

COVID-19 Maritime Border Measures Tranche two review



BORDER EXECUTIVE BOARD

9 December 2021

Final Report

Contents

Executive summary	3
Background	3
About the review	3
Overview	4
Recommendations	7
Context and background.....	10
The maritime sector.....	10
The Maritime Border Order	10
Other key maritime control measures.....	13
The main parties involved at the maritime border	15
Purpose, scope and approach to the review.....	17
Detailed findings and observations	20
Implementing the COVID-19 maritime border measures.....	20
Communication and engagement with the maritime sector	27
Working across government.....	29
Future maritime border settings	30
Limitations and disclaimer.....	32
Appendix one	33
Terms of Reference.....	33
Appendix two.....	38
Interviews	38
Appendix three	40
Summary of incidents involving vessels with suspected or confirmed cases of COVID-19.....	40

Executive summary

Background

Since 1 July 2020, various maritime border restrictions and measures have been in place to reduce the risk of COVID-19 reaching, and being transmitted, in New Zealand. The main measures are set out in COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (the MBO). Other COVID-19 maritime border measures have also been put in place through relevant orders under the COVID-19 Public Health Response Act 2020, and associated requirements and protocols issued by the Ministry of Health and other government agencies. They are collectively referred to as 'COVID-19 maritime border measures' in this report.

The New Zealand Customs Service (Customs) took on new responsibilities for implementing the operational aspects of the MBO, and monitoring compliance with the requirements. This included the rapid establishment of a new operations group with over 200 new staff.

New Zealand's maritime sector is multifaceted. It is a major contributor to, and an enabler of, the New Zealand economy. Approximately 99% of the country's trade by volume and around 90% by value is transported by sea.¹ COVID-19 has posed major challenges for international supply chains, causing significant disruption and cost impacts for New Zealand businesses and consumers.

There are 14 ports that are designated as places of first arrival for vessels arriving in New Zealand. Around 1,000 foreign vessels² make over 2,750 visits to New Zealand shores, and between 5,000 – 6,000 port calls each year, with one ship often visiting several ports.¹ A diverse range of organisations operate at the maritime border.

About the review

This review was commissioned in July 2021 to provide assurance to the Border Executive Board (BEB)³ that the COVID-19 maritime border measures are in place at our

¹ Maritime New Zealand, Briefing to the Incoming Minister, November 2020.

² The terms vessels and ships are used interchangeably in this report to refer to all types of boat or craft used in navigation. The term 'ship' is used in the MBO, as defined in the Maritime Transport Act 1994.

³ The Border Executive Board was established as an Interdepartmental Executive Board on 11 January 2021 under the Public Service Act 2020 to deliver an integrated and effective border system. It is hosted by Customs.

sea borders so that all people arriving in New Zealand are appropriately managed to minimise the opportunities for the spread of COVID-19 (the MBO review).⁴

The MBO review was asked to look at the COVID-19 maritime border measures in effect at 1 July 2021 in the end-to-end process, and to identify any gaps in policy/standards and/or inconsistencies in implementation, and provide recommendations for action. It was not within the scope of the review to examine the effectiveness of individual controls but consider the overall adequacy of the arrangements and system-level issues.

The fieldwork for the MBO review was carried out from mid-September through to late October 2021. Forty interviews were carried out with 61 people from 25 organisations. The interviews were held with government agencies who oversee and support the implementation and enforcement of the MBO, and various private sector organisations that operate at the maritime border. Site visits to two ports were carried out.

A separate review of the border testing and vaccination arrangements at the maritime and aviation borders was undertaken at a similar time.⁵ Some people were interviewed for both reviews.

The valuable contributions of everyone interviewed for the reviews is gratefully acknowledged.

Overview

Implementing the MBO requirements in a complex and dynamic maritime border environment with multiple stakeholders has been demanding.

Many new policies, guidance material and operational processes have been developed and implemented. As government officials' understanding of the maritime border environment has grown, various improvements to the MBO and the associated processes have progressively been made to better address public health risk and operational considerations.

Many aspects of the processes to implement and enforce the MBO are now well-embedded and, for the most part, working well.

⁴ The first tranche of the review was undertaken of the aviation border measures, with the report issued in October 2020. The terms of reference for the second tranche of the review was approved by the BEB on 29 July 2021.

⁵ This review looked at the arrangements to support compliance with the COVID-19 Public Health Response (Required Testing) Order 2020 and the COVID-19 Public Health Response (Vaccinations) Order 2021.

Having a clear lead government agency with responsibility for operational implementation and enforcement of the MBO has undoubtedly been instrumental, as has been the collaborative work of the various organisations, public and private, in achieving this positive outcome.

However, there have been, and continue to be, significant challenges and issues. The review has identified a number of areas for further improvement.

This should not detract from the achievements of all those involved in the endeavour of developing and implementing COVID-19 maritime border measures in a challenging, uncertain and resource-constrained environment.

Key findings

- The processes and controls to implement the core MBO requirements have matured and, for the most part, work reasonably well.
- The prescriptive nature of the MBO can lead to anomalies in implementation and have people and cost impacts. Processes are in place to fix these issues over time. However, a better understanding of the operational environment, along with more effective consultation processes, would increase the likelihood of getting it right at the outset.
- The variations in public health decision-making in different parts of the country, and different operational policies and protocols adopted by organisations, public and private, creates inconsistencies in the implementation of the MBO requirements and operational challenges.
- The practical feasibility of some public health measures are viewed to not always be well-thought through. Sufficient consideration is not given, and guidance provided, about how these measures are to be balanced with other legal and risk considerations.
- The handling of vessels with suspected and confirmed cases of COVID-19 over recent months has highlighted gaps and significant areas for improvement. A national framework is needed to enable greater consistency in how these vessels are managed, and protocols to enable the safe berthing, unloading and crewing of ships in this situation.
- Significant concern was expressed by the maritime sector about the difficulties in effectively collaborating with government, and getting clear advice and timely

progress on matters of concern. More effective communication, engagement and collaboration is needed. Sector forums and other mechanisms run by Maritime NZ that are now being used to progress priority matters are well-received.

- Working across government is also challenging. The main issues arise from cross-agency groups with overlapping work programmes, clunky information sharing processes, capacity constraints, and the changing and high-pressured environment.
- The plethora of guidance issued by different government agencies is not adequately user-focused. The guidance should be rationalised and simplified, with better strategies adopted to disseminate information.
- The presence of Customs officials at ports to monitor compliance with the MBO requirements has worked well to raise awareness and reduce non-compliance. However, it is the right time to reconsider the overall compliance and assurance approach in line with the more mature MBO processes and risk profile at the maritime border.
- The MBO will need to be reviewed in line with New Zealand's changing COVID-19 risk profile and strategy, and the recent changes in the aviation border settings.
- More broadly, greater clarity is needed about future COVID-19 maritime border policy settings in the Reconnecting New Zealanders to the World plan. There is an opportunity to achieve better alignment with the settings at the aviation border.

Recommendations

The recommendations arising from the review are set out below. Suggested owners (lead agencies or groups) for the recommendations are noted in square brackets at the end of each recommendation.

Sector engagement, collaboration and communication

1. Continue to progress the priority work streams under the current shared work programme between government and the maritime sector on managing COVID-19 in the maritime environment.
2. In conjunction with the maritime sector, determine the best approach to continue to communicate, engage and work together, and agree future priority matters for the shared work programme.
3. Use the sector forums to share information and collaborate with the maritime sector about the plans for the future maritime border scenarios under the Government's Reconnecting New Zealanders to the World plan.
4. Review, in conjunction with the maritime sector, the current approaches to consulting with the sector on changes to the MBO and other relevant COVID-19 orders. Make any changes needed.

[Maritime New Zealand]

MBO and associated requirements

Review of the MBO

5. Review the MBO in light of the recent changes to the aviation border settings, the wider public health settings and the intended move to the new COVID-19 Protection Framework. [Ministry of Health]

Public health decision-making

6. Gather further information about the approaches taken to public health decision-making under the MBO. Investigate whether there are interpretation issues and whether further protocols or guidance are needed to achieve greater consistency. [Ministry of Health]

7. Provide guidance to the maritime sector about the reasons for public health decisions to provide transparency and increase the knowledge and awareness about the different factors that are considered in making these decisions under the MBO and other legislation. [Ministry of Health]

Management of vessels with COVID-19

8. In implementing the recommendations from the joint-agency review of the incidents involving vessels with suspected or confirmed cases of COVID-19, ensure the following outcomes are achieved:
 - a national vessel management framework to enable greater clarity and consistency with which such vessels are managed
 - agreed protocols for how these ships could be berthed, unloaded and sufficient crewing maintained in line with safety outcomes
 - greater clarity in accountabilities and decision-rights of all those involved in the management of these vessels
 - improvements in information and communication flows.[Customs and Ministry of Health – with input from Maritime NZ]

Guidance material and dissemination of information

9. Review the guidance material on COVID-19 requirements at the maritime border, with a view to:
 - rationalise the guidance
 - make the guidance simpler, clearer, and user-focused
 - provide suitable visual collateral for front-line staff
 - provide guidance on how the requirements are to be considered with other legal and broader risk considerations, as relevant.

Seek feedback from the maritime sector in carrying out the review. The timing of this review may need to be sequenced with the plans for the future maritime border settings. [Maritime NZ – with input from Ministry of Health and Customs]

10. Investigate options for more structured and centralised dissemination of information about COVID-19 maritime border matters. [Maritime New Zealand]

Compliance and assurance strategy for the MBO

11. Review the current compliance and assurance strategy for the MBO to better align the assurance needed with the risk profile. Consider different ways of gaining the required assurance that takes into account the increased maturity in the operator processes and controls and other regulators' assurance processes. [Ministry of Health and Customs]

National Border Solution

12. Investigate whether the National Border Solution⁶ could be used to share pertinent information with the relevant maritime sector parties on the health status of vessels and crew. This would enable more efficient and effective information sharing. Privacy considerations would need to be carefully worked through. [Ministry of Health]

Some recommendations from the *Border Worker Testing and Vaccination Maritime and Aviation – Phase Two Review* are also relevant to this review. They are reproduced here for ease of reference.

Recommendations from the Border Worker Testing and Vaccination (Maritime and Aviation) – Phase Two Review relevant to this review

Recommendation 7

Review the operations of border sector and industry forums to find practical ways in which they can be improved. This could be achieved through structured debriefs with members of these forums. Work to provide early and timely advice through these forums about likely future border settings and changes to requirements. [Ministry of Transport and Maritime New Zealand]

Recommendation 8

Review policy setting processes to identify strategies and structured ways to further improve the knowledge and understanding of the operational environment. For example, this could include information gathering processes that incorporate site visits, discussions with the appropriate personnel, user group testing, etc., as relevant. [Ministry of Health]

Recommendation 9

Carry out work to identify the centrally-issued guidance that would be useful to support cross-agency working. For example, guidance on the different purposes for which groups can be set up, appropriate membership, recommended operating processes and practices, and templates. Develop and provide the guidance. [Te Kawa Mataaho Public Service Commission]

⁶ The technology platform used by Customs and the public health units to track and manage the movement and health status of vessels and crew.

Context and background

This part of the report sets out some context and background relevant to the review.

It also sets out the purpose, scope and approach to the review.

The maritime sector

The economic contribution the maritime sector makes to New Zealand is significant. The sector supports our international supply chains. The country's 14 commercial ports handle over \$70 billion of exports and \$67 billion of imports transported by sea.⁷

The Ministry for Primary Industries has approved the places of first arrival for vessels at the following locations – Northland, Auckland, Tauranga, Waikato (Taharoa), Gisborne, Napier, New Plymouth, Wellington, Picton, Nelson, Christchurch (Lyttelton), Timaru, Dunedin (Port Chalmers) and Invercargill (Bluff and Tiwai Point).⁸ Commercial vessels can only arrive at certain ports. Auckland and Tauranga are the two busiest ports for first arrivals.

Typically around the country at any given time there will be on average 30 commercial vessels in port with on average about 600 crew on the vessels in port. There are usually about 400 - 470 small craft⁹ arrivals between October and December each year.¹⁰

A wide range of organisations operate at the maritime border. They include port companies, stevedores, agents, exporters, importers, charterers, ships and crew, suppliers, engineers, maintainers, and regulators.

The Maritime Border Order

The initial COVID-19 Public Health Response (Maritime Border) Order 2020 took effect at 11.59 pm on 30 June 2020 restricting which ships could arrive in New Zealand and putting in place isolation or quarantine requirements for people who arrive by sea.

⁷ Maritime New Zealand, Briefing to the Incoming Minister, November 2020.

⁸ [Places of first arrival – seaports | NZ Government \(mpi.govt.nz\)](#)

⁹ Small craft includes pleasure craft (less than 30m in length) and superyachts (30m or more). Most of the pleasure craft are directed to Opuia on arrival. Superyachts typically have booked berths at Auckland.

¹⁰ Interagency Operational Instruction, 2020 COVID-19 Response, 4 September 2020, Version 1.0 Maritime Border Order (No 2) Implementation.

This order was replaced by the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (the MBO) with effect from 6 September 2020.

The purpose of the MBO is to prevent, and limit the risk of, an outbreak, or the spread, of COVID-19 by restricting which ships may arrive in New Zealand; continuing isolation and quarantine requirements for people who arrive in New Zealand by sea; and enabling the safe transfer of crew.

Four further amendments to the MBO – on 20 and 23 December 2020, 4 March 2021 and 21 June 2021 – were considered in the review.¹¹

The amendments have introduced new requirements, changed or clarified the requirements.

The main MBO requirements

In general terms, the key requirements in the MBO are:

Restrictions on ships arriving in New Zealand.

- New Zealand registered ships are able to enter New Zealand provided the master of the ship is reasonably satisfied that every person on board is either a New Zealand citizen or meets the visa requirements.
- Foreign-flagged ships are not permitted to arrive in New Zealand unless they are cargo ships, fishing vessels, or have an exemption to do so from the Director-General of Health for certain situations. Any non-New Zealand citizens on board must meet the necessary visa requirements. Additionally, they are allowed to arrive if every person on board is a New Zealand citizen.

Extended notification of arrival

- The master of the ship is to give 168 hours' notice of arrival before the ship arrives in New Zealand.¹² This is done through submission of the **Extended Notice of Arrival** with various information required, including health status. This requirement is in addition to the existing advance notification requirements discussed below.

¹¹ There have been further amendments to the MBO since this date, which were outside the scope of the review.

¹² If this is not practicable, the master must give notice when the ship departs for New Zealand (clause 14 (3), MBO)

Isolation, quarantine and testing of arrivals by sea

- The majority of arrivals by sea have to isolate or quarantine on board their ship or at a managed isolation and quarantine facility (MIQF) for at least 14 days since the last port of call or since it last took crew¹³.
- Every person on board the ship has to meet the 'low-risk indicators'¹⁴, as verified by a medical officer of health or a health protection officer, before that person may enter the community.
- They are also required to undergo testing and medical examination, if directed by a medical officer of health or a health protection officer, at any time during their required period of isolation or quarantine.
- The relevant port company must ensure that the prescribed isolation and quarantine signage is visible and secure, immediately adjacent to the every point of egress between the ship and shore.

Disembarking and boarding a ship

- Crew can disembark the ship to undertake certain essential tasks but are required to take reasonable steps to minimise the risk of spreading COVID-19. The steps include remaining as close as practicable to the ship, maintaining physical distancing from people not on the ship and wearing personal protective equipment (PPE) if they are likely to come into close contact with a New Zealand based person.
- Only people undertaking necessary tasks can board a ship. They too must take reasonable steps to minimise the risk of spreading COVID-19 by minimising the time spent on the ship, physical distancing from anyone in isolation or quarantine and wearing PPE in line with the relevant guidance.

Crew transfers

- There are some exemptions for certain crew departing New Zealand (by air or sea) or arriving to join a ship. In essence they can travel directly to their destination before completing the required period of isolation or quarantine if the flight is departing on the same day or they are boarding a ship as close to the time of

¹³ The last point of contact as defined in clause 4 of the MBO.

¹⁴ Defined in clause 4 of the MBO.

departure as reasonably practicable. If this does not happen in the timeframe, they are required to or may be transferred to a MIQF. The travel must be in accordance with approved transport plans and be done as quickly and directly as possible.

- Crew leaving the ship to depart New Zealand by air are required to undertake a COVID-19 test no earlier than 72 hours before the scheduled departure of their flight.

Monitoring compliance with the health and isolation requirements at the maritime border

Customs took on new responsibilities for implementing the operational aspects of the MBO, and monitoring compliance with the requirements.

This included the rapid establishment of a new operations group, and the recruitment and training of over 200 new staff. Customs now has sufficient presence at every port to monitor health and isolation requirements for all international vessels, crew and port workers, and facilitate safe access to medical support if required.

Customs' role includes patrolling port facilities to make sure people working on or around vessels comply with health protocols and MBO requirements, including maintaining hygiene, physical distancing, and the requirements for PPE. It also oversees crew transfers and shore leave requirements, coordinating with the Ministry of Health, local public health units and Managed Isolation and Quarantine (MIQ) staff to ensure the safe and effective testing and movement of those seeking to enter New Zealand.

There were 3,152 instances of non-compliance with the MBO identified by Customs staff present at international ports in the 2020-21 year.¹⁵

Other key maritime control measures

There are some other key maritime control measures that assist in the management of COVID-19 risk at the maritime border. Some of these are pre-existing requirements in place before the COVID-19 pandemic.

¹⁵ Customs, Ripoata ā-tau Annual Report 2021, page 105.

Advanced notification of arrival

There are three main reports that must be submitted by vessels before they arrive. This is in addition to the requirement under the MBO to submit an extended notice of arrival. The ship's master is required to submit this information.

- An **Advance Notice of Arrival** is required to be completed at least 48 hours before arrival in New Zealand territorial waters. The form contains information about the ship such as voyage details, information about the crew, passengers and cargo, health protection and quarantine information and biosecurity information. The form is provided to border agencies and a medical officer of health or health protection officer at the port of arrival.
- A **Maritime Declaration of Health**¹⁶ is also required to be submitted with the Advance Notice of Arrival to the medical officer of health or the health protection officer.
- A **No Change in Health Status** confirmation is required to be submitted by the ship's master 12-24 hours before arrival to health officers at the ship's port of arrival.¹⁷

Granting of pratique

Health officials may grant quarantine clearance (pratique) if:¹⁸

- the advance notice of arrival form is received within the prescribed time;
- a no change of health status is received within 12-24 hours of arrival; and
- the medical officer of health or a health promotion officer is satisfied there is no quarantinable disease or other public health threat on board the ship.

Advice that pratique has been granted must be given to the ship's master and agent. Copies should also be provided to other parties such as harbourmaster and/or pilot, Customs and the Ministry for Primary Industries.

¹⁶ This information ensures compliance with Article 37 of the International Health Regulations 2005.

¹⁷ Required under the Health (Quarantine) Regulations 1983, regulation 10.

¹⁸ The Health (Quarantine) Regulations 1983, regulation 13.

Border worker testing and vaccination

There are two other Orders implementing key COVID-19 control measures at the maritime border. They are:

- the COVID-19 Public Health Response (Required Testing) Order 2020, which requires routine testing of certain border workers for COVID-19 at MIQF, and the aviation and maritime borders.
- the COVID-19 Public Health Response (Vaccinations) Order 2021, which makes it mandatory for border workers carrying out certain types of work at the border or an MIQF to be vaccinated against COVID-19.

These orders were not in scope of this review as they were covered in a separate review.

The main parties involved at the maritime border

The main parties involved at the maritime border relevant to the review are set out below.

TABLE 1: THE MAIN PARTIES INVOLVED AT THE MARITIME BORDER

Name	Role and responsibilities
Ministry of Health	<ul style="list-style-type: none"> • Leads New Zealand’s health and disability system and the COVID-19 pandemic response. • Its COVID-19 responsibilities include leading the development of policy, legislation, regulatory and operational policy, advice and guidance. It also coordinates district health boards, public health units and other health sector provider responses.
Customs	<ul style="list-style-type: none"> • Lead agency for the operational implementation of the MBO and response to quarantine-related incidents at the maritime border. • Provides the intelligence picture for vessels, cargo and crew. Coordinates with other government agencies and overseas customs and border authorities to gather and disseminate information. • Monitors compliance with the MBO requirements. Customs officers are authorised by the Director-General of Health under the COVID-19 Public Health Response Act 2020 to carry out the functions and powers of an ‘enforcement officer’ for the purpose of assisting in the implementation and enforcement of the MBO. As an enforcement officer under the Covid-19 Public Health Response Act 2020, Customs

Name	Role and responsibilities
	<p>officers do not have power to arrest and prosecute. They must refer these matters to the all-of-government compliance team for action.</p>
District Health Boards	<ul style="list-style-type: none"> Responsible for supporting the Ministry of Health in the pandemic response, at a regional and local level.
Public Health Units (PHUs)	<ul style="list-style-type: none"> Regional public health services are delivered by 12 district health board-owned PHUs and a range of non-governmental organisations. Provide environmental health, communicable disease control, tobacco control and health promotion services. Many of these services include a regulatory component performed by statutory officers appointed under various statutes, though principally under the Health Act 1956. These officers – medical officers of health and health protection officers – are accountable to, and subject to direction from, the Director-General of Health. These statutory officers have various responsibilities under the MBO, the Health Act 1956 and other legislation. Responsible for operational delivery of border health controls.
WorkSafe	<ul style="list-style-type: none"> New Zealand’s primary workplace health and safety regulator. WorkSafe is the health and safety regulator for land-based workplaces.
Maritime New Zealand	<ul style="list-style-type: none"> National regulatory, compliance and response agency for the safety, security and environmental protection of New Zealand’s coastal and inland waterways. Administers the Health and Safety at Work Act 2015 (HSWA) and associated regulations for work on board ships and where ships are places of work. Facilitates government and industry engagement on maritime matters. Provides COVID-19 health and safety guidance to the maritime industry. Works with international maritime transport bodies.
Ministry of Transport	<ul style="list-style-type: none"> The government system lead on transport, and steward of the transport regulatory system.
Ministry of Business, Innovation and Employment (MBIE) – Immigration New Zealand and MIQ	<ul style="list-style-type: none"> The lead government business-facing agency. Immigration New Zealand looks after New Zealand’s immigration law and rules, and processes applications to enter New Zealand in line with them.

Name	Role and responsibilities
	<ul style="list-style-type: none"> MIQ provides the managed isolation and quarantine system for COVID-19. They also approve the transport plans for crew travelling to/from ships, airports or places of managed isolation and quarantine on advice from a medical officer of health or health protection officer.
Port companies and operators	<ul style="list-style-type: none"> Operate and provide commercial and other port facilities and services in various places in New Zealand. Most of them are wholly or partly-owned by councils.¹⁹
Stevedoring and other organisations working at the maritime border	<ul style="list-style-type: none"> Stevedoring companies provide cargo loading and unloading services. Various other organisations provide services at the maritime border.
Shipping and fishing companies	<ul style="list-style-type: none"> Operate vessels that visit New Zealand shores to load or unload cargo or catch.
Ships' agents	<ul style="list-style-type: none"> Provide various services in planning and coordinating ship operations for ship owners, masters and others. For example, provide assistance with immigration and medical requirements, crew transfers, spares provisioning, repairs and maintenance.

Purpose, scope and approach to the review

Purpose

The purpose of the review was to provide assurance to the BEB that the required border measures are in place at the sea borders so that all people arriving in New Zealand are appropriately managed, minimising opportunities for the spread of COVID-19.

Scope

The scope included all activities relating to people arriving in New Zealand by sea, passengers and crew on commercial and private vessels, and any measures that are in place throughout the journey to New Zealand, including transit and handover processes related to the MIQ for arrivals by sea, and the appropriate use of PPE by border staff.

¹⁹ There are a variety of ownership structures.

The review considered the implementation and enforcement of the measures in effect as at 1 July 2021 as set out in the MBO and other associated requirements.

The review was focused on the high-level arrangements for the implementation and enforcement of the MBO. The review was not focused on the operational and public health decision-making about individual vessels, people or other specific matters.

Areas out of scope of the review were processes for departing New Zealand, the operation of the MIQ facilities for maritime arrivals, and individual agencies' policies, processes and controls for compliance with the Health & Safety at Work Act 2015.²⁰

Approach

The approach to the review was aimed at understanding and assessing the arrangements to support the implementation and enforcement of the MBO and the associated key requirements in the end-to-end maritime border process.

The review considered the sufficiency of the arrangements, controls and assurance processes that government agencies have in place to ensure that the border measures are implemented and enforced consistently across the end-to-end process. The review also focused on identifying any gaps in policy/standards. It was not within the scope of the review to examine the effectiveness of individual controls but to consider the overall adequacy of the arrangements, and to consider any wider system-level issues.

The approach involved:

- Gathering, reviewing and analysing relevant documentation on the requirements of the MBO and the associated requirements and guidance, and the arrangements involved to implement and enforce these requirements. The focus was not on a detailed examination of processes and controls.
- Interviewing various people from the government agencies and private sector organisations involved in the COVID-19 maritime border arrangements and operations (see appendix two).
- Site visits to CentrePort on 30 September 2021 and Lyttelton Port on 20 October 2021.
- Progress meetings with the primary contact for the review.

²⁰ Border measures set out in other orders such as border worker testing and vaccination were also not in scope, as these measures have been subject to other reviews.

- Preparing and issuing the draft report on 8 November 2021 for feedback and comment from government agencies.
- Considering the feedback provided, and issuing the final draft report on 26 November 2021 for BEB consideration.
- Issuing the final report on 9 December 2021.

The review was carried out with the assistance of the Principal Advisor, Assurance from Customs' Risk, Security and Assurance team.

Detailed findings and observations

Implementing the COVID-19 maritime border measures

Overall – processes and controls

The processes and controls to implement the requirements of the MBO in the end-to-end maritime border process have had time to bed-in and become more mature.

Most processes are now considered a routine part of maritime border operations. For the most part, they are considered to work well, albeit with challenges in some areas, as discussed later in the report.

Many new operational policies, protocols and processes have been developed and implemented to give effect to the MBO. These include processes for the extended notice of arrival, exemptions for visiting vessels, testing and isolation of people on board the vessels, crew transfers, shore leave, PPE and infection prevention control measures, and monitoring of compliance.

Various issues have been identified and ironed out along the way. Many of these issues were viewed to have arisen because health policy makers were starting from a lower base of knowledge about the maritime border. A number of people interviewed were also of the view that assumptions were made that measures at the aviation border could be similarly applied at the maritime border. However, others pointed to other reasons that were at play, as illustrated by the example below.

The first MBO²¹ required that the 14-day isolation period for arrivals by ships was to be counted from the time the ship first arrived in New Zealand.²²

Significant changes were made to the second version of MBO which took effect from 6 September 2020 to allow the 14-day isolation period to take into account time spent at sea, by starting the isolation period from the time of departure from the last port of call to New Zealand (with some exceptions, for example, where there was contact with people not already on board the ship in certain situations).

The review was told that some of the reasons for the initial policy settings was a still developing understanding of the virus and because there was no testing available for crew.

²¹ COVID-19 Public Health Response (Maritime Border) Order 2020 that came into force at 11.59 pm on 30 June 2020.

²² There were various other requirements if new people joined the ship and different requirements for Antarctic ships.

A few people from the maritime sector commented that well before the MBO first came into effect on 30 June 2020, the sector had already implemented various public health controls such as mask-wearing, physical distancing, creation of 'bubbles'. As one person put it 'from day one we treated the port environment as through COVID was here, we were waiting for the Ministry of Health to catch-up'.

Significant new operations have been effectively stood up to deliver the new MBO requirements. For example, the new Customs maritime border team with over 200 new staff to lead the operational implementation and enforcement of the MBO.

Another example is the planning and execution of the various arrangements made to manage the arrival processing and on-board crew isolation for all arriving small craft at Opuia marina in the Bay of Islands during the traditional small craft season from October to December 2020. Excellent inter-agency operational instructions were prepared to facilitate this. Plans for the 2021 season were well underway at the time of fieldwork for this review.

A new technology platform, the National Border Solution (NBS)²³, has been developed and is used with good effect by Customs and PHUs to track the movement and health status of vessels and people arriving and leaving New Zealand shores. There is some variability in how it is used between PHUs. Standard operating procedures would be helpful but has not been progressed because of a lack of resource.

The main issues in the end-to-end maritime border process that have, and that continue to occur, largely happen in the processes on arrival into New Zealand. These issues relate to anomalies that can arise in the MBO and the variability in the public health decisions relating to pratique, testing and isolation of crew, when they can disembark and crew transfers. Different port protocols also cause operational challenges. In more recent months, the handling of vessels with suspected or confirmed cases of COVID-19 have proved problematic. These matters are discussed on pages 22 - 25.

Overall, much has been achieved to effectively implement the MBO requirements over the last 16 months, which is a credit to all involved in making this happen.

²³ An information management system on a Salesforce platform that is used to track and manage vessels and people movements and compliance with MBO and other COVID-19 requirements. It is also used for the management of people in MIQF.

Anomalies, inconsistencies and issues

The prescriptive nature of the MBO

The prescriptive nature of the MBO can lead to anomalies in implementation or interpretation issues. Processes are in place to change the MBO to fix these issues over time, but it can cause significant operational challenges, and have people and cost impacts until this is done.

The isolation requirements is one such area that has required changes to address unintended situations from occurring. For example, changes were made to the MBO with effect from 21 June 2021 to provide a new exclusion from the isolation requirements. The obligation to remain in isolation or quarantine does not apply to a person who arrives in New Zealand on board a ship after it travels only within New Zealand's exclusive economic zone, subject to conditions being met.

This change was made to avoid the unintended consequence of isolation being required where ships travel outside of the 12 nautical mile boundary to move to ports or places within New Zealand (and therefore technically leave New Zealand for the purposes of the MBO).

Other clarifications have been required about the requirements that apply to crew transfers, and the implications of different alert levels in different parts of the country.

An improved understanding of the operational environment, along with more effective consultation processes, would increase the prospect of getting the MBO right at the outset.

The lack of sufficient understanding of policy makers about the operational environment also raised as an issue in the development of the guidance about what is meant by 'on and around a ship' in determining who was subject to the mandatory vaccination order – as discussed in the border worker testing and vaccination review. A recommendation has been made to address this issue.

Variability in public health decision-making

The variations in decision-making by PHUs in different parts of the country can create inconsistencies in how the MBO is implemented, and other health decision-making processes. This can be in relation to testing and isolation requirements for crew and border workers, berthing protocols, etc.

The main areas where these differences were said to manifest are in the processes following pratique being withheld, whether crew should isolate on board or in MIQF, and in assessments whether crew meet the low-risk indicators before they are allowed to disembark ships permanently to enter New Zealand or temporarily for shore leave. There are variations also in the requirements for the transport plans to and from MIQF.

Comments were made in interviews that there can be differences between regions and also within the same PHU. It would seem on the face of some examples provided, that there could be issues in whether the MBO is being interpreted correctly. Further work would be needed to understand the facts of each situation to assess if this is the case, which is not within the scope of this review.

Accepting that ultimately health decisions are made based on the facts and circumstances of each situation in accordance with the law, there is clearly room for further clarity in the guidance and protocols how these matters are considered and dealt with.

This would help increase the awareness and understanding of the different factors that are considered in making these decisions. The rationale behind the public health decision-making is not always evident to people subject to these decisions. Several people commented that 'the abundance of caution' seemed to be the prevailing philosophy rather than a focus on robust risk assessment.

MIQ constraints

The constraints in the MIQ system leads to some logistical challenges in accommodating arrivals by sea and crew transfers. The frequent changes in crew plans and movements add to the challenge.

There is currently a maritime crew allocation of 80 beds at MIQ largely at Auckland, with some beds in Christchurch and Rotorua. Arrivals by small craft, fishing crew (covered by a different allocation) and returning New Zealand seafarers are not covered in this allocation. If more beds are unexpectedly required, they are taken from the general pool. This highlights the well-known constraints around the MIQ system with demand for spaces well in excess of supply.

For the most part, through good logistical planning, these matters are managed as best they can be given the constraints.

Differences in port protocols

The variations between ports in the policies and protocols they adopt for crew transfers and granting berths also create operational challenges.

These policies reflect each organisation's decisions in line with the law, their risk appetite and other considerations. Some of the protocols are over and above the requirements of the MBO. Some of these reasons why these protocols have been put in place are discussed on page 28.

A commonly cited example was the additional isolation requirements placed on on-signing crew at some ports.

The differences have also been evident in the requirements placed on vessels with suspected or confirmed cases of COVID-19, and the granting of berths. In some cases the different protocols have been helpful in accommodating these vessels.

Management of vessels with cases of COVID-19

The management of four vessels that visited New Zealand shores over July – September 2021 with suspected or confirmed cases of COVID-19 has drawn attention to gaps and significant areas for improvement.

The BEB commissioned a joint agency (Ministry of Health and Customs) review of the five incidents involving these four vessels to inform system-wide improvements, which has recently been completed. All the incidents required a response to be stood up by Ministry of Health's Incident Management Team and the Customs-led All-of-Government Operational Management Team. A summary of these incidents is in appendix three.

Whilst the MBO has been considered sufficient to manage the risk of community transmission of COVID-19, on the presentation of suspected or confirmed positive COVID-19 cases on board a ship, a host of other health requirements and operational considerations came into play, including where these vessels could be safely berthed. This had not been foreseen.

Some undesirable situations unfolded. For example, border workers worked on the Rio De La Plata which had received pratique only to later find out that several crew on the ship had tested positive. The review was told about the significant concern this caused on the ground for all involved.

A primary area for improvement is a national vessel management framework to enable greater clarity and consistency with which such vessels are managed. Other areas for improvement are agreed protocols for how these ships could be safely berthed, unloaded and sufficient crewing maintained, greater clarity in accountabilities and decision-rights, and improvements in information and communication flows.

A number of people highlighted the critical need for the 'one source of truth' to underpin the various decisions that need to be made by various parties in these situations. The sharing of information between all relevant parties also came up as a more general area for improvement. A few people highlighted the email-heavy nature of the exchanges of information. There is potential for the NBS to be used a technology platform for more efficient and effective information sharing about the status of vessels and crew with relevant maritime sector parties. Privacy considerations would need to be carefully worked through.

Work is being progressed under government and maritime sector shared work programme to develop and implement consistent frameworks and protocols for managing vessels carrying suspected or confirmed cases of COVID-19. It was clear from interviews that this is a very high priority area to be resolved to appropriately manage public health risk and minimise supply chain disruption.

The compliance and assurance strategy for the MBO

As noted on page 13, Customs is responsible for monitoring and enforcing compliance with the MBO. It has a sufficient operational presence at every port to do so.

Staff patrol port facilities to make sure people working on or around vessels comply with health protocols and MBO requirements, including maintaining hygiene, physical distancing, PPE requirements and vessel signage. The patrols are done from a distance from cars and using binoculars, where needed. Based on the site visits and discussions with staff, there are some areas where loading and unloading of ships cannot be properly observed due to physical site layouts and health and safety considerations. CCTV²⁴ is not consistently available, and where it is, the quality is often not optimal.

Some maritime operators noted that, whilst they appreciated a regular Customs presence at the port and the effective day-to-day working relationships they had with staff, they were not convinced of the ongoing value of the Customs monitoring of PPE and physical distancing controls. This was because of the increased maturity of the systems and controls that individual operators have in place to ensure compliance that

²⁴ The CCTV at ports is owned and controlled by the port companies.

are typically part of their health and safety management systems, and other assurance processes they were subject to by other regulatory bodies like Maritime NZ and WorkSafe.

Another issue raised was that Customs' role did not have any 'teeth' as Customs officers do not have power to arrest and prosecute. They must refer these matters to the New Zealand Police for action.

The in-person monitoring of the compliance with the MBO requirements has worked well to raise awareness and reduce non-compliance. It has achieved good outcomes, with non-compliance rates significantly dropping over recent months.

It is clear that the time is right to reconsider the monitoring, compliance and assurance approach which better balances the level of assurance to the risk profile. For example, active monitoring could be undertaken for higher-risk vessels, and other ways of obtaining assurance could also be used such as operator certification, audits and site observation processes.

Different ways of gaining the necessary assurance should be investigated, which reflects the greater maturity in the operator processes and controls and that takes into consideration existing assurance processes by other regulators.

Balancing the MBO with other legal and risk considerations

The practical feasibility of implementing some public health measures is viewed to not always be well-thought through, and how they are to be balanced with other risk considerations.

A commonly cited example was the 'goggle issue' that has caused significant concern and consternation for port companies. The Maritime New Zealand guide *Managing COVID-19 risks on international vessels during pilotage, August 2021* sets out the various requirements for when pilots board international vessels during the COVID-19 pandemic. One of the requirements is that, once on board vessels, pilots are to wear eye protection (goggles or full face shields) to protect against COVID-19. Implementing this measure in some operational scenarios in which the pilotage occurs can create staff health and safety risks e.g. boarding in the dark or bad conditions, goggles fogging up, etc. It also creates risks to navigational safety. This issue has been raised with the regulator, and is being progressed through the government and maritime industry shared work programme, discussed on pages 27 - 28.

A broader issue was also raised in relation to managing the MBO alongside other legal obligations and risk considerations, such as the HSWA, business continuity, and supply chain disruption.

Early on, the relationship between the HSWA and MBO was not well-understood or described in guidance documentation. This has changed somewhat since then. However, many noted that COVID-19 guidance received is often mainly focused on public health risk and does not provide sufficient consideration and guidance about how the requirements need to be balanced with other legal obligations and risk considerations. This needs to be more of a focus going forward.

Communication and engagement with the maritime sector

Sector engagement and collaboration

A great deal of frustration and concern was expressed by many maritime stakeholders about how difficult it has been to effectively collaborate with government. They have not been able to get clear public health advice and direction, and timely progress on areas of concern, and what they have seen as gaps in public health policy. Offers of assistance to help with these matters have not been accepted. The areas include:

- testing and vaccination of seafarers - the need to test seafarers on arrival at the port of first call (particularly from high-risk countries) was said to have been raised as an issue 12 months ago. Some government agencies supported a pilot to test the feasibility of this measure but it was seen as too hard to implement. With regard to vaccinations, the views were that it was difficult for seafarers to be vaccinated when they were at sea for long periods of time, and New Zealand should be playing its part in vaccinating seafarers.
- the nature of Delta variant of the virus²⁵ and the risks and the operational implications it presents – for example, some people have been seeking advice about air filtration/exchange standards, separation of staff in bubbles, etc.
- mandatory vaccination of some parts of the maritime border workforce and not others. Vaccine requirements for access to physical sites was another area.

²⁵ One of the variants of the SARS-CoV-2 virus that causes COVID-19 that is now the dominant variant globally.

- handling of ships with positive COVID-19 cases on board.

As essential services enabling the effective operation of New Zealand's supply chains, ports and others in the maritime industry were also looking for advice about dealing with the significant change in the risk profile with the community outbreak in Auckland.

In the vacuum, many have carried out their own risk assessments, often working with international partners to understand COVID-19 developments, and introduced protocols for their ports. This has led to differences in how ports manage some activities, for example crew transfers, isolation and testing requirements, and granting berths. Some of these differences are driven by broader risk assessments that also consider other risks such as staff health and safety, continuity of business operations, and supply chain disruption.

Good progress has been made recently under the leadership of Maritime New Zealand to develop a shared programme of work to deal with the priority matters in managing COVID-19 in the maritime environment.

Sector forums and other mechanisms are now being used to share information, collaborate and progress these matters. As noted in the border testing and vaccination review, these forums have been well-received by the sector. There is more work to do to make these forums and information sharing processes work effectively but they provide a good basis for future collaboration.

Overall, much better communication, engagement and collaboration with the maritime sector is needed going forward.

Guidance material and dissemination of information

There is a plethora of guidance issued by various government agencies²⁶ about the COVID-19 maritime border measures. Much of this information is well-intentioned and carefully crafted. However, there is a lot of it and most of it is detailed and dense. It is also available on a number of government websites and some find the right information hard to locate 'they tell you it is on their website but it is really hard to find'.

Several people identified the need for the guidance to be rationalised, simplified and made more user-friendly.

²⁶ Agencies that issue COVID-19 guidance relevant to the maritime sector include the Ministry of Health, Customs, Maritime NZ, Immigration New Zealand and WorkSafe.

The material is mainly aimed at the organisations that are required to comply with the MBO requirements and those who have obligations under the HSWA, and less so at front-line workers and crew. Several people commented that it is hard to effectively communicate the requirements to staff on the ground without simpler guidance expressed in lay terms, articulating the ‘why, what and how’.

Visual collateral such as posters is helpful for front-line staff. English is not always the first language for the staff and crew. Individual organisations can interpret government guidance and prepare such collateral, but nationally consistent guidance would be preferable, in the same manner as the other national collateral like the QR code posters. Such collateral helps provide confidence in the authoritative public health basis for the requirement.

A few people also said that the guidance is not provided in a way that helps explain the totality of the measures and the risk-based reasons for them. A comment was made that most in the sector are well-versed in understanding and managing operational health and safety risks and carrying out risk assessments. However, they had never seen a public health risk assessment that underpinned the MBO requirements.

As noted in the border worker testing and vaccination review, more thought needs to be given to how government agencies disseminate information to the various stakeholders about the requirements. It is no doubt challenging for government agencies to keep these documents in line with good practice and up-to-date, given the changing nature of the guidance. However, it is a key way of educating and raising awareness and ultimately achieving compliance.

Working across government

A Maritime Senior Officials Group (maritime SOG) has recently been set up to provide a strategic focus on the maritime border. A maritime working group has been operating for some time to support cross-agency working in the maritime space. Two separate senior officials groups are set up to support the implementation and operation of the testing and vaccination orders for the border workforce.

Several comments were made in interviews about the challenges in working across government in the COVID-19 environment.

The main issues arise from multiple cross-agency groups with overlapping work programmes, clunky information sharing processes, capacity constraints, and working in a constantly changing and high-pressured environment. Staffing changes and capacity issues at the Ministry of Health causes bottlenecks, as most decisions ultimately

need health sign-off. There is a lack of clarity in some areas on who is the lead agency on particular matters.

These two comments sum up the general themes that came up in interviews: “Even if it seems simple, when it comes to COVID it is always harder and more resource-intensive than you would think” and “The response has very little strategy about it – very reactive, even when we are well past a crisis response”.

Similar themes also arose in the border worker testing and vaccination review. That review has recommended that central guidance be provided to support the effective set and operation of cross-agency groups.

Future maritime border settings

Recent changes to public health settings

Recent changes have been announced to MIQ for international arrivals by air. From 14 November 2021, they are only required to spend seven days in MIQ with a further three days in home self-isolation.²⁷ All non-New Zealand travelers by air are now required to be fully vaccinated.²⁸

Various other changes have recently occurred to wider public health settings in light of the community outbreak in New Zealand, increasing vaccination rates and the intended move to the new COVID-19 Protection Framework.

The MBO will need to be reviewed, in light of these significant changes in context and risk profile.

Future COVID-19 maritime border settings

Finally, and more broadly, the review has highlighted that the legal frameworks and the strategic and operational considerations at maritime border have been generally less well-understood than at the aviation border.

Views were expressed that over the years the maritime border has not had the same level of government attention as the aviation border – in terms of policy development, technology investment, and process improvement – particularly given the significance

²⁷ “First step in managed isolation changes; expanding QFT with Pacific”, 28 October 2021, (www.covid19.govt.nz)

²⁸ This is a requirement from 1 November 2021.

of maintaining effective supply chains for New Zealand's economic and wider wellbeing and the need to effectively manage the risks involved in the movement of vessels, people and cargo.

The maritime industry is looking for greater information and clarity about future maritime border scenarios to allow them to plan with greater certainty.

Early work is now underway under the oversight of the maritime SOG to ensure the maritime border is given sufficient consideration in New Zealand's wider response to COVID-19, and the Reconnecting New Zealanders to the World programme. The timeframe for this work is not yet clear but it is important that the opportunity to achieve better alignment between the aviation and maritime border settings is not missed, and that work is progressed about future maritime border settings.

Limitations and disclaimer

This report was prepared solely in accordance with the terms of reference for this engagement and for no other purpose. We disclaim any responsibility for the use of the work for a different purpose or in a different context.

The report is provided solely for the purpose of assisting the Border Executive Board with advisory services and is not to be used for any other purpose or distributed to any other party without our consent. Other than our responsibility to the Border Executive Board, we undertake no responsibility arising in any way from reliance placed by a third party on our work. Any reliance placed is that party's sole responsibility. Accordingly, we accept or assume no duty, responsibility, or liability to any other party in connection with this report or this engagement.

This report is based on information provided by the Border Executive Board and agencies and/or interviewees made available by it. We have considered and relied on this information. We have assumed that the information provided was reliable, complete, and not misleading.

The work was not performed in accordance with any generally accepted auditing, review or assurance standards in New Zealand and accordingly does not express any form of assurance. None of the advisory services constitute any legal opinion or advice. The work did not involve any form of inquiry to detect fraud or illegal acts.

Appendix one

Terms of Reference

Review of COVID-19 Maritime Border Measures (Tranche Two)

Purpose

The purpose of this review is to provide assurance to the Border Executive Board that the required border measures are in place at our sea borders so that all people arriving in New Zealand are appropriately managed, minimising opportunities for the spread of COVID-19.

Background

A range of border measures have been implemented since February 2020 to reduce the risk of COVID-19 affecting New Zealand. These include restrictions on who can travel to New Zealand, processes to manage air and sea arrivals to ensure physical distancing etc., and the introduction of managed isolation and quarantine facilities. In July 2020, the Border Sector Governance Group (BSGG) commissioned Venter Consulting to provide assurance to the BSGG that the required border measures are in place to manage people arriving through New Zealand's borders, minimising opportunities for the spread of COVID-19. The review was divided into two tranches, with Tranche One focussing on the Aviation border processes and Tranche Two on Maritime.

As part of the Tranche One review, Venter Consulting was asked to look at whether the measures in effect as at 1 July 2020 were in place across the end-to-end aviation border process, identify any gaps in policy/standards and/or inconsistencies in implementation, and provide recommendations for action as needed. In December 2020, the BSGG considered and accepted the recommendations contained in the Tranche 1 Report and commissioned an implementation plan to progress the recommendations.

The Maritime Border Order, which came into effect on 30 June 2020 (version No 2 on 6 September 2020), separates out the Air and Maritime borders and provides unique requirements for the maritime border. The COVID-19 Public Health Response (Maritime Border) Order 2020 (MBO) outlines its purpose and provides the framework to manage commercial vessels, small craft and their crew through New Zealand's international

maritime ports to ensure our Maritime border is not a vector for COVID-19 to enter our community.

While many of the recommendations from the Tranche One review are applicable across the entire border system and will be implemented at both air and sea borders, an independent assurance review of the maritime domain is required in recognition of the uniqueness of the maritime environment.

Scope

The scope includes all activities relating to people arriving in New Zealand by sea: passengers and crew on commercial and private vessels. It includes any measures that are in place throughout the journey to New Zealand, including transit and arrival processing in New Zealand.

The review will consider the measures in effect as at 1 July 2021. The current border measures, standards and expected practices for managing the risks of COVID-19 reaching and being transmitted in New Zealand are set out in the Maritime Border Order 2020, and other relevant orders, under the COVID-19 Public Health Response Act 2020, and the associated requirements on the Ministry of Health website.

The scope includes the transit and handover processes related to the MIQ for arrivals by sea, and the appropriate use of Personal Protective Equipment (PPE) by border staff.

Out of scope

This review does not include:

- Processes for departing New Zealand
- Operation of the MIQ facilities for maritime arrivals.
- Individual agencies' policies, processes and controls for compliance with the Health & Safety at Work Act 2015.

Review focus

The Tranche Two review will focus on the border process for passengers and crew as follows:

Commercial shipping

- Pre-border (i.e. any departure screening, the journey itself)

- Arrival processes in New Zealand (disembarkation, customs clearance, biosecurity clearance)
- Managed isolation and quarantine handover/transfer processes
- Crew changeovers, crew transfers, and shore leave
- Loading, unloading and other processes involving potential interactions between ship-based and shore-based staff
- Provisioning

Private vessels

- Pre-border (i.e. any departure screening, MoH and MBIE exemptions, and the journey itself)
- Arrival processes in New Zealand (disembarkation, customs clearance, biosecurity clearance)
- Managed isolation and quarantine handover/transfer processes
- Isolation on board and any interactions (or potential interactions) with other vessels or people for those in isolation
- Crew changeovers
- Provisioning

For each of these two segments, the review will consider:

- Implementation and enforcement against the border measures, standards and requirements set out in the Maritime Border Order, and other relevant orders, under the COVID-19 Public Health Response Act 2020, and the associated requirements on the Ministry of Health website
- Any identified gaps in policy/standards arising during the course of the review
- The consistency with which processes to manage these risks are applied
- The sufficiency of controls to manage these risks.

Stakeholders

This review will involve the following agencies and organisations:

- Border Executive Board
- NZ Customs Service (Customs)
- Ministry of Transport
- Maritime NZ
- Ministry of Health, relevant District Health Boards and Public Health Units
- Ministry for Primary Industries (MPI)
- NZ Police
- Ministry of Business, Innovation and Employment (MBIE) including Immigration NZ and Managed Isolation and Quarantine
- Port Authorities – particularly Ports of Opuha, Auckland, Tauranga, Napier, and Bluff (site visits will be undertaken to a sub-set of these ports)
- Stevedoring, supply and other companies or organisations that work in ports
- Shipping companies and their representatives

Input may also be sought from staff unions as appropriate.

Review arrangements and timing

The review will be led by Wendy Venter of Venter Consulting, supported by the Principal Advisor Assurance, New Zealand Customs.

A draft report for Tranche Two of the review will be available for comment no later than 24 October 2021 with a final report to be provided by 1 November 2021.

A report to the sponsor presenting the findings, including an assessment of the adequacy of the current arrangements, the reliability of their application, and any areas of improvement required.

The draft report will be provided to the sponsor and the Border Executive Board for comment and feedback before it is finalised.

Key contacts

The sponsor for this review is Christine Stevenson, Chair of the Border Executive Board. The key contact for this review is the Deputy Executive Director of the Border Executive Board.

Approval of the terms of reference

The original terms of reference for this review was approved by the Border Executive Board. The review commenced on 29 March 2021, but was paused soon after to focus on the Review of the Border Worker Testing Arrangements that was completed on 21 June 2021. These amended terms of the reference were approved by the Border Executive Board on 29 July 2021.

A revised timeframe of 9 November 2021 was agreed for the issue of the draft report. This was because of the delays experienced from the impact of the COVID-19 community outbreak in New Zealand and the resulting lockdowns.

With regard to the port site visits, it was also agreed that taking into consideration the good engagement with maritime stakeholders and the need to complete the review in a timely manner, a visit to two ports would be sufficient to meet the terms of reference.

Appendix two

Interviews

People from the following organisations were interviewed for the review. The number of people interviewed from the organisation is noted in brackets.²⁹ A separate review of the border worker testing and vaccination arrangements at the maritime and aviation borders was undertaken at the same time. Some of the interviews were for both reviews.

Government agencies

Border Executive Board (1)

Ministry of Health (1)³⁰

New Zealand Customs Service (11)³¹

Ministry of Transport (3)

Ministry of Business, Innovation and Employment (4)

Maritime New Zealand (2)

Ministry of Foreign Affairs and Trade (1)

Private sector organisations

Ports of Auckland (2)

Port Taranaki (1)

Eastland Port (2)

Napier Port (2)

²⁹ This includes interviews and discussions during site visits.

³⁰ Interview with the Border Operations team. Interviews were also sought with the Policy team but were not able to be facilitated. Interviews were not sought with the public health units as the review was advised that the best way to get an overall and national perspective on public health matters (in keeping with the scope of the review) would be through discussion with the Border Operations team.

³¹ Some interviews took place in April 2021 before the review was paused. New interviews were conducted to get the latest situation and perspectives.

CentrePort (2)

Port Nelson (2)

Lyttelton Port Company (8)

Independent Chair of the Port Company CEO Group (1)

C3 Ltd (2)

Wallace Investments Ltd (4)

SSA NZ Ltd (3)

Independent Stevedoring (2)

Thompson Port Agency (1)

Aranui Shipping Ltd (1)

Sealord (2)

Merchant Services Guild (1)

Maritime Union of New Zealand (1)

Rail and Maritime Transport Union (1)

In addition some people from two government agencies, a port company, a stevedoring company and two unions were given the opportunity to contribute but either declined or no response was received.

Appendix three

Summary of incidents involving vessels with suspected or confirmed cases of COVID-19

The information in the table below is taken from the joint agency review *Review of Maritime COVID-19 Border Incidents July – September* commissioned by the BEB that was completed in November 2021.

Vessel and dates	Summary of incidents
<p>Viking Bay (fishing vessel) – July 2021</p>	<ul style="list-style-type: none"> • After the vessel departed New Zealand in June 2021, government officials became aware of a positive COVID-19 test for one crew member. The decision was made to return to New Zealand. • The vessel was docked at a secure berth at Queen’s Wharf on 12 July 2021 in Wellington Harbour at significant cost to Customs. No other port would accept the Viking Bay for a 14-day quarantine. • The isolation and quarantine of the crew was managed on board the ship and in Wellington MIQF. • It was later granted pratique and departed Wellington on 2 August 2021.
<p>Playa Zahara (fishing vessel) – July 2021</p>	<ul style="list-style-type: none"> • The vessel had last visited New Zealand in June 2021 for a crew change in New Plymouth. A further crew change was planned for July 2021. • Following advice that the crew had been experiencing illness, the crew were required to undertake tests at Port Taranaki on 13 July 2021 before returning to anchorage awaiting results. • Positive results were returned for most of the crew on 15 July 2021. On 18 July 2021, the ship berthed at Lyttelton Port. The port company had agreed to provide a secure berth for quarantine. • The isolation and quarantine of the crew was managed on board the ship and in Christchurch MIQF. The ship departed New Zealand on 29 July 2021.
<p>Mattina (cargo vessel) – July – August 2021</p>	<ul style="list-style-type: none"> • The vessel arrived in Bluff on 18 July 2021. The master had previously advised authorities that there were two symptomatic crew on board. • Pratique was withheld, and all crew were tested. Most of the crew returned positive results. Two crew required hospital care. The isolation and quarantine of other crew was managed in Christchurch MIQF and agreed isolation accommodation in Southland. • Pratique was granted on 18 August 2021 allowing the cargo to be unloaded and loaded.

Vessel and dates	Summary of incidents
<p>Rio De La Plata (container vessel) - two visits in August and September 2021</p>	<ul style="list-style-type: none"> • The vessel departed Australia for Tauranga on 25 July 2021. On 3 August 2021, Maritime NZ was notified that an Australian pilot who had been on board had tested positive for COVID-19. • An initial assessment by the Ministry of Health concluded that it was a low-risk situation, based on the likely infectious period. The local PHU was not made aware of this information. • The ship was granted pratique and berthed in Tauranga on the afternoon of 4 August 2021, and cargo unloading began. • Later that evening the PHU called a halt to cargo operations on becoming aware of the information. The PHU were advised of the initial Ministry of Health risk assessment and decided cargo unloading could recommence. • The vessel was due to travel to Napier on 9 August 2021. Napier Port carried out their own risk assessment and specified that all crew be tested for COVID-19 before arrival. The testing was carried out on board the ship on 7 August 2021, while it was docked at Tauranga. • On 8 August 2021, positive results were returned for several crew. Permission to dock in Napier was not granted. The ship decided to depart for Malaysia to avoid disruption. Authorities were advised that the ship would complete a full crew change before returning to New Zealand. • The ship returned to New Zealand waters on 10 September 2021. The master indicated there were no health concerns regarding the crew on the required notifications. Pratique was withheld because of the knowledge of prior infection and that the planned crew change had not occurred. • The Port of Tauranga admitted the vessel into port on 11 September 2021 to allow testing of the crew before the vessel returned to anchorage. • Government agencies worked with stevedoring companies to develop a contactless cargo unloading procedure should it have remained in quarantine. This was not required in the end, as the ship was granted pratique on 14 September 2021 after test results.