic populations. They are also less likely to have alternative living options or afford other forms of isolation such as hotels.

24. There are also active concerns by Māori of the ongoing risk of vaccinated people still being able to transmit the virus. The iwi chairs forum proposed, in relation to the Auckland boundary, requiring both vaccination and a test for travellers to provide enhanced protection to communities with lower Māori vaccination rates.

25. Parts of the population remain vaccine hesitant or may choose not to vaccinate for some time. This may be particularly true for young Māori. Given the high proportion of Māori in that age category, the impacts of COVID spread may remain a concern for some time yet.

Tourism and Aviation Sector

26. According to a recent survey commissioned by MBIE, over fifteen percent of businesses are being impacted by local and international supply chain issues, leading to cashflow

delays, and frustrated offshore customers. While there is not a direct link between all international supply chain issues and our current border settings, air freight in particular has seen a drastic cut to capacity and a significant increase in price, with MBIE reporting that almost half of airlines serving New Zealand pre-pandemic have pulled out (14 of 29 airlines). s9(2)(f)(iv)

27. The New Zealand Customs Service engaged extensively with a number of aviation industry stakeholders under the Future Borders project, focusing on developing a phased approach to re-opening to greater volumes of travellers based on the description of the medium-risk pathway. The project identified a potential staged approach for re-opening to greater volumes of travellers and incorporated several views from government and the aviation sector. This work has provided a platform to implement operational changes once ministerial decisions and policy settings are determined.
28. Recent research from Lincoln University showed that prior to COVID-19 international passenger flights carried 80% of high value exports in their belly hold, worth \$10.8 billion in 2019. The same research noted that while air freight accounted for less than 1% of New Zealand's total trade by volume, it accounted for approximately 20% in terms of value. The MBIE survey also found that nine percent of respondents cited the inability to travel overseas and access to international markets as a challenge for their business.
29. Following the announcement of the broad timeline for Reconnecting New Zealanders by the Minister for COVID-19 Response on 24 November, the Tourism Industry Aotearoa (TIA) welcomed the announcement of dates to work to but expressed disappointment at a lack of clarity around when New Zealand will allow international visitors without self-isolate requirements. The Board of Airline Representatives of New Zealand (BARNZ) and TIA also expressed concern at the risk that more international airlines would pull out of the New Zealand market.

Exporters

30. The Ministry of Foreign Affairs and Trade (MFAT) convened eight calls with non-agricultural and manufacturing sector stakeholders between August and November, along with NZTE, MBIE, MoT, and Treasury (NZEC), to understand the impacts on business of COVID-19 and COVID-response measures, and to share information on available government support. A consistent theme through this engagement and other conversations with individual businesses, was the severe impact on exporting businesses of not being able to travel offshore to do business, nor bring into New Zealand specialist expertise/technicians or business partners from overseas.
31. New Zealand Trade and Enterprise (NZTE) - with its focus on growing New Zealand exporters - reports other issues being faced by exporters due to current border settings, including:
 - Inability to carry out work overseas that requires a physical presence: for example, technical specialists may be required to physically commission or service equipment offshore or they may be needed to demonstrate its use in its physical environment. In

some cases, this can impact on the ability to perform contractual obligations and to secure contracts.

- Inability to bring people to New Zealand to perform technical work or undertake due diligence for potential investment: for example, some key machinery used in New Zealand can only be serviced by experts based outside New Zealand.
- Travel for key meetings, networking and tendering: in some industries, most leads for new work are generated by attending key industry trade shows in person. There is also a growing expectation for many tenders that key people from the exporting business present in person. While virtual presentations were the norm earlier in the pandemic, NZTE reports that this has largely reverted to in person as other countries have relaxed border settings.

International Profile

32. s9(2)(f)(iv)

[Redacted content]

33. MFAT has also engaged with Quarantine Free Travel partners and other Governments via our Posts, following announcements of the Reconnecting New Zealanders approach to ensure that they were kept informed.

The policy opportunity

34. As part of an ongoing requirement to consider the public health rationale for border settings against NZBORA consideration, and economic and social factors, the Ministry of Health provided updated public health advice to the Minister for COVID-19 Response on 22 November, on the changing risk profile of international travellers entering New Zealand. This advice was informed by expert peer review.

35. The advice indicated a lower comparative level of public health risk from international travellers than was previously the case due to increased vaccination rates domestically and internationally, and the increasing prevalence of COVID-19 within some communities in New Zealand. The advice also noted that the risk of international arrivals transmitting COVID-19 was no longer consistently higher than the domestic transmission risk and the need for any change to settings at the border to be managed carefully. The advice also highlighted concerns about the potential for a widespread 'seeding' effect² in communities where there is currently no or low levels of transmission if appropriate mitigations are not put in place. Mitigations are not put in place.

36. This reduction in comparative risk provides a policy opportunity to update New Zealand's border settings to take account of the evolving public health risk and restore many of the freedoms associated with open international borders that have been necessarily constrained through the pandemic, increasing our economic and social wellbeing, our

² 'Seeding' refers to the risk of international arrivals being responsible for introducing new COVID-19 outbreaks in the community (e.g. cases that cannot be epidemiologically linked to an existing outbreak which is largely the case at this point in time).

connections with the world, the flow of goods and services, air connectivity, trade, tourism, family reunification, and social connection. s9(2)(f)(iv)

What objectives are sought in relation to the policy problem?

37. In August, Cabinet agreed that decisions on Reconnecting New Zealanders would be informed by public health factors, feasibility, and economic and social factors.
38. The objectives sought in relation to this policy problem are to find an approach - informed by this Cabinet direction - that ensures border settings remain effective in managing COVID-19 risk proportionate to that risk, predictable and lawful as the risk context continues to evolve. An ideal outcome would:
- Support the safe reconnecting of New Zealand with the world by reducing restrictions on entry to New Zealand, while continuing to manage public health risks.
 - Positively impact the individual and collective wellbeing of New Zealanders by supporting economic livelihoods, social connections, and family reunification.
 - Ensure policy settings remain consistent with the New Zealand Bill of Rights Act and other legal obligations.
 - Ensure border settings are complimentary to the minimisation and protection strategy.
 - Ensure border settings can reasonably be executed by implementing agencies and meet the need for a stable and resilient system.
39. There will be trade-offs that need to be managed between some of these objectives. For example, the most stringent approach to managing risk at the border will be least in line with NZBORA obligations, heavily impacting the ability of citizens and other eligible travellers to enter New Zealand.

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo and what scope will options be considered within?

40. The five options for updating New Zealand's border settings will be evaluated against the criteria outlined below. Given the differentiated impact of these criteria on the overall public policy response to the COVID-19 pandemic, a relative weighting has been assigned to each of the criteria: **high (0% discount)**, **medium (33% discount)** and **low (66% discount)**.

1. Protecting public health (relative weighting **high**) analyses the public health risk of each option, including in relation to vulnerable groups.
2. Individual and collective wellbeing (relative weighting **medium**): taken from the Living Standards Framework, this criterion looks at a range of elements, including factors relating to the economic and social wellbeing of New Zealanders, including business. Of relevance to this policy work are impacts on cultural capability and belonging; family and friends; income, consumption and wealth; and safety (preventative admissions to hospital).
3. NZBORA implications (relative weighting **medium**): considers the legality of the options being assessed through the lens of the New Zealand Bill of Rights Act (NZBORA).
4. Operational feasibility (relative weighting **medium**) looks at whether the options identified can reasonably be executed by implementing agencies and meet the need for a stable and resilient system.
5. Complementarity with broader COVID-19 settings (relative weighting **low**) analyses the degree to which the policy options are consistent with the minimisation and protection strategy, including the transition to the COVID-19 Protection Framework and the removal of Auckland travel restrictions.

What options are being considered?

Option One – The Status Quo

41. This option would see the existing approach retained whereby all arrivals into New Zealand will continue to need to undertake 7 days in an MIQ facility and 2 days of self-isolation. The border will remain closed except to returning New Zealand citizens and those residence-class visa holders and other travellers eligible under current restrictive border settings or under QFT and low risk Pacific arrangements.

42. This option is regulated through the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 and the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 by the Minister for COVID-19 Response under the COVID-19 Public Health Response Act 2020.

Option Two – The Cabinet Endorsed Three Step approach

43. Following initial endorsement on 15 November, Cabinet agreed updated timeframes on 24 November for implementing self-isolation for the medium-risk pathway:

Step 1: Fully vaccinated New Zealand citizens and those residence-class visa holders and other travellers eligible under our current restrictive border settings from Australia from 11.59 pm on 16 January 2022 (provided they have been in Australia or New Zealand for the past 14 days).

Step 2: Fully vaccinated New Zealand citizens and those residence-class visa holders and other travellers eligible under our current restrictive border settings, from all but very high-risk countries from 11.59pm Sunday, 13 February 2022.

Step 3: Fully vaccinated foreign nationals from 31 March 2022 or 30 April 2022 onwards, with the re-opening staged over time by visa category to enable the impacts of scaling up international travel (both inwards and outwards) to be managed. Ministers are considering three options for reopening under this Step:

- A 'faster' rollout from 30 April;
- An 'early' rollout from 31 March (in line with the Traveller Health Declaration System); or
- A 'slower' rollout, from 30 April.

44. Option Two would see the implementation of settings endorsed by Cabinet for the establishment of a medium-risk pathway as part of the plan for Reconnecting New Zealanders. It would remove the MIQ requirement for vaccinated travellers arriving from most countries and would also progressively expand entry to foreign nationals by expanding eligible visa categories over time. Eligible travellers would be required to undertake a predeparture test, provide proof of vaccine status and a passenger declaration about travel history (including via the THDS once stood up), undertake a PCR test on day 0/1 and complete a series of at least three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RAT) before leaving self-isolation.

Option Three - One Step Approach to ending MIQ requirements

45. This option includes the travel requirements outlined in Option Two, but rather than a three-step phased approach, this option would see all of those eligible under steps 1 – 3 of Option Two permitted to enter New Zealand from 16 January 2022 onwards (including the staging over time as part of Step 3). Eligible travellers would be required to undertake a predeparture test, provide proof of vaccine status and a passenger declaration about travel history (including via the THDS once stood up), undertake a PCR test on day 0/1 and complete a series of at least three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RAT) before leaving self-isolation.

Option Four – Opening up to Australian Citizens and Permanent Residents earlier

46. This option would see Australian citizens and permanent residents included as eligible travellers under Step 1 of Option Two. This option would look similar to the earlier Quarantine Free Trans-Tasman bubble, but with the addition of the self-isolation requirement and other elements outlined above (predeparture test, proof of vaccine status, passenger declaration (including via the THDS once stood up), PCR test on day 0/1 and a series of at least three (days 3, 5, and 7) self-administered RATs before leaving self-isolation.

Option Five – Removal of Self Isolation Requirement






















47. This option would adopt the phased approach of opening up the border outlined in Option Two, including the requirement that eligible travellers undertake a predeparture test, provide proof of vaccine status and a passenger declaration about travel history (including via the THDS once stood up), undertake a PCR test on day 0/1 and complete a series of at least three (days 3, 5, and 7) self-administered RATs, but would not include a self-isolation requirement.

Option not considered

48. The option for bespoke pathways for entry from individual jurisdictions has not been considered, as it would not meet the criteria of operational feasibility.

Proactively Released

How do the options compare to the status quo/counterfactual?

		<u>Option One:</u>	<u>Option Two:</u>	<u>Option Three:</u>	<u>Option Four:</u>	<u>Option Five:</u>
		The Status Quo	The Cabinet Endorsed Three Step approach	One Step Approach to ending MIQ requirements	Opening up to Australian Citizens / Permanent Residents earlier	Removal of Self Isolation Requirement
Protecting Public Health <i>high (0% discount)</i>	Rating	0	-0.5	-1.5	-1	-2
	Weighted rating	0	-0.5	-1.5	-1	-2
Individual and collective wellbeing <i>medium (33% discount)</i>	Rating	0	+1	+1.5	+1.5	+1.5
	Weighted rating	0	+0.66	+1	+1	+1
s9(2)(h)  	 	 	 	 	 	 
Operational feasibility <i>medium (33% discount)</i>	Rating	0	0	-1	0	-1
	Weighted rating	0	0	-0.66	0	-0.66
Complementarity with broader COVID-19 settings <i>low (66% discount).</i>	Rating	0	+2	0	+1	-1
	Weighted rating	0	+0.66	0	+0.33	-0.33
s9(2)(h) 	  	 	 	 	 	 

Comment

Option One – The Status Quo

49. s9(2)(h)

50. It would not address the negative impacts from our status quo border settings, including on the economic, social and cultural wellbeing of New Zealanders and international visitors and workers, and our connections to the world.

51. s9(2)(b)(ii), s9(2)(f)(iv)

52. Retaining the status quo would have short- and longer-term implications for businesses that are reliant on international connections and the ability to travel offshore.

53. This approach may also have mental health implications given it would result in ongoing constraints on the ability of people to connect with people outside of NZ (i.e. family reunions).

54. Continuation of the status quo is operationally feasible as the system is in place. However, Cabinet has agreed that Customs should return to full cost recovery of border processing services [DEV-21-MIN-0185], so if the status quo is retained, Customs and other border agencies would need to seek further direction from Cabinet on the funding of services. There could also be funding implications for MIQ if the status quo was retained.

Option Two – The Cabinet Endorsed Three Step approach

55. This approach would be consistent with the lower relative public health risk from international arrivals than was previously the case. The phasing of this approach would support a managed transition to updated settings.

56. This option would provide a lower level of protection than the status quo which is why it scored lower than the status quo on the 'protecting public health' criterion.

57. The settings are designed to mitigate a spectrum of risk (enabling stability and facilitating significant volumes of travellers to enter without MIQ) and ensure that risk is managed in a way that aligns with the objectives of the Framework and does not impact health system capacity, particularly at a time when other significant changes in policy settings are bedding in (e.g. of the COVID-19 Protection Framework).

- 58. This approach would support individual and collective wellbeing (including by having a positive impact on family reunification, social connections and trade and economic outcomes). Although not providing immediate relief to the sectors of the economy most affected by the status quo border settings, it does provide more certainty and a roadmap for the phased reopening of the border.
- 59. The timeframes for transition support the implementation of appropriate mitigations at the border, including testing and traveller health declarations, ensuring the approach is operationally feasible. The timing also takes account of the need for changes to domestic settings to have bedded in.

60. s9(2)(h)
[Redacted]

Option Three - One Step Approach to ending MIQ requirements

- 61. Health advice highlights the potential public health risks if changes to border settings are progressed without a carefully managed transition or consideration of other changes underway in the COVID-19 response – for example, the implementation of the Framework and the removal of the Auckland boundary.
- 62. While livelihoods, social connections, and family reunification would be enhanced faster by a swifter relaxation of border settings, providing marginally increased benefits to the economy and society more broadly (trade, economic development, tourism, and international education) this approach would be inconsistent with public health advice which recommended a staged reopening to support New Zealand’s favourable comparative COVID-19 economic situation. It would also pose greater risk of health and non-health impacts from COVID-19, which may also mean that some of benefits cannot be realised.

63. s9(2)(h)
[Redacted]

- 64. Given the need to implement changes to carefully manage the public health risk for border returnees, there will be operational risks if changes to border settings are progressed ahead of the timeframes that have been endorsed by Cabinet. This timeframe would also present risks to a carefully managed and safe transition to the new approach.
- 65. Customs will likely not be able to manually process the larger volume of travellers enabled by this option if a volume increase happens before 31 March when the THDS is scheduled to come online. Additional resources may be required for border processing if this option was adopted given the critical role THDS will play in managing the risk from international arrivals.
- 66. This approach would not provide sufficient time for changes to domestic settings to bed in nor would the timing align with the implementation of appropriate mitigations at the border, including testing and traveller health declarations.

Option Four – Opening up to Australian Citizens and Permanent Residents earlier

67. Given Australia is both our largest trading partner and home to the largest concentration of citizens outside of New Zealand, opening up to Australia citizens and permanent residents would have a significant impact on business-business connections and family reunifications.

68. s6(a)

[Redacted]

69. s9(2)(h)

[Redacted]

70. s6(a)

[Redacted]

71. Given the need to implement changes to carefully manage the public health risk for border returnees, there will be operational risks if changes to border settings are progressed ahead of the Reconnecting New Zealanders timeframes that have been endorsed by Cabinet. This timeframe would also present risks to a carefully managed and safe transition to a new approach.

72. Customs will likely not be able to manually process the larger volume of travellers enabled by this option if a volume increase happens before 31 March when then THDS is scheduled to come online. Additional resources may be required for border processing if this option was adopted.

73. This approach would not provide sufficient time for changes to domestic settings to bed in nor would the timing align with the implementation of appropriate mitigations at the border, including testing and traveller health declarations.

Option Five – Removal of Self Isolation Requirement

74. While livelihoods, social connections, and family reunification would be enhanced faster by a swifter relaxation of border settings, providing increased benefits to the economy and society more broadly (trade, economic development, tourism, and international education); the approach would be inconsistent with public health advice which recommended a staged reopening to support NZ's favourable comparative COVID-19 economic situation.

75. Extensive policy work undertaken to date has not identified an option for safely relaxing our border settings for a significant volume of travellers that does not include a self-isolation requirement. Given that risk is cumulative, removing the self-isolation requirement would either require a reduction in the volume of travellers who can be managed through the pathway, or would require assurance that a higher level of risk from the border could be managed safely.

76. s9(2)(h)

77. Customs will likely not be able to manually process the larger volume of travellers enabled by this option if a volume increase happens before 31 March when the THDS is scheduled to come online. Additional resources may be required for border processing if this option was adopted, particularly given the critical role the THDS is anticipated to play in managing risk from international arrivals.

78. This approach would not provide sufficient time for changes to domestic settings to be in place nor would the timing align with the implementation of appropriate mitigations at the border, including testing and traveller health declarations.

Proactively Released

What are the marginal costs and benefits of the option?

Affected groups	Comment	Impact
Additional benefits of the preferred option compared to taking no action		
Individuals/com munities	<ul style="list-style-type: none"> Significant improvement for New Zealand citizens and other eligible travellers' ability to travel to New Zealand due to the removal of the MIQ requirements for most travellers and the expansion under Step 3, with positive implications for international connections, the New Zealand economy, and the economic and social wellbeing of New Zealanders. At present, an average of 2,200 people enter New Zealand through MIQ each week. Under this option, it is estimated that approximately 5,000 – 6,000 people would arrive each week under Step 1; 10,000 – 13,000 people under Step 2; and 24,000 – 46,000 people under Step 3³. Benefits of updated border settings for whānau Māori includes the ability to reconnect with whenua, whānau, te reo and cultural practices. s9(2)(h) Decrease in cost and complexity for leisure travellers wishing to travel offshore and return to New Zealand, owing to the removal of the MIQ requirements. 	High
Business/economy	<ul style="list-style-type: none"> Staged reopening will continue to support New Zealand's favourable comparative COVID-19 economic situation by facilitating entry without MIQ for significant volumes of travellers which will address negative impacts of the status quo border settings, including demand side and supply side constraints (e.g. through the resumed pathway for international visitors and skilled migrants). It will also manage ongoing public health risks, reducing the risk there would be a need for lockdowns etc which significantly impact the economy. 	Medium

³ It is difficult to estimate the anticipated number of travellers who would enter New Zealand on the pathway. Estimated traveller volumes are indicative only and may vary significantly depending on policy decisions taken (e.g. around the sequencing of Step 3) and other factors impacting demand.

	<ul style="list-style-type: none"> • s9(2)(g)(i) [REDACTED] • Cost and uncertainty of business-critical international travel (important face-to-face meetings, due diligence, trade fairs etc) will decrease due to the introduction of self-isolation. Although challenges will remain for businesses reliant on overseas expertise that need to travel to New Zealand to undertake their work. • The aviation sector will see some limited relief with increased demand from travellers as a result of the introduction of self-isolation under steps 1 and 2. They will have greater certainty around the trajectory of New Zealand's border settings. Risk that more airlines may pull out of New Zealand moderately reduced. • Air freight prices likely to continue to be higher in medium term than pre-COVID-19 levels but should become lower than the status quo over time. • As incoming visits, including Guest of Government visits, resume under Steps 2 and 3 of the approach, there will be important economic flow-on value for New Zealand's international relations, through strengthened Government-to-Government engagement. 	
Government	<ul style="list-style-type: none"> • Phasing would also allow for a carefully calibrated managed transition by regulators to the updated settings • Certainty about timelines will have a positive impact on the ability of regulators to plan. • Increased traveller volumes will provide revenue to support the financial sustainability of border processes 	Customs would forego an estimated \$263 million in levy revenue over the three-year levy period if traveller volumes remain capped by requiring MIQ for seven days for all travellers
Total monetised benefits		Not quantified
Non-monetised benefits		High

Proactively Released

Affected groups	Comment	Impact
Additional costs of the preferred option compared to taking no action		
Individuals/communities	<ul style="list-style-type: none"> • If a large number of additional COVID-19 cases are seeded at the border, there is a risk there may be some additional health and non-health effects in the community, which may disproportionately impact some groups. The preferred option seeks to mitigate this risk through the self-isolation requirement and by taking a careful phased approach to changing border settings. • High-level modelling suggests that the flow on effect from this Option for new cases in the community (following self-isolation) would be approximately 1 – 2 per week under Step 1; 16 – 21 under Step 2; and 40 - 67 new cases under Step 3.⁴ • COVID-19 is having a disproportionate effect on Māori due to a range of factors, including underlying health conditions and vaccination rates that are lower than for the rest of the population. However, the preferred option accounts for the time required to bed in the Framework to help ensure impacts can be minimised, and will enable vaccination rates to increase further and for booster shots to be rolled out. • The self-isolation setting may affect some groups disproportionately. This may include Māori, as Māori are more likely to live in multi-family, multi-generational households. 	Low
Business/economy	<ul style="list-style-type: none"> • Lowered barriers for travellers wishing to leave and return to NZ presents a risk of a reduction in spending on domestic travel, hospitality, and tourism until the return of international visitors under Step 3. 	Low

⁴ Modelling is based on estimated volumes by jurisdiction of origin, estimated cases among would-be travellers, and assumptions about the effectiveness of a package of risk mitigations with vaccination requirements, testing and self-isolation. This was informed by overseas risk at the time of modelling (November) and will continue to change as the risk context evolves. For example, higher transmission within Australia will impact the expected number of arrivals with COVID-19 under Step 1. Effectiveness of measures will vary depending on detailed settings and real-world effectiveness.

	<ul style="list-style-type: none"> Lowered barriers may also result in greater numbers of people leaving to take up employment offshore, potentially impacting skills shortage until the opening of additional visa categories under Step 3. While not providing immediate relief to sectors of the economy most impacted by the status quo border settings, it does provide more certainty and a roadmap for the phased reopening of the border. 	
Government	<ul style="list-style-type: none"> There will be a range of one-off and ongoing costs for agencies associated with implementing the Steps, including for border systems and processing (including THDS), testing, self-isolation administration, and any enforcement actions taken. Direct costs associated with implementation may result in implementing agencies having to reprioritise resources. Should border closures be required after the medium-risk pathway is rolled out and New Zealanders become stranded overseas, a Ministry of Foreign Affairs and Trade led consular response could be required. 	Low
Total monetised costs	<ul style="list-style-type: none"> One-off and ongoing costs for agencies associated with implementing the pathway will be met within existing baselines or through previously approved funding for initiatives 	Dedicated funding provided for the Reconnecting approach includes: \$54.2 Million for the THDS
Non-monetised costs	<ul style="list-style-type: none"> It is difficult to estimate the costs or quantify the likely impact of proceeding with the Cabinet endorsed Option 2. 	Low

Proactively Released

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

79. The Cabinet endorsed three-step approach to a medium-risk pathway (option two) is the preferred option, with the benefits of adopting the approach exceeding costs. Maintaining the status quo border settings would likely be disproportionate and overly restrictive in the evolving risk context, while a faster reopening approach could bring too much risk over the international border at a time when the domestic outbreak is still developing and will likely pose operational challenges - including that the necessary systems are not yet in place (e.g. THDS and ability to credibly verify traveller vaccination status), due to a surge in traveller volumes. The steps endorsed by Cabinet seek to phase risk in over time in a way that can be safely managed by our domestic settings and health system, enabled in part by increasing vaccination rates through summer and early 2022. The approach also supports consistency across border and domestic policy, ensuring that border settings remain sustainable, proportionate, lawful, and reflective of the lower relative public health risk.

80. The approach recognises the benefits to economic and social wellbeing of reopening (including the positive impact on family reunification and social connections, business and investment engagement, air connectivity, supply chains, skills shortages, and the tourism and international education sectors), and balances these considerations against the need to continue protecting New Zealanders from the health and non-health impacts of COVID-19 and other relevant factors (for example, the importance of prioritising reopening for New Zealand citizens in line with NZ BORA, ahead of wider reopening to other foreign nationals).

81. s9(2)(g)(i)

82. While the *relative* public health risk posed by the border is lower than it was previously, relaxing our border settings will increase the *cumulative*⁵ public health risk posed by COVID-19 as more international arrivals enter the community under each Step. Our minimisation and protection strategy acknowledges this (i.e. that there will be some level of cases in the community on an ongoing basis), and the Framework is designed to manage that in the context of a highly vaccinated population.

83. The settings for the option are designed to mitigate a spectrum of risk. This reflects that few countries remain COVID-19 free and that an approach is needed that is stable, resilient to changes in COVID-19 prevalence internationally, and can facilitate significant volumes of travellers to enter without MIQ. The expected level of risk mitigation will ensure that that risk is managed in a way that aligns with the objectives of the Framework and does not impact health system capacity, particularly at a time when other significant changes in policy settings are bedding in (e.g. of the COVID-19 Protection Framework). A lower level of risk mitigation or a faster timeline could bring too much risk over the international border, which would likely have disproportionate impacts on some groups, including Māori.

⁵ Cumulative risk refers to the combined risk of multiple factors. For example, the implementing of the CPF, the removal of Auckland travel boundary restrictions and updating of the border settings (also accounting for volumes) all present their own risk factors. Cumulative risk is the combination of all three of these risks.

84. Opening up in a steady, phased and predictable way will support strong risk management, and provide the basis for planning. Opening up the first step to New Zealanders and other eligible travellers from Australia will be particularly useful in enabling us to prepare and test our systems and processes with a country that we have built trusted systems with (e.g. information exchange on individuals' travel histories). Given Australia is both our largest trading partner and home to the largest concentration of citizens outside of New Zealand, opening up to Australia first is also expected to have an outsized impact on business-business connections and family reunifications.
85. Given the significant impact that reconnecting New Zealanders border settings is having on a wide range of stakeholders, it is important that border settings continue to be kept under review, particularly public health risk factors, ahead of the implementation of each step. Risk tolerance at the border will also impact the speed and sequencing of Step 3. Through Steps 1 and 2 we will increase our understanding of how self-isolation can be made more effective, as we scale up to higher volumes of travellers under Step 3. Settings may need to be altered as the risk context evolves to ensure they remain effective and proportionate. Further policy work on the enduring settings for the low-risk pathway will be undertaken in early 2022 and considered by the Reconnecting New Zealanders Ministerial Group by the end of February 2022.

Section 3: Delivering an option

How will the new arrangements be implemented?

86. Government action will be required to operationalise the Cabinet endorsed approach (Option Two).
87. Steps 1 and 2 of the medium-risk pathway will be enabled through a replacement Air Border Order and an amendment to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.
88. The Minister for COVID-19 Response will sign a replacement Air Border Order and the amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 on 21 December 2022 to give effect to the establishment of the medium-risk pathway and the timing of Step 1.
89. The amendments to enable Step 2 will be made in early February 2022. Ahead of this amendment being made, the Reconnecting New Zealanders Ministerial Group will consider advice on the readiness to proceed with the Step as planned.
90. Step 3 involves immigration settings that will be updated through Immigration Instructions. This advice will be led by MBIE.
91. These changes will be communicated to the New Zealand public and other stakeholders on and offshore primarily through a global public information campaign for travellers, existing Unite Against COVID-19 communications channels and through the relevant agencies engaging directly with key stakeholders. This will be supported by the Ministry of Foreign Affairs and Trade's network of offshore posts and via SafeTravel.

How will the new arrangements be monitored, evaluated, and reviewed?

92. Once the rollout of the approach has commenced, there will be ongoing monitoring of our border settings and systems to ensure that they continue to be effective, appropriate and proportionate to risk.
93. The Ministry of Health and Te Pūnaha Matatini (TPM) have developed a Jurisdictional Risk Assessment Tool (JRAT) which can estimate case numbers from international arrivals and therefore the level of COVID-19 risk from travellers entering New Zealand. Officials will continue to use this tool to undertake surveillance and monitoring of jurisdictional risk on a weekly basis, which will help to inform recommendations related to jurisdiction categorisation and border settings.
94. The ongoing testing of arrivals will provide data to compare against the estimated number of cases and inform the ongoing assumptions about arrival risk.
95. The aim of this ongoing monitoring is to ensure that trends are identified early, in order to create a stable system where jurisdictions are not moved around categories too frequently. This will provide more certainty to the extent possible, so that travellers can be more confident to plan travel, and so operational agencies can implement decisions, whilst ensuring a risk-based approach.
96. The Ministry of Health is also closely monitoring all information related to Omicron. Further advice will be provided if there are implications for the planned Steps.
97. Monitoring of the effectiveness of border processes and systems will be undertaken by border agencies and the Ministry of Health. The Border Executive Board (BEB) in conjunction with the Ministry of Health will report back to the Reconnecting New Zealanders Ministerial Group on the operation of the medium risk pathway:
 - by 8 February 2022 following the implementation of Step 1, including any recommendations for changes to processes or resourcing levels prior to commencing Step 2,
 - by 10 April 2022 following the implementation of Step 2 including any recommendations for changes to processes or resourcing levels prior to commencing Step 3.
98. This will provide assurance that systems are working as intended and can be scaled up as we move through the steps. In conjunction with traveller numbers and their compliance profile, aspects such as airport/airline constraints and agency capacity, will influence the effectiveness, efficiency and sustainability of operational processes for the medium risk pathway going forward. BEB will continue to work with agencies to collect and report data on the operation of the pathway, including the levels of non-compliance detected, to enable ongoing evaluation and refinement of systems and processes.
99. The COVID-19 Independent Continuous Review, Improvement and Advice Group (CICRIAG) chaired by Sir Brian Roche provides independent advice to the Minister for COVID-19 Response on specific areas of the response where improvements could be made with the benefit of alternative and independent perspectives. This includes oversight of the Reconnecting New Zealanders portfolio as well as providing their independent views on other key priorities such as the implementation of the COVID-19 Protection Framework.

The CICRIAG's advice forms a part of broader assurance processes reporting to the Minister for COVID-19 Response.

100. The Reconnecting New Zealanders to the World Portfolio Management Office (the Portfolio team) sits within the Department of the Prime Minister and Cabinet's COVID-19 Group and provides a coordinating function across the workstreams within the Reconnecting New Zealanders work programme. The Portfolio team coordinates agencies and departments and provides a clear expectation of proposed progress based on the direction from the Minister. It is able to identify when work is potentially not being carried out in accordance with the wider portfolio and seek to support and redirect workstreams to ensure that alignment is regained. This is then communicated back to the Minister for COVID-19 Response through fortnightly reporting on progress within the workstreams.

Proactively Released



Cabinet Social Wellbeing Committee

Minute of Decision

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Reconnecting New Zealanders to the World: Further Advice on Opening the Medium-Risk Pathway

Portfolio COVID-19 Response

On 15 December 2021, the Cabinet Social Wellbeing Committee:

Requirements for the medium-risk pathway

- 1 **noted** that in November 2021, Cabinet:
 - 1.1 endorsed a phased approach to opening the medium-risk pathway, and that Step 1 occur at 11.59pm on 16 January 2022 [CAB-20-MIN-0474];
 - 1.2 endorsed the timing of Step 2 to occur at 11.59pm 13 February 2022, subject to assessments of public health, social and economic factors, and authorised the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, to make decisions on detailed settings for the medium-risk pathway, including any potential requirements for active monitoring or enforcement of compliance [SWC-21-MIN-0200];
- 2 **noted** that the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, has agreed the following operational details for the medium-risk pathway including:
 - 2.1 travellers will be required to submit a PCR test on day 0/1 and complete a series of at least three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RAT) before leaving self-isolation;
 - 2.2 to assess travellers presenting as symptomatic, there will be a toolkit available to the health professionals at the airport to make decisions regarding an appropriate escalation pathway, including RAT, transportation options, and transfer to MIQ, with decisions being made on a case-by-case basis (with clear guidance to ensure consistency across the country);
 - 2.3 elite sports and professional cultural groups will be able to go offsite to train or rehearse, but that this will be restricted to groups that have been approved by either Sport New Zealand or MBIE Major Events (for elite sports groups/events) or the Ministry of Culture and Heritage (for professional cultural groups)];

- 3 **noted** that to promote traveller compliance with day 0/1 testing requirements, the Ministry of Health will work with other agencies and with airports and airlines to establish testing facilities in airport precincts or nearby, where travellers may go immediately after finishing arrival processing to give saliva sample for PCR testing;
- 4 **noted** that re-opening under the medium-risk pathway will occur only through the four main airports, Auckland, Wellington, Christchurch and Queenstown, where the relevant testing requirements will be facilitated;
- 5 **agreed** that Norfolk Island is included with Australia as part of Step 1;

Use of jurisdictional categories

- 6 **noted** that under the reconnecting approach, jurisdictional categories will be used when the risk posed by travellers from a particular jurisdiction is very significant and additional risk mitigation measures are required, such as when there is a concerning spike in cases or a variant of concern (akin to current VHR classification);
- 7 **noted** that Department of the Prime Minister and Cabinet (DPMC) will provide further advice to the Reconnecting New Zealanders Ministerial Group on the enduring settings for the low-risk pathway and the use of jurisdiction risk categories by the end of February 2022;

Decisions to proceed with Steps 1 and 2

- 8 **agreed** that Steps 1 and 2 can proceed in line with the previously endorsed timing, i.e. 11.59pm on 16 January 2022 for Step 1 and 11.59pm on 13 February 2022 for Step 2;
- 9 **directed** officials from DPMC and the Ministry of Health, in consultation with relevant agencies, to provide an update to COVID Ministers on 7 January 2022, ahead of Step 1, that confirms:
 - 9.1 there has been no change to the public health factors that would materially compromise the ability to manage risk from international travellers through the agreed medium-risk pathway settings;
 - 9.2 there has been no change to the assessment of the non-health factors that would materially impact on the Step being implemented as planned;
- 10 **noted** that officials from DPMC and relevant agencies will provide an update to the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, by 8 February 2022, to confirm readiness to proceed with Step 2 as planned;

Proposed phasing for Step 3

- 11 **noted** that officials have identified three options for reopening under Step 3:
 - 11.1 Option A: a 'faster' rollout from 30 April 2022, which includes recommencing visa-waiver travel from this point;
 - 11.2 Option B: an 'early' rollout from 31 March (aligned with the implementation of the Traveller Health Declaration System), with visa-waiver travel following from 30 April 2022 (per Option A);
 - 11.3 Option C: a 'slower' rollout from 30 April 2022, which delays recommencing visa waiver travel until October 2022;

- 12 **invited** the Minister for COVID-19 Response and Minister of Immigration to report back for Cabinet to finalise the sequencing and timing for reopening under Step 3, including prioritisation of sectors where there are known skills shortages, and options on the size of the international student mid-year intake as a part of Step 3;
- 13 **noted** that the aviation sector is seeking certainty about the details of the Step 3 re-opening and when self-isolation will be removed as soon as possible before February 2022, which would reduce the risk of airlines choosing to permanently leave New Zealand;

Ongoing monitoring

- 14 **invited** the Minister for COVID-19 Response to report back on an integrated approach to monitoring domestic and border settings;
- 15 **noted** that the Border Executive Board report-back on *Collective Responsibility for an Integrated Border System and COVID-19 Border Defences* was due in December 2021 and will now be provided in early 2022;

Financial recommendations

- 16 **noted** that funding to meet one-off and ongoing costs for agencies associated with implementing the approach will be met within existing baselines or through previously approved funding;
- 17 **noted** that should further funding requirements be identified following the commencement of the approach, approval will be sought from Cabinet;
- 18 **noted** that DPMC officials will report back to the Minister for COVID-19 Response with further information on a targeted global public information campaign for travellers including any funding requirements;

Communications

- 19 **noted** that the Ministry of Foreign Affairs and Trade (MFAT) intends to remove the global 'Do not travel' advisory at 11:59pm Sunday 13 February, in line with step two of the three-step approach to opening the medium-risk pathway, and that early public messaging to this effect will be published on the SafeTravel website following Cabinet approval;

Legislative implications

- 20 **noted** that a replacement Air Border Order and an amendment to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 are being prepared to give effect to the opening of the medium-risk pathway;
- 21 **noted** that the Minister for COVID-19 Response will sign the replacement Air Border Order and the amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to give effect to the establishment of the medium-risk pathway and the timing of Step 1 in line with the above decisions;
- 22 **noted** that regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 establishes that most foreign nationals offshore can only apply for a temporary entry-class visa if they qualify for a border exception;

- 23 **noted** that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Health and the Minister for COVID-19 Response) are authorised, if necessary, to revoke the regulations, in whole or in part, upon the recommendation of the Minister of Immigration [LEG-21-MIN-0090];
- 24 **authorised** the above Ministers to decide on the detail of dates for opening and the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office accordingly;
- 25 **agreed** to a waiver of the 28-day requirement, on the basis that the change will only confer benefits;
- 26 **noted** that the Minister of Immigration will also certify amendments to immigration instructions to implement the Steps at the appropriate time.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon David Parker
Hon Poto Williams
Hon Damien O'Connor
Hon Kris Faafoi
Hon Peeni Henare
Hon Willie Jackson
Hon Aupito William Sio
Hon Meka Whaitiri
Hon Priyanca Radhakrishnan

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC



Cabinet

Minute of Decision

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Reconnecting New Zealanders to the World: Further Advice on Opening the Medium-Risk Pathway

Portfolio **COVID-19 Response**

On 20 December 2021, Cabinet:

Requirements for the medium-risk pathway

- 1 **noted** that in November 2021, Cabinet:
 - 1.1 endorsed a phased approach to opening the medium-risk pathway, and that Step 1 occur at 11.59pm on 16 January 2022 [CAB-20-MIN-0474];
 - 1.2 endorsed the timing of Step 2 to occur at 11.59pm 13 February 2022, subject to assessments of public health, social and economic factors, and authorised the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, to make decisions on detailed settings for the medium-risk pathway, including any potential requirements for active monitoring or enforcement of compliance [SWC-21-MIN-0200];
- 2 **noted** that the Minister for COVID-19 Response, in consultation with the Reconnecting New Zealanders Ministerial Group, has agreed the following operational details for the medium-risk pathway including:
 - 2.1 travellers will be required to submit a PCR test on day 0/1 and complete a series of at least three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RAT) before leaving self-isolation;
 - 2.2 to assess travellers presenting as symptomatic, there will be a toolkit available to the health professionals at the airport to make decisions regarding an appropriate escalation pathway, including RAT, transportation options, and transfer to MIQ, with decisions being made on a case-by-case basis (with clear guidance to ensure consistency across the country);
 - 2.3 elite sports and professional cultural groups will be able to go offsite to train or rehearse, but that this will be restricted to groups that have been approved by either Sport New Zealand or MBIE Major Events (for elite sports groups/events) or the Ministry of Culture and Heritage (for professional cultural groups)];
- 3 **noted** that to promote traveller compliance with day 0/1 testing requirements, the Ministry of Health will work with other agencies and with airports and airlines to establish testing facilities in airport precincts or nearby, where travellers may go immediately after finishing arrival processing to give saliva sample for PCR testing;

- 4 **noted** that re-opening under the medium-risk pathway will occur only through the four main airports, Auckland, Wellington, Christchurch and Queenstown, where the relevant testing requirements will be facilitated;
- 5 **agreed** that Norfolk Island is included with Australia as part of Step 1;

Use of jurisdictional categories

- 6 **noted** that under the reconnecting approach, jurisdictional categories will be used when the risk posed by travellers from a particular jurisdiction is very significant and additional risk mitigation measures are required, such as when there is a concerning spike in cases or a variant of concern (akin to current VHR classification);
- 7 **noted** that Department of the Prime Minister and Cabinet (DPMC) will provide further advice to the Reconnecting New Zealanders Ministerial Group on the enduring settings for the low-risk pathway and the use of jurisdiction risk categories by the end of February 2022;

Decisions to proceed with Steps 1 and 2

- 8 **noted** that officials from DPMC and the Ministry of Health, in consultation with relevant agencies, will provide an update to the Minister for COVID-19 Response and other relevant Ministers on readiness to proceed with Step 1;
- 9 **noted** that officials from DPMC and relevant agencies will provide an update to the Minister for COVID-19 Response and other relevant Ministers by 8 February 2022, to confirm readiness to proceed with Step 2 as planned;

Proposed phasing for Step 3

- 10 **noted** that officials have identified three options for reopening under Step 3:
- 10.1 Option A: a 'faster' rollout from 30 April 2022, which includes recommencing visa-waiver travel from this point;
 - 10.2 Option B: an 'early' rollout from 31 March (aligned with the implementation of the Traveller Health Declaration System), with visa-waiver travel following from 30 April 2022 (per Option A);
 - 10.3 Option C: a 'slower' rollout from 30 April 2022, which delays recommencing visa waiver travel until October 2022;
- 11 **noted** that the aviation sector is seeking certainty about the details of the Step 3 re-opening and when self-isolation will be removed as soon as possible before February 2022, which would reduce the risk of airlines choosing to permanently leave New Zealand;

Ongoing monitoring

- 12 **invited** the Minister for COVID-19 Response to report back on an integrated approach to monitoring domestic and border settings;
- 13 **noted** that the Border Executive Board report-back on *Collective Responsibility for an Integrated Border System and COVID-19 Border Defences* was due in December 2021 and will now be provided in early 2022;

Financial recommendations

- 14 **noted** that funding to meet one-off and ongoing costs for agencies associated with implementing the approach will be met within existing baselines or through previously approved funding;
- 15 **noted** that should further funding requirements be identified following the commencement of the approach, approval will be sought from Cabinet;
- 16 **noted** that DPMC officials will report back to the Minister for COVID-19 Response with further information on a targeted global public information campaign for travellers including any funding requirements;

Communications

- 17 **noted** that the Ministry of Foreign Affairs and Trade (MFAT) intends to remove the global 'Do not travel' advisory at 11:59pm Sunday 13 February, in line with step two of the three-step approach to opening the medium-risk pathway, and that early public messaging to this effect will be published on the SafeTravel website following Cabinet approval;

Legislative implications

- 18 **noted** that a replacement Air Border Order and an amendment to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 are being prepared to give effect to the opening of the medium-risk pathway;
- 19 **noted** that the Minister for COVID-19 Response will sign the replacement Air Border Order and the amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to give effect to the establishment of the medium-risk pathway and the timing of Step 1 in line with the above decisions;
- 20 **noted** that regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 establishes that most foreign nationals offshore can only apply for a temporary entry-class visa if they qualify for a border exception;
- 21 **noted** that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Health and the Minister for COVID-19 Response) are authorised, if necessary, to revoke the regulations, in whole or in part, upon the recommendation of the Minister of Immigration [LEG-21-MIN-0090];
- 22 **authorised** the above Ministers to decide on the detail of dates for opening and the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office accordingly;
- 23 **agreed** to a waiver of the 28-day requirement, on the basis that the change will only confer benefits;
- 24 **noted** that the Minister of Immigration will also certify amendments to immigration instructions to implement the Steps at the appropriate time;

International Students

- 25 **noted** that the entry of a fixed number of international students for study commencing Semester 2 2022 features in each of the options in paragraph 10 above, under the existing border exception approach (as opposed to reopening of the student visa category as a whole), to manage both the total volume of arrivals of international students and the visa processing impacts of the resource-intensive student visa category;
- 26 **noted** that decisions on the entry of international students will be taken in January 2022.

Michael Webster
Secretary of the Cabinet

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