Review of COVID-19 Border Measures – Tranche One (Aviation)

Border Sector Governance Group

Final report

2 October 2020

Venter Consulting

Contents

Executive summary **3**

Overview 3

Key themes 4

Recommendations 9

Part 1: Introduction **12**

Background 12

Purpose and scope of the review 12

The approach to the review and report structure 13

Acknowledgements 14

Part 2: Context and background **15**

Context 15

New Zealand's border measures 15

The border sector arrangements and agencies 18

Part 3: The aviation border process **21**

The aviation border measures 21

Overall findings and observations 23

The aviation border end-to-end process 27

Part 4: Wider border system **38**

Governance and management 38

People and system risk and resilience 39

Information sharing and technology 40

Risk management and assurance 40

Limitations and disclaimer **42**

Appendix one **43**

Review of COVID-19 Border Measures – Terms of Reference 43

Executive summary

2020 has seen the emergence and the widespread outbreak of COVID-19, a global pandemic that has demanded unprecedented responses from governments around the world.

Since February 2020, New Zealand has implemented, and continues to implement, a range of border measures to reduce the risk of COVID-19 reaching, and being transmitted in, New Zealand. These measures have included restrictions on people who can travel to New Zealand and various public health measures, such as hygiene measures, physical distancing, the use of personal protective equipment (PPE) and managed isolation or quarantine for many travellers.

The Border Sector Governance Group (BSGG or the Group)[1] commissioned this review in July 2020. The purpose of the review is to provide assurance to the BSGG that the required border measures[2] are in place so that people arriving in New Zealand are appropriately managed, minimising opportunities for the spread of COVID-19.

The review was asked to look at whether the measures in effect at 1 July 2020[3] are in place across the end-to-end border process, identify any gaps in policy/standards and/or inconsistencies in implementation, and provide recommendations for action as needed.

This report covers tranche one of the review which focused on people arriving in New Zealand by air[4], and the implementation of measures required of government agencies in the end-to-end aviation border process. Managed isolation and quarantine for aircraft passengers was outside the scope of the review, as was individual agencies' policies, processes and controls for compliance with the Health and Safety at Work Act 2015.

Overview

The border sector agencies have done a remarkable job in pulling together an end-to-end aviation border process to manage the risk of the spread of COVID-19 in New Zealand in extremely challenging circumstances, in a short space of time with continuous and rapid changes to border measures.

However, the current arrangements are not sustainable in the long-term. The border system is overly reliant on the commitment and personal relationships of people, who are getting stretched and fatigued.

Tight management of the border remains a critical line of defence in New Zealand's elimination strategy. Confidence in the border system will underpin the safe reopening of borders. Managing the COVID-19 risk to New Zealand through tight and effective border controls is likely to be a feature of the border system for some time yet.

[1] The BSGG is a Chief Executives' Group established to look at the issues about integration and coherence at and beyond the border.

[2] The border measures, requirements, standards and expected practices for managing the risks of COVID-19 reaching, and being transmitted, in New Zealand – as set out in the COVID-19 Public Health Response (Air Border) Order 2020 and the associated requirements on the Ministry of Health website. The BSGG has collective accountability across this system of measures. The border measures are also referred to as 'requirements' in this report.

[3] The review has also considered relevant and significant new and changes to measures introduced since 1 July where possible.

[4] Tranche one focused on the aviation border. Tranche two will focus on the maritime border.

It is the right time to develop a more structured and resilient approach.

There are a number of organisations, both public and private, involved in managing New Zealand's aviation border. COVID-19 has expanded that number. The multi-agency environment is complex and lacks sufficient clarity about roles and responsibilities. Whilst many agencies are clear about what they do, they aren't so clear about others roles and the boundaries.

There isn't a distinct overall picture that enables a sound grasp of the coherence and consistency of the border measures, and the overall compliance approach. There are some gaps, and inconsistencies and issues in implementation. There is a lack of clarity about what is legally required as opposed to being a voluntary measure. The risk-based reasons for the changes to the border measures, and the differences in the measures and the compliance approach adopted in similar scenarios are not always evident.

A stronger focus is needed on the operational implications of implementing new or changes to requirements to ensure the effective execution of, and compliance with, the measures.

Greater clarity is also needed about the responsibilities and arrangements in place for the oversight of private operators' compliance with the border measures, with processes put in place to enable effective oversight.

More broadly, the processes to centrally monitor compliance with border measures to gain insight into the overall performance and effectiveness of the border measures and the wider system are lacking. More attention needs to be paid to putting in place frameworks and processes for monitoring and assuring compliance.

Overall, better governance, management and coordination of the border system and the end-to-end aviation border process is needed to drive further improvement.

Key themes

Key themes emerged from the review. The themes relate to the wider border system and the end-to-end aviation border process. The findings and observations of the review are summarised under these themes below.

A fast-moving and dynamic context has required the rapid implementation of border measures and changes to these measures. This context is likely to continue for the foreseeable future.

The border restrictions to manage the spread of COVID-19 in New Zealand have been implemented in a dynamic and fast-moving context. This context is likely to continue for the foreseeable future, as evidenced by the measures taken following the recent resurgence of the virus in the community.

The initial period after the border closed to most travellers to New Zealand was challenging and chaotic. In some cases, measures had to be implemented after they had been publicly announced, then reviewed and adjusted after they had been rolled out.

The new and frequent changes to the border measures have required an agile and flexible approach to the design and implementation of new border processes.

A clear focus on keeping New Zealanders safe and fighting the COVID-19 virus has enabled the urgent and rapid implementation of the border measures. People and their safety and well-being

have been front of mind, as have the national and community interest. All agencies involved have shown a desire to 'make things work' and support each other. The positive, can-do attitude of many we spoke with was impressive.

The multi-agency border environment is complex and lacks sufficient clarity of roles and responsibilities

The number of agencies involved in the implementation of the border measures has made it operationally challenging to take a 'one system' and end-to-end process lens and achieve effective coordination. The high scrutiny environment increases the risk of creating silos, as agencies respond to issues and focus on delivery and improvement in their own areas of accountability.

The Ministry of Health is the lead national agency for pandemic risk[5] under New Zealand's national security system, supported by district health boards at the regional/local level. Whilst it is recognised as the 'risk owner', the responsibilities of the 'control owners' in the end-to-end process for the COVID-19 border measures are not sufficiently clear. There is a lack of adequate clarity in some areas about who has responsibilities for ensuring compliance by the private operators in the end-to-end process.

A stronger focus is needed on the operational implications of implementing border measures

The timeframes to implement border measures have been demanding and, on occasion, not operationally realistic, but people have focused on solutions.

There is an increasing understanding of the need to take a more closely integrated policy and operational approach to the implementation of border measures and to include relevant stakeholders in the design of new measures. A more structured approach to anticipating scenarios and developing forward plans to respond to these scenarios is starting to happen in some programmes such as Safe Travel Zones.

However, there is more to do to achieve a better focus on the operational implications of implementing new or changes to requirements to ensure the effective execution of, and compliance with, the measures.

System risk and resilience concerns are evident

Standing up a new border system with new functions to deal with COVID health risks has required different thinking. Various parts of the system have experienced stresses and additional resources have been provided to build more sustainable solutions, for example for running managed isolation and quarantine (MIQ) facilities.

However, any system cannot sustain a crisis or emergency response for an extended time without increased risk and adverse impacts. This is evident in the border system.

There is an overreliance on people to make the system work. People are focused on doing and reacting, and constant issues management.

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[5] Under the national security governance structure, for any national security risk (or major element of such a risk), a lead agency is identified. The lead agency is the agency with the primary mandate for managing a particular hazard or risk across the "4Rs" of risk reduction, readiness, response and recovery.

There are some very stretched staff with high risk of burnout. There are particularly heavy demands on some agencies, for example the Ministry of Health. More deliberate plans are needed to manage staff rotations to avoid fatigue. This is now happening in some agencies.

Frequent changes in staff increase the risk of loss of knowledge and error, and gaps in the system.

The coherence, clarity and consistency of the border measures can be improved

There isn't a clear overall picture that enables a sound grasp of the coherence and consistency of all the measures, and whether the 'system' of measures across the end-to end aviation border process are sufficient in mitigating the transmission of COVID-19.

The overall compliance approach is not adequately clear. Also, the risk-based reasons for differences in the border measures and compliance approach taken in similar scenarios is not always evident, including to those involved in the end-to-end process.

For example, travellers not exempt from MIQ are tightly controlled, living for 14 days under restrictions that are strictly monitored and legally enforceable, with day three and day 12 negative tests required before being allowed to leave managed isolation. The travellers exempt from MIQ and border workers living and working in the community arguably pose a greater risk to community transmission, but more reliance has been placed on preventative measures and voluntary compliance until recently. Mandatory one-off testing was enforced in mid-August for certain border workers and staff in MIQ, and regular testing is now legally required from 6 September 2020 for a broader group of border workers. However, New Zealand-based international aircrew continue to have the same requirements of voluntary testing on day two of their arrival if they have been on a high-risk overseas layover.[6]

Another example is the differences in the PPE requirements of health workers screening passengers coming from high-risk countries at the border through temperature checks i.e. wearing masks and gloves, and those administering COVID-19 tests in the community i.e. wearing masks, gloves, visors and gowns.

There are also some gaps and inconsistencies in the measures. For example, travellers not exempt from MIQ are now legally required to wear PPE as directed whilst they are at the airport and travelling from the airport to managed isolation or quarantine[7]. New-Zealand based international aircrew arrivals are not required to wear PPE whilst at the airport. They have been allowed to fly domestically to their place of isolation without any requirement to wear PPE[8], but are not allowed to take public transport, taxis or uber when they travel to be tested on day two of their arrival in New Zealand.

Some measures have also been implemented differently by different agencies. For example, the use of PPE. Some agencies have followed the Ministry of Health guidance, others have chosen to exceed the guidance. These decisions are for the individual agency to make in line with their health and

[6] New Zealand-based international aircrew are required to complete self-isolation at home for 2 nights (48 hours) after their arrival, have a COVID-19 test and continue to self-isolate at home until the result of their test is known.

[7] As directed by a medical officer of health or a health protection officer under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (section 8).

[8] It is noted that there is a recent requirement under the COVID-19 Public Health Response (Alert Level Requirements) Order 2020 for all non-exempt persons using public transport services which includes air transport to wear a face covering.

safety obligations but creates perceived inconsistencies for staff working alongside each other in the end-to-end process.

Finally, the clarity of the border requirements can be enhanced, particularly to assist users to better understand what is legally required as opposed to being a voluntary measure.

Better governance and management of the end-to-end process is needed to drive further improvement

Controls are mostly in place in the end-to-end process to ensure compliance with requirements and manage risk. But there are inconsistencies and gaps.

There are process controls in place across most, but not all, aspects of the end-to-end process to ensure compliance with the requirements and manage risk.

Pre-entry requirements are controlled through prior approval processes and well-established systems such as Advance Passenger Processing.[9] The airport environment is generally well-controlled. However, the processes to provide front-line staff at the airport with up-to-date, verified information on travellers exempt from managed isolation can be problematic and at times requires personal multi-agency engagement to resolve issues.

There is some inconsistency in how controls are applied between locations. For example, passengers disembarking at Christchurch were asked to change masks on arrival, whilst this was not done in Auckland.

Allocation of passengers to MIQ locations in different cities from the port of arrival causes communication issues which is not helpful in managing traveller expectations and compliance.

More broadly, the end-to-end aviation border process i.e. process flows, policies, standard operating procedures is not adequately documented. This is understandable given the crisis/emergency nature of the response. However this should be done now.

Some agencies have created excellent documentation for their parts of the process, whilst others have minimal guidance and rely mainly on the centrally provided Ministry of Health guidance and training. Such documentation helps to mitigate risk, particularly given the complexity and frequent changes of the requirements, the relative 'newness' of processes, and the changes to staffing. There are opportunities to leverage the existing documentation across the end-to-end process.

Monitoring and reporting processes need improvement

There is insufficient overall clarity and visibility of the oversight arrangements and processes that government agencies have in place to ensure border requirements are consistently implemented by private operators. In some areas the oversight responsibilities are clear but in others it is not.

The requirements to report non-compliance with the measures is not consistent across the system of measures. Even where reporting requirements are in place, the processes to gather the necessary data to monitor overall compliance are either not in place, or require significant effort to collate.

[9] Airline carriers have responsibilities under the Immigration Act 2009, when operating flights to/from New Zealand. An Advance Passenger Processing (APP) system is in place. Airlines are required to obtain and provide APP information to Immigration NZ for every person intending to board a flight to travel to (or through) NZ, and to comply with boarding directives and ensure no person boards a flight in contravention of the directive.

Overall, the review has found the processes to centrally monitor compliance with border measures, to gain insight into the overall performance and effectiveness of the border measures and the strategies adopted to achieve compliance, lacking.

Processes to share information between agencies are not optimal and create risk

Some processes to share information between agencies are clunky, and create risk. There is an overreliance on email to communicate. More secure and smarter ways of communicating should be looked into, as part of a more structured and sustainable approach.

Technology and information sharing constraints within and between agencies adversely impact cohesive inter-agency responses. Information sharing agreements have been developed for some areas but not others. From a system perspective is not easily discernible what information is being shared, with whom and on what basis (e.g. legislation, information sharing agreement etc.)

A border system risk and assurance framework and processes should be put in place

There is no overarching risk and assurance framework for the border system and the end-to-end process.

Compliance reviews have been commissioned by the Ministry of Health in some areas, such as audits of aircrew. These have provided good insight into compliance issues and drivers of non-compliance. However these reviews have not had BSGG visibility and oversight.

Such reviews should be commissioned within an overall assurance framework overseen by governance that ensures that assurance is sought on the prioritised areas of risk, and that actions to resolve issues are actively monitored until resolution.

There is no governance-level risk and issue reporting, incident monitoring, breach reporting, and oversight of assurance activity across the end-to-end process.

In summary

The findings of this review have highlighted that better governance, management and coordination of the end-to-end border system is needed. The focus of the system needs to move to sustainable solutions, better structured processes, standard operating procedures, effective risk and issue management, and building maturity in the system and end-to-end process.

The BSGG is well-positioned to drive this improvement with the necessary clarity about its mandate and accountabilities, and the structures, processes and the resources to achieve the change needed.

This will underpin effective border control as one of the pillars of New Zealand's COVID-19 elimination strategy.

Recommendations

The recommendations arising from the review are set out below. The recommendations largely relate to the aviation border process as that was the focus of the review, but may have broader applicability across the maritime border process.

The review has focused on making recommendations that will not only address the immediate and foreseeable needs of the aviation border system but what is needed to build greater maturity in the broader border governance and management system. These recommendations should be considered along with other work that is underway under the BSGG oversight, such as the work on the world's smartest and safest border.

It is recommended that the BSGG develops an action plan to address the recommendations. The action plan should determine the relevant and appropriate action owners and the timeframes and resources required to implement.

Governance arrangements

1. Review and make changes to the BSGG's terms of reference to ensure that its responsibilities for governance oversight of the end-to-end border process are sufficiently clear, including how these responsibilities are to be given effect in practice. Consider what, if any, changes are needed to the BSGG's governance mandate and arrangements, structures and accountabilities and the resources needed to enable effective governance oversight of the end-to-end border process. Integrate this review into the BSGG work programme which is currently looking at cross-departmental structural options available under the new Public Service Act 2020 i.e. interdepartmental ventures or executive boards.

Roles and responsibilities

2. Clarify the roles and responsibilities of all agencies involved in the border system and the end-to-end aviation border process. This should address:
    - the role and responsibilities of the Ministry of Health as the lead agency for pandemic risk (i.e. the risk owner), and in the end-to-end border process
    - which agency has overall accountability for ensuring compliance with the aviation border requirements
    - the role and responsibilities of all other agencies that are involved in the end-to-end aviation border system and process. In particular, clarify which agencies are 'control owners' i.e. those with accountability to ensure that control and oversight processes are in place to ensure border measures for their part of the process are in place and operating effectively
    - which agencies are responsible for ensuring the private operators that are involved in the end-to-end border process comply with the border measures.

Border measures

3. To enable better oversight of the overall coherence and sufficiency of the border measures, develop a clear view of the 'system' of border measures across the end-to-end aviation process. More clearly articulate the overall compliance approach taken across the measures, and how that is given effect in practice. Where changes to measures are made in one area, consider

whether changes are needed in other parts of the border system and processes to ensure the consistency and coherence of the measures.

4. Improve the clarity of the border measures and requirements across the end-to-end aviation border process for all those who operate and participate in the process. More plainly distinguish between legal or mandatory requirements and those which are voluntary, and make the consequences clear. Ensure the language used is consistent with the nature of the measure (e.g. voluntary measures are not 'must do'). Ensure the reasons for differences in measures in similar scenarios are explained.
5. Implement structured and agile processes for implementing new or changes to the border measures and processes. This should take into account the key risks, the change management required including consultation or co-design with those who have to operate the processes, the resources needed and the lead time for effective implementation in practice. This should also consider the processes that need to be put in place to centrally capture and collate data and the reporting of compliance or non-compliance to gain insight into the effective implementation and operation of the measures (also see recommendation 9).

End-to-end process

6. Document the end-to-end aviation border process for the COVID-19 response in the form of standard operating procedures for all agencies involved in the process. Implement a process to regularly update the procedures to incorporate changes to the requirements. Leverage the work done in developing a Managed Isolation and Quarantine Operations Framework.
7. Review the process for notifying front-line border workers about travellers who are not required to enter managed isolation. Make changes to ensure all relevant front-line staff have access to the most up-to-date, and verified information. Investigate options to use more secure and effective ways to share information than email.

Monitoring and reporting of compliance

8. Review requirements for reporting of non-compliance with border measures to ensure that the requirements are consistent across all the measures.
9. Implement a centralised process for recording and reporting of non-compliance of the border measures across the end-to-end aviation border process. Clearly articulate the types of breaches and incidents that are expected to be reported and thresholds for reporting. Collate and use the information to provide insight into compliance risks and issues and whether the border system to manage the risk of transmission of COVID-19 border is working effectively. Implement regular reporting of compliance to the BSGG.

Information sharing and use of technology

10. Review current information sharing practices across the end-to-end aviation border process, and make any immediate changes possible to share information across the relevant agencies more securely and smartly. Over the longer-term, review the information needs of all agencies and investigate options that will meet the objectives of the border system whilst appropriately maintaining the privacy, security and confidentiality of information.

Risk and assurance frameworks and processes

11. Develop a common risk framework for the border system and end-to-end border process. Leverage any appropriate risk frameworks currently used by individual agencies.
12. Implement fit for purpose risk management processes for the aviation border process, and the wider border system. This should include the development and maintenance of a border system risk register with regular risk reporting to the BSGG.
13. Develop an assurance framework for the end-to-end border process. This should include the assurance processes in place for third party providers involved in the end-to-end process.
14. Develop and implement a fit for purpose assurance plan for the end-to-end aviation border process that provides risk-based assurance to the BSGG and accountable risk and control owners.
15. Require regular governance-level reporting of all assurance activity to the BSGG, starting with the Ministry of Health-commissioned assurance reviews, and the monitoring of progress of completion of recommendations from assurance reviews.

Part 1: Introduction

Background

Tight management of the border is a key part of the Government's elimination strategy to protect New Zealanders from COVID-19. The aim of the elimination strategy is to stop community transmission in New Zealand.

The Ministry of Health describes New Zealand's COVID-19 elimination strategy as:

> *Our elimination strategy is a sustained approach to keep it out, find it and stamp it out. We do this through: controlling entry at the border; disease surveillance; physical distancing and hygiene measures; testing for and tracing all potential cases; isolating cases and their close contacts; and broader public health controls depending on the alert level we are in.*[10]

Border controls are one of the four pillars of the elimination strategy, along with robust case detection and surveillance, effective contact tracing and quarantine and strong community support of control measures.

Since February 2020 a range of border measures have been implemented to reduce the risk of COVID-19 reaching, and being transmitted, in New Zealand. These measures include restrictions on people who can travel to New Zealand and various public health measures, such as hygiene, physical distancing, the use of PPE and managed isolation or quarantine for many travellers.

Purpose and scope of the review

The BSGG commissioned this review in July 2020. The purpose of the review was to provide assurance to the BSGG that the required border measures are in place so that people arriving in New Zealand are appropriately managed, minimising opportunities for the spread of COVID-19. The sponsor of the review is the Chair of the BSGG.

The review is being undertaken in two tranches. Tranche one covers commercial and private aviation, with tranche two to be focused on the maritime border.

The review was asked to look at whether the measures in effect at 1 July 2020[11] are in place across the end-to-end border process, identify any gaps in policy/standards and/or inconsistencies in implementation, and provide recommendations for action, as needed.

The scope of tranche one covers the end-to-end border process and activities relating to people arriving in New Zealand by air (commercial and private aviation); and the appropriate use of PPE by border staff.

The end-to-end border process in scope for the review includes the pre-border entry requirements to travel to New Zealand, the arrival processes in New Zealand, the hand-off to managed isolation

[10] https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-current-situation/covid-19-elimination-strategy-aotearoa-new-zealand Sourced from the Ministry of Health website on 1 September 2020.

[11] The review has also considered relevant and significant changes to measures from 1 July – 31 August 2020 where possible.

and quarantine facilities for many travellers and the arrangements in place for other travellers to New Zealand.

Following the issue of the terms of reference, the review was asked to only focus on the implementation of the measures required of the government agencies involved in the end-to-end aviation process, and leverage any assurance work that had been commissioned by government agencies about private sector operator compliance with the border measures. The review therefore focused on the role and responsibilities of the government agencies involved in the end-to-end process, and the monitoring, oversight and assurance processes they have in place for the private sector operators that support the end-to-end process.

The following was out of scope of tranche one of the review:

- managed isolation or quarantine for aircraft passengers[12];
- individual agencies' policies, processes and controls for compliance with the Health & Safety at Work Act 2015; and
- processes for departing New Zealand.

The terms of reference for the review are in appendix one.

The approach to the review and report structure

The approach taken to the review was to understand the various border measures set out in legislation, regulation and other Ministry of Health requirements[13] to minimise the risk of spread of COVID-19.

The review then looked at how these measures have been implemented and enforced across the end-to-end aviation border process. The review considered the sufficiency of the 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.

The controls and assurance processes described are based on the information and documentation provided, discussions with relevant government agencies, and in some cases, physical observation of arrival processes in New Zealand. It was not within the scope of the review to examine the individual effectiveness of controls but consider the overall adequacy of the arrangements.

The review involved:

- Gathering and analysing information on the border measures and the aviation border end-to-end process from the range of government agencies involved – Ministry of Health (MoH), New Zealand Customs Service (Customs), Ministry of Primary Industries (MPI), Ministry of Business, Innovation and Employment (MBIE) - includes Immigration New Zealand and the MIQ group, Ministry of Foreign Affairs and Trade (MFAT), New Zealand Police (Police), Aviation Security

[12] This includes all processes managed by MBIE's MIQ group, such as exemptions from MIQ. Some information was gathered from the MIQ group relevant to the scope of the review.

[13] The Ministry of Health has issued a range of COVID-19 standards, advice and guidance relating to the end-to-end border aviation border process. These are collectively referred to as 'border measures' or 'border requirements' in the report.

Service (AVSEC), Ministry of Transport, Department of Corrections, Department of Prime Minister and Cabinet and the All-of-Government COVID-19 Response Group.

- Meeting with the nominated key contacts from most of, but not all, the above agencies.[14]
- Meetings with nominated union representatives from the Custom Officers Association and the Public Services Association (the organiser who represents both Customs and MPI).
- Meeting with the compliance specialists engaged by the Ministry of Health who have carried out a few assurance/compliance reviews.
- A visit to Auckland International Airport on 4th and 6th August 2020, where we met with the key border staff from Customs, MPI, Police and the health staff carrying out health screening, and observed an international flight arrive. We also spoke with Customs staff at Christchurch airport on 21 August, and had a virtual tour of the passenger journey on disembarking.
- Regular update meetings with the review sponsor and the nominated personnel in the New Zealand Customs Service.
- Presentation of the key emerging themes from the review to the BSGG on 27 August 2020.
- Preparation and presentation of the draft report to the sponsor. The sponsor also shared the draft report with the Ministry of Health.
- Issue of the draft report to the BSGG members and other agencies in-scope for the review
- Consideration of feedback provided.
- Issue of the final report.

In a few areas we did not receive the information that we sought. These gaps in information are made clear in the report. These gaps do not affect the overall findings and recommendations of this review.

The review was carried out with the assistance of two members of Customs' Risk, Assurance and Integrity team.

This tranche one report is structured in four parts. Part 2 describes and provides some context and background for the review. Part 3 focuses on the implementation of the border measures in the end-to-end aviation border process. Part 4 focuses on the wider border system governance and management processes and activities that support the effective implementation and execution of border measures.

Acknowledgements

We would like to thank everyone who provided input to this review. Their involvement, particularly in the context described in this report, is gratefully acknowledged.

[14] We gathered information from but did not meet with the Department of Corrections and the MIQ group.

Part 2: Context and background

Context

The first reported cases of COVID-19 in Hubei Province, China were reported in December 2019. On 11 March 2020, the World Health Organisation declared COVID-19 to be a pandemic.

The dynamic and fast-moving context in which border sector agencies implemented the border measures was unprecedented. Governments around the world were taking extraordinary action to fight the COVID-19 pandemic. New Zealand was no different. Border restrictions, of the like the country has not seen, were implemented shutting New Zealand's border to most travellers.

This context is likely to continue for the foreseeable future, as evidenced by the measures taken following the recent resurgence of the virus in the community.

New Zealand's border measures

Since the onset of the COVID-19 pandemic, New Zealand has implemented various border measures to manage the risk of COVID-19 reaching, and being transmitted in, New Zealand.

Besides the restrictions on those who can travel to and enter New Zealand, managed isolation and quarantine has been introduced for most travellers to New Zealand. Other measures are restrictions on movement, various health and hygiene measures and physical distancing, use of PPE, COVID testing and contact tracing and isolation of those who come into contact with people with suspected or confirmed COVID-19.

There have been frequent changes to the border measures as the situation evolved. The border was initially closed to travellers coming from mainland China on 2 February, which was later extended to travellers from Iran. On 19 March 2020, Cabinet agreed to close New Zealand's border to travellers from the rest of the world, with some exceptions.[15] These exceptions included New Zealand citizens and residents and their partners and dependents, Australian citizens and permanent residents ordinarily resident in New Zealand and air and marine crew.[16] Exceptions were also able to be sought on a case-by-case basis, including for humanitarian reasons, essential health workers and other essential workers.

Initially travellers were required to self-isolate for 14 days, with some exceptions such as air and marine crew to allow flights and vessels to keep operating. On 9 April 2020, this measure was strengthened with the introduction of managed isolation and quarantine for a minimum period of 14 days on arrival for most passengers, and health screening at the border. There continued to be other exceptions to managed isolation and quarantine requirements.

A timeline of key events at the border as the pandemic unfolded is on the following page. The current border measures are outlined in Part 3 of this report.

[15] CAB-20-MIN-0122 Revised: Stronger COVID-19 Border Measures

[16] The exception was for those subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulation 2010 which includes air and marine crew.

FIGURE 1 | TIMELINE OF KEY EVENTS

2020

JANUARY

06 First MoH border advisory emailed to border stakeholders – advising of cases of novel coronavirus in China. No travel restrictions and no specific measures for travellers. Limited information to assess risk.

22 and 24 Further MoH border email updates advising of cases in Wuhan and in China. Risk of outbreak in NZ considered low. No travel restrictions or border measures. Health advice cards and electronic signage at international points of entry. Advice for border staff on hygiene and infection control measures.

30 WHO declares the novel coronavirus outbreak a public health emergency of international concern. COVID-19 made a notifiable disease under the Health Act 1956,

FEBRUARY

02 MoH border advisory. Australia strengthens border measures. New Zealand restricts entry for travellers who have left or transited mainland China with some exceptions. Exempt travellers from mainland China asked to self-isolate for 14 days. Advice to border staff and aircrew on use of PPE in some situations.

10 NZ assessment of likelihood of imported cases high. Travellers from northern Italy and the Republic of Korea allowed to enter but asked to undertake 14 days self-isolation.

28 First case of COVID-19 confirmed in New Zealand.

MARCH

11 WHO declares COVID-19 a pandemic. COVID-19 is made a quarantinable disease under the Health Act 1956.

16 All arrivals in NZ (except Pacific Islands) required to self-isolate for 14 days – Health Act Order.

19 All non-NZ residents and citizen arrivals from all countries restricted from entering NZ (exemptions apply).

25 NZ moves to Alert Level 4 at 11.59pm

APRIL

09 Health Act Order requires all persons arriving by air except 'excluded arrivals' to submit to medical examination and testing at the aerodrome where they arrive and 14 days managed isolation and quarantine.

27 NZ moves to Alert Level 3 at 11.59pm

MAY

09 MoH publishes advice in border advisory for aircrew and maritime crew immediately transferring to a vessel.

13 COVID-19 Public Health Response Act 2020 comes into force. Enables the Minister of Health and the Director-General of Health to make COVID-19 orders to support a public health response.

13 NZ moves to Alert Level 2 at 11.59pm

JUNE

8 NZ moves to Alert Level 1 at 11.59pm.

22 Air Border Order 2020 comes into force. Requires all persons arriving by air except 'excluded arrivals' to submit to medical examination and testing at the aerodrome where they arrive, 14 days managed isolation and quarantine, and further medical examination and testing as directed.

23 Minister of Health announces new testing strategy which includes regular health checks and asymptomatic testing of all border facing workers and regular testing of New Zealand-based aircrew

AUGUST

11 First case of community transmission after 102 days.

12 The Auckland region moves to Level 3 at 12 noon. The rest of the country moves to Level 2 at the same time.

14 COVID-19 Testing Order 2020 comes into effect. Required a one-off COVID test - all people who had worked at an MIQF, Port of Auckland, Port of Tauranga or provided transport to/from a MIQF during a certain period.

Table 1 below shows the arriving and departing air passenger numbers in New Zealand from 1 January – 31 August 2020. The table shows the impact of the border closure from 20 March 2020.

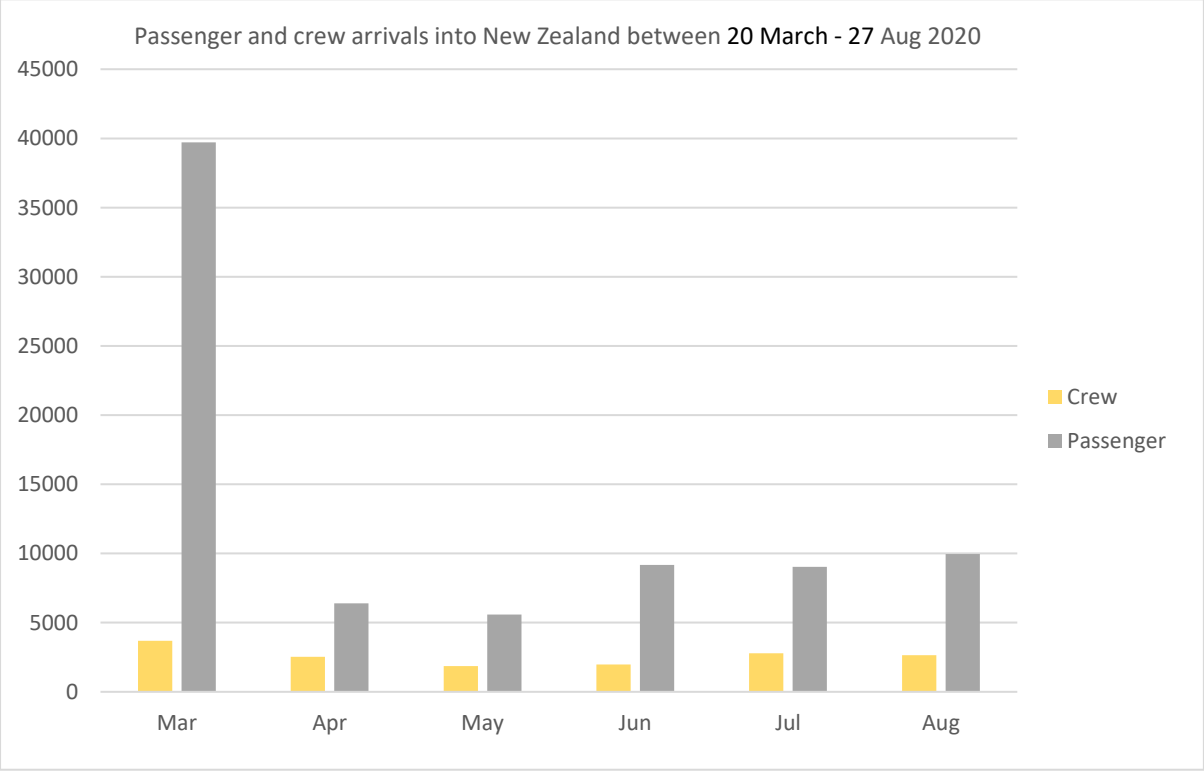
TABLE 1 | PASSENGER ARRIVALS AND DEPARTURES FROM NEW ZEALAND 1 JANUARY – 31 AUGUST 2020

Month	Passenger arrivals	Passenger departures
January 2020	741,574	699,466
February 2020	562,467	518,460
March 2020	310,145	373,136
April 2020	6,386	31,897
May 2020	5,577	10,111
June 2020	9,166	14,868
July 2020	9,037	18,195
August 2020	11,271	14,318

Data from Customs public information release 4 Sept 2020

Figure 2 below shows the number of passenger and crew arrivals each month from 20 March to 27 August 2020.

FIGURE 2 | AVIATION ARRIVALS (PEOPLE) IN NEW ZEALAND 20 MARCH – 27 AUGUST 2020



Data sourced from Customs database

Over the period 20 March – 27 August 2020, 95,353 people entered the country via the aviation border. Of these, 15,525 were aircrew (16%). April and May saw a large decrease in arrival numbers due to border restrictions and limited supply of commercial flights. The number of arrivals increased and stabilised over June through August, which reflects the increase in access to commercial flights at lower alert levels, balanced with the capacity in managed isolation.

The border sector arrangements and agencies

The government agencies who are mainly responsible for managing New Zealand's aviation border are the New Zealand Customs Service, Immigration New Zealand and Ministry of Primary Industries. The number of agencies involved has widened for the COVID-19 response reflecting the nature of the border measures that have been required to deal with the pandemic.

The existing BSGG was replaced on 10 June 2020 by an extended BSGG until further notice. The extended BSGG is a broader Chief Executives' group established to look at the issues about integration and coherence at and beyond the border as New Zealand recovers from COVID-19. The BSGG's purpose is to provide system direction and governance on the programme of work across government that relates to re-opening New Zealand's borders post-COVID-19.

The Group is chaired by the Comptroller and Chief Executive of Customs and comprises the Chief Executives of MBIE, MoH, MFAT, MPI, Ministry of Transport, the Treasury and the Department of Prime Minister and Cabinet. Other agencies can also be involved on particular matters or points in time. The BSGG's focus areas are:

- **Policy and Regulatory** – including regulatory settings for border controls, quarantine, movement of people and goods, repatriation etc.
- **Safe Travel Zones** – including the Trans-Tasman safe zone, possible extension to other countries, extension to cruise
- **World's Smartest and Safest Border** – including identifying ways to reform and streamline border processes and improve border coherence
- **Managed Isolation / Quarantine** – including oversight of arrangements and operational settings
- **Funding and Investment** – including the financial sustainability of border and transport agencies and cost recovery policy at the border
- **People and their Safety** – including health and safety initiatives at the border.

The role and responsibilities of the agencies involved in the COVID-19 aviation border response are outlined in Table 2 on the following page.

TABLE 2 | MAIN GOVERNMENT AGENCIES INVOLVED IN COVID-19 AVIATION BORDER RESPONSE

Agency	Role and responsibilities in relation to the aviation border process
Ministry of Health	Leads New Zealand's health and disability system. As the lead agency for pandemic risk under New Zealand's national security system[17], it has the primary mandate for: • managing pandemic risk across the "4Rs" of risk reduction, readiness, response and recovery • managing the response to an emergency, with the responsibility (at the national level) to monitor and assess the situation, plan and coordinate the national response, report to ODESC[18] and provide policy advice and coordinate the dissemination of public information. 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. Support for and liaison with border sector agencies, airlines/airports, shipping agents, port authorities and other stakeholders is a key activity under the Border Operations area of the Ministry.
New Zealand Customs Service	Ensures lawful travellers and items can move across the border. In the COVID-19 environment, its responsibilities include: • an increased presence at the border, particularly when passengers disembark • being the lead agency for contact tracing at the airport if a traveller tests positive for COVID-19 • manually processing of all arriving passengers through passport control.
Ministry of Primary Industries	The lead government agency for the primary industries. Its responsibilities include: • providing policy advice and programmes that support the sustainable development of New Zealand's primary industries • being the Government's principal adviser on, and maintaining effective management of, New Zealand's fisheries and aquaculture • leading New Zealand's biosecurity system, including biosecurity compliance at the border.
Ministry of Business, Innovation and Employment (includes Immigration New Zealand and the MIQ group)	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. MIQ became a business group within MBIE on 13 July 2020.
New Zealand Police	Provides policing services 24 hours a day, every day. Has enforcement responsibilities for various COVID-19 legislation and regulation. It provides a security and enforcement presence at the border and MIQ. Escorts passengers on deportee flights out of New Zealand where required.

[17] National Security System Handbook, Department of Prime Minister and Cabinet, August 2016

[18] Officials' Committee for Domestic and External Security Coordination

Agency	Role and responsibilities in relation to the aviation border process
Aviation Security Service	An operational unit within the Civil Aviation Authority, delivering aviation security services. Its core functions include screening and searching passengers and other people at airport, baggage etc. Its COVID-19 responsibilities at the border include: • providing a security presence at managed isolation facilities • assisting in the management of passengers who are flying to another region for their managed isolation • assisting with arrivals at Christchurch Airport to ensure separation from the public.
District Health Boards	Responsible for supporting the Ministry of Health in the pandemic response, at a regional and local level. Provides health screening services at the border and at MIQ.
Public Health Units	Regional public health services are delivered by 12 district health board-owned public health units (PHUs), and a range of non-governmental organisations. The units focus on communicable disease control, amongst other things. Many of the services provided have a regulatory component performed by statutory officers appointed principally under the Health Act 1956. Most statutory officers are designated by the Director-General of Health 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. This ensures central oversight of regulatory functions. Carry out health screening at the air border.

Part 3: The aviation border process

The review was asked to look at whether the border measures in effect at 1 July 2020 are in place across the end-to-end aviation border process (for activities relating to people arriving in New Zealand and the use of PPE by border staff). Significant changes to measures from 1 July – 31 August 2020 have been considered where possible. This part reports on this assessment.

The section summarises the main aviation border measures, outlines the overall findings and observations arising from the assessment, followed by a more detailed discussion of the implementation of the border measures, and controls that operate in the end-to-end aviation border process.

It was not within the scope of the review to examine the individual effectiveness of controls but consider the overall adequacy of the arrangements.

At the outset it is important to note that the focus of the review was government agencies' implementation of the border measures and the oversight and assurance processes they have in place for the private operators involved in the end-to-end process.

The aviation border measures

The various border measures in the aviation end-to-end process to stop the spread of COVID-19 are set out in legislation, regulation and other Ministry of Health information, requirements, advice and guidance. These are collectively referred to as 'border measures'. The main measures considered in the review are summarised below (noting that there have been changes to measures during the course of the review). It is of note that mandatory testing for certain border workers has recently been introduced.[19] At the time of the fieldwork for the review, testing was voluntary, but encouraged.

TABLE 3 | SUMMARY OF MAIN AVIATION BORDER MEASURES CONSIDERED IN THE REVIEW

Border measure	Description
Restricted entry into New Zealand	Only a small number of people can currently come to New Zealand without prior approval. These include New Zealand citizens or permanent residents, and their partners or dependent child (whose visa is based on this relationship), and a diplomat who holds a post in New Zealand. Anyone else coming to New Zealand must be coming for a critical purpose and they must get prior approval from Immigration New Zealand. The travel must be for a reason that is considered critical and it is on the critical purpose list.[20]

[19] Two new orders have been issued under the COVID-19 Public Health Response Act. The first required mandatory one-off testing for certain border workers and managed isolation and quarantine staff. The current order COVID-19 Public Health Response (Required Testing) Order 2020 came into force on 29 August 2020 and requires regular testing of defined broader groups including various border workers at Auckland International Airport.

[20] These include family members of New Zealand citizens or residents who do not hold relationship-based visas, partners and dependent children of work or student visa holders, critical health workers, citizens of Samoa and Tonga for essential travel (requires agreement by MFAT), humanitarian reasons, other critical workers, replacement cargo ship crew arriving by air, and ship crew arriving by sea.

Border measure	Description
	Various rules and restrictions apply to transit passengers, including that they can only travel through Auckland International Airport and must normally spend less than 24 hours in transit (this timing can change depending on alert levels in New Zealand).
Managed isolation and quarantine	The COVID-19 Public Health Response (Air Border) Order 2020 (Air Border Order 2020)[21] required every person arriving by air in New Zealand, other than excluded arrivals, to: • report for, and submit to, medical examination and testing at the designated aerodrome on arrival • be isolated or quarantined for the required period - 14 days after the start date if person meets the low risk indicators or longer as needed to meet those indicators, but no longer than 28 days[22] • further report for, submit to, medical examination and testing as directed by a medical officer or health protection officer during their period of isolation. The following arrivals in New Zealand are classed as 'excluded arrivals' and exempt from the managed isolation and quarantine requirements: • any aircraft pilots or flight crew members • any maritime crew members transferring to a ship (within the meaning of the Health Act 1956) immediately after their arrival in New Zealand • any medical attendants assisting with medical air transfers • any person designated by the Director-General as critical to providing services to assist with the response to COVID-19 • any person who is entitled to any immunity from jurisdiction by or under the Diplomatic Privileges and Immunities Act 1968[23] or the Consular Privileges and Immunities Act 1971; or any order under either of those acts • any person who is a member of the New Zealand Defence Force and returning from service outside of New Zealand.
Ministry of Health information and guidance for the aviation sector	The Ministry of Health has issued various 'requirements', advice and guidance for managing COVID-19 on a variety of border-related matters. These are available on their website. These include: • Requirements for international airline crew and hotel accommodation being used by international airline crew for overnight layovers • Guidance for provision of face masks on inbound international flights • Guidance for the personal protection for border staff.[24]

[21] This order has been revoked and replaced by the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 and a COVID-19 Public Health Response (Isolation and Quarantine) Order which both came into effect on 6 September and replaced the Air Border Order 2020. These orders have similar but more detailed requirements for arrivals by air. There are some differences. For example transit passengers are now explicitly exempt from managed isolation or quarantine in the new order except for those permitted to enter New Zealand. The other exemptions from managed isolation i.e. aircrew, medical attendants, crew of ship etc. immediately transferring to a ship remain.

[22] The Air Border Order 2020 allowed the chief executive of MBIE to authorise a person to leave their place of managed isolation or quarantine in certain circumstances. The advice of a medical officer of health or health protection officer must be taken into account in the decision.

[23] Other than a person referred to in section 10D(2)(d) of that Act.

[24] The latest guidance was issued on 20 August 2020. https://www.health.govt.nz/system/files/documents/pages/personal-protection-border-staff-20aug20.pdf

Overall findings and observations

Implementation of the border measures

The border measures have been implemented in a fast-moving and dynamic context, with unprecedented measures taken to manage the risk of transmission of COVID-19 in New Zealand.

Implementation to date

The initial period after the border closed to most travellers to New Zealand was challenging, complex and chaotic. In some cases, measures were implemented after they had been publicly announced, and then reviewed and adjusted once they had been rolled out.

There have been new, and then frequent changes to, border measures as the pandemic unfolded, and the risks of transmission of the virus changed. The changes continue to be frequent and significant. There have been a number of important changes to the requirements even since this review started. For example, at the time of writing, routine mandatory testing of certain people working in higher-risk areas had been introduced from 6 September 2020, and a new Air Border Order (No 2) 2020 and an Isolation and Quarantine Order 2020 came into effect on the same date.

The agencies involved have taken an agile and flexible approach to the design and implementation of new border processes. All agencies involved have shown a desire to 'make things work' and support each other.

The timeframes to implement border measures have been demanding and, on occasion, not operationally realistic. Strong relationships at the local, operational level with good structures and processes to share information, test, implement and learn have assisted enormously in implementing swift changes to border measures. For example, the Collaborative Operational Groups at Auckland Airport involves public and private sector agencies. Some of these structures and relationships pre-date COVID-19 and have shown the value of strong local operational relationships and a joined-up approach.

There is an increasing understanding of the need to take a more closely integrated policy and operational approach to the implementation of border measures and to include relevant stakeholders in the design of new measures. A more structured approach to anticipating scenarios and developing forward plans to respond to these scenarios is happening through work programmes such as Safe Travel Zones.

However, there is more to do to achieve a better focus on the operational implications of implementing new requirements to ensure the effective execution of, and compliance with, the measures.

Going forward

Remaining agile and flexible in responding to manage the threat of COVID-19 will continue to be required going forward. There needs to be a stronger focus on well-designed and robust processes to operationally implement the measures in practice effectively.

Coherence, consistency and sufficiency of the aviation border measures

Most of the border measures are preventative, such as social distancing, personal hygiene measures, restrictions on movement, tightly controlled and cleaned environments and the use of PPE. Detection measures to understand whether preventative controls are operating effectively is through COVID testing. Testing measures have, until recently, largely focused on the passengers in MIQ, aircrew returning from high-risk destinations and voluntary testing of border workers. Contact tracing is a key response measure.

There isn't a clear overall picture that enables a sound grasp of the coherence and consistency of all the border measures, and whether the 'system' of measures are sufficient across the end-to end aviation border process.

The overall compliance approach is not adequately clear. Also, the risk-based reasons for differences in the border measures and compliance approach taken in similar scenarios is not always evident, including to those involved in the end-to-end process. For example:

- Travellers not exempt from MIQ are tightly controlled, living for 14 days under restrictions that are strictly monitored and legally enforceable, with day three and day 12 negative tests required before being allowed to leave managed isolation. This has been strengthened even further recently with Air Border Order (No 2) 2020 which puts in place legal requirements for physical distancing and the use of PPE as directed, whilst at the airport and travelling to MIQ[25].
- In contrast, the travellers exempt from MIQ such as aircrew, and border workers living and working in the community arguably pose a greater risk, but more reliance has been placed on preventative measures and voluntary compliance until recently. Mandatory one-off testing was enforced in mid-August for certain border workers and staff working in MIQ, and regular mandatory testing is now required from 6 September 2020 for a broader group of border workers. However, New Zealand-based international aircrew continue to have the same requirements of voluntary testing on day two of their arrival if they have been on a high-risk overseas layover.

Another example is the differences in the PPE requirements of health workers screening passengers coming from high-risk countries at the border through temperature checks i.e. wearing masks and gloves, and those administering COVID-19 tests in the community i.e. wearing masks, gloves, visors and gowns.

There are also some inconsistencies and gaps in the measures. For example:

- New Zealand-based international aircrew arrivals are not required to wear PPE whilst travelling through the airport. Travellers not exempt from MIQ are now required by legislation to do so, and border workers are provided guidance on certain situations they should wear PPE.
- New Zealand-based international aircrew arriving from high-risk layovers are allowed to take domestic flights to travel to their place of self-isolation without any guidance on the use of PPE or other measures during travel[26] (unlike medical attendants who are required to wear masks),

[25] Section 8(4), COVID-19 Public Health Response (Air Border) Order (No 2) 2020, which came into effect on 6 September 2020.

[26] It is noted the COVID-19 Public Health Response (Alert Level Requirements) Order 2020 which came into effect on 30 August 2020 now requires all travellers using public transport services which includes air transport to wear a face covering.

but are not allowed to take public transport, taxis or uber when they travel to be tested on day two of their arrival in New Zealand.

Some measures have been implemented differently by different agencies. For example, the use of PPE. Some agencies have followed the Ministry of Health guidance, others have chosen to exceed the guidance. These decisions are for the individual agency to make in line with their health and safety obligations but creates perceived inconsistencies for staff working alongside each other in the end-to-end process.

Finally, the clarity of the border requirements of the border measures can be enhanced, particularly to assist users to better understand what is legally required as opposed to being a voluntary measure. Voluntary compliance measures are sometimes framed as a 'must-do' requirement which has creates confusion about whether it can be enforced. The clarity of the measures has also been a finding in other assurance reviews commissioned by the Ministry of Health (see page 29).

Controls and assurance processes to ensure compliance with the border measures

Process controls

Well-designed process controls to mitigate risks, that are effectively and consistently put into practice are central to achieving the objectives of any process. In an end-to-end process of the complexity of the aviation border process that involves many different control owners and participants, clarity of roles and responsibilities is critical.

The role and responsibilities of the relevant control owners in the end-to-end process are not sufficiently clear. Whilst many agencies are clear about what they do, they aren't so clear about others roles and the boundaries.

The end-to-end aviation border process i.e. process flows, policies, roles and responsibilities, standard operating procedures is not adequately documented. This is understandable given the crisis/emergency nature of the response. However this should be done now.

Some agencies have created excellent documentation for their parts of the process, whilst others have minimal guidance and rely mainly on the centrally provided Ministry of Health guidance and training. Such documentation helps to mitigate risk, particularly given the complexity and frequent changes of requirements, the relative 'newness' of processes, and the changes to staffing. There are opportunities to leverage the existing documentation across the end-to-end process.

Other key findings and observations about processes are:

- Eligibility to enter New Zealand is controlled through the establishment of criteria for entry, prior approval processes and well-established systems such as Advance Passenger Processing.
- The airport environment is generally well-controlled. However, the processes to provide front-line staff at the airport with up-to-date verified information on travellers exempted from managed isolation can be problematic and at times requires personal multi-agency engagement to resolve issues.
- Clear communication of requirements helps to manage expectations and ensure compliance. Allocation of passengers to MIQ locations in different cities from the port of arrival causes communication issues. The process in Auckland is for the Police to go on board to advise passengers about their MIQ location if it is outside Auckland, before they disembark. However

there has been a recent occasion where this was not done because passengers were allocated to five different MIQ locations.

- There is some inconsistency in how controls are applied between locations. For example, passengers disembarking at Christchurch are asked to change masks, whilst this is not done in Auckland. It is noted that the wearing of PPE by passengers in the airport was not a Ministry of Health requirement until 19 August 2020.

Monitoring, reporting and assurance processes

Effective monitoring and assurance activities are a key element of any regulated system. A risk-based approach helps ensure resources are prioritised to the participants and practices that present the greatest risk.

There is insufficient overall clarity and visibility about the oversight arrangements and processes that government agencies have in place to ensure border requirements are consistently implemented by private operators. In some areas the oversight responsibilities are clear but in others it is not. For example, airlines are required to report breaches to the Ministry of Health, and the Ministry has commissioned reviews to obtain assurance about compliance. However, in others it is not clear which agency is responsible for overseeing overall compliance with the measure. For example, it is not clear which agency is responsible for the oversight of compliance with COVID-19 border measures at airport facilities.

The requirements to report breaches of measures is not consistent across the system of measures. Even where reporting requirements are in place, the processes to gather the necessary data to monitor overall compliance with the measures are either not in place, or require significant effort to collate. For example:

- Information on breaches reported to the Ministry of Health of border measures could not be provided because of the difficulty in collating this information.
- With regard to new requirements of testing of border staff, information was provided on the number of tests done to date on aviation and maritime border staff but there is no centrally collated data on the total workforce numbers that are to be tested, and therefore no visibility about whether overall compliance with this measure is being achieved. We understand that this may be being done by individual agencies but there is no overall requirement for this information to centrally collated and reported as yet.
- Data is collected on number of aircrew tested but this information cannot be linked to the risk of locations where the aircrew had layovers. Information is also not available on the total number of aircrew that should be tested. The review was told that this was because the measure is voluntary. It is not clear why this information could not be collected even if compliance is voluntary. In fact this data would be essential to understand whether voluntary compliance is achieving the intended outcome. Personal information is not needed to understand the overall picture of compliance.

Overall, the review has found that the processes to centrally monitor compliance with border measures, to gain insight into the overall performance and effectiveness of the border measures and the strategies adopted to achieve compliance, lacking.

The Ministry of Health has commissioned a series of assurance reviews on airlines, transport and accommodation providers. These reviews have mainly focused on compliance with the requirements

through one-off inspections of practice. There has also been a survey of airline crew which has provided valuable insight, including into the reporting culture.

There are other assurance approaches that should be considered, including through determining the level of reliance that can be placed on organisational management and health and safety control and assurance systems, and to require the regular reporting of compliance.

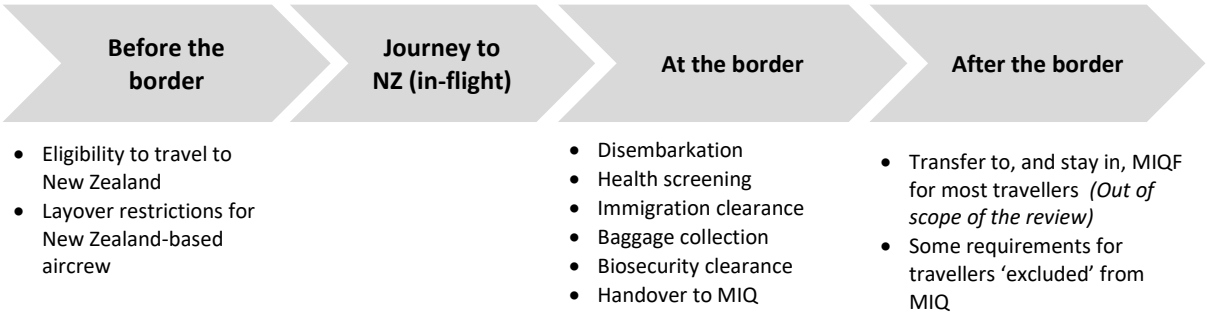
More broadly, these assurance reviews have not occurred in the context of overall agreed 'system' assurance framework and plan (see Part 4). Better understanding and visibility of the total assurance picture would help to ensure resources are prioritised to the areas of greatest risk across the end-to-end process and border system.

Acknowledging the speed with which some measures have been devised and implemented, more attention needs to be paid to clarifying oversight responsibilities and putting in places frameworks and processes for monitoring and assuring compliance.

The aviation border end-to-end process

The end-to-end border process in scope for the review is the pre-border entry requirements to travel to New Zealand, the arrival processes in New Zealand, the handover to MIQ for transfer to managed isolation and quarantine facilities for travellers not exempt from MIQ, and the arrangements in place for other travellers not required to enter managed isolation and quarantine.

At a high-level, the key steps in the current end-to-end border process are below, with the sub-processes shown below each step.



The main steps in the end-to-end process are discussed further below - with the key border measures and requirements. Observations are made about the controls and assurance processes that operate so that measures have been implemented consistently and effectively. Any findings and issues are also outlined.

As noted in Part 1, the controls and assurance processes described are based on the information and documentation provided or discussions with relevant government agencies, and in some cases, physical observation of arrival processes in New Zealand. It was not within the scope of the review to examine the individual effectiveness of controls but consider the overall adequacy of the arrangements.

Eligibility to travel to or through New Zealand	
Key border measures/requirements	**Key controls - Observations and findings**
Only a small number of people can come to New Zealand without prior approval such as New Zealand citizens and residents. Anyone else coming to New Zealand must be coming for a critical purpose and they must get prior approval from Immigration New Zealand. Various rules apply to transit passengers. (see pages 21-22 for further details)	***Immigration NZ*** • Approves travel to and through New Zealand. A two-stage process operates – expression of interest and invitation to apply – to enter New Zealand. • Various quality assurance processes for the approval have been put in place, such as staff training, decisions made by senior staff where there is greater discretion involved, technical support for immigration officers and ongoing sample checks of decisions. • Transit passengers apply for an NZeTA or transit visa. • Airline carriers have immigration responsibilities under the Immigration Act 2009, when operating flights to/from New Zealand. An Advance Passenger Processing (APP) system is in place. Airlines are required to obtain and provide APP information to Immigration NZ for every person intending to board a flight to travel to (or through) New Zealand. On submission, boarding directives are transmitted to the airline. Airlines are required to comply with the directives and ensure no person boards the flight in contravention of the directive. • Carriers that do not have the APP system need an approved exemption and are required to physically check passenger documentation to ensure they can lawfully travel to New Zealand. Carriers are required to ensure that the person has the prescribed documentation for immigration purposes ***Customs*** • The Customs and Excise Act 2018 requires airlines to provide the advice of arrival information to Customs not less than two hours before the estimated time of arrival of the aircraft in New Zealand: voyage details, including nominated place of arrival in New Zealand; crew and passenger information; and all cargo on board the aircraft. Airlines are also required to provide Passenger Name Record (PNR) data about border-crossing craft including the number of people, seating arrangements and baggage storage details. Daily passenger arrival information is provided to Ministry of Health.[27]

[27] An information agreement has been entered into under section 316 of the Customs and Excise Act 2018, which allows Customs to disclose personal and flight information on arriving passengers and crew to the Ministry of Health and Police to facilitate the response to COVID-19.

Aircrew | New Zealand-based layovers overseas	
Key border measures/requirements	**Key controls - Observations and findings**
Ministry of Health 26 June 2020 requirements for international airline crew[28] Requirements for **New Zealand-based aircrew during overseas layovers** are based on the risk rating (high, medium and low). Risk of exposure at overseas layover is determined by the length of stay and how the stay is managed. The risk description does not include the country risk of COVID-19 transmission[29] • Low risk (no overnight stay and crew remain airside or airside overnight stay) - no requirements. • Medium risk (landside overnight stay two nights or less and transport and accommodation during layover tightly controlled): various requirements such as use of PPE, using dedicated crew transport, self-isolation within hotel with 'essential' trips outside hotel permitted, physical distancing. • High risk (landside overnight stay more than two nights or landside oversight for two nights and less and accommodation is less tightly controlled and/or no dedicated crew transport) – various requirements such as use of PPE, using dedicated crew transport, self-isolation within hotel with trips outside hotel not permitted, physical distancing. *Note there is no advice or requirements for internationally-based aircrew offshore.*	***Ministry of Health*** • Work directly with the airlines to ensure that the guidance is implemented in practice. • Commissioned an audit of aircrew compliance with Ministry requirements (8 May guidance) during high-risk layovers. This audit examined compliance during Air New Zealand flights departing Auckland (AKL) on 11 June to Los Angeles (LAX), returning to AKL on 16 June 2020. • Some key recommendations from the audit were for the Ministry of Health to develop clear and unambiguous compliance standards for the airline industry and aircrew; consult with airlines and relevant worker organisations when developing requirements and allow reasonable lead-in time for implementation. The Ministry advised that these recommendations are currently being considered as part of the review of aircrew requirements. • As part of the aircrew audit, a survey was also undertaken of cabin crews' compliance with the Ministry's requirements. The survey received 172 responses from cabin crew who had flown to LAX since 1 May 2020. A key finding was '*There also appeared to be a hesitancy or reluctance amongst some cabin crew to report breaches of the MOH requirements and COVID-19 symptoms before return to NZ. This is arguably the most significant finding from the survey and it is recommended that further work is done to see why this is occurring and what steps can be taken to improve the reporting culture'*. • The audit recommended the Ministry conduct further research on the barriers to reporting non-compliance. This recommendation was provided to Board of Airline Representatives in New Zealand and Air New Zealand and is being discussed. NB: Consideration of airlines' controls were outside the scope of this review.

[28] These requirements apply to all aircraft pilots and flight crew members undertaking international flights as part of their paid duties. This includes crew who are based, or resident, outside of New Zealand. It also includes flight crew members (as defined in New Zealand Civil Aviation Authority rules), aircraft pilots, flight engineers, flight attendants, flight examiners, cabin crew members, crew undergoing essential regulatory training, essential aviation support staff, repositioning crew. The requirements apply to crew on international commercial, cargo/freight, chartered and private flights.

[29] The transmission risk of country is to be discussed with the Ministry of Health on a case-by-case basis.

Before the border | **Journey to NZ** | At the border (arrival in NZ) | After the border

Passengers and aircrew | use of PPE in-flight	
Key border measures/requirements	**Key controls - observations and findings**
Ministry of Health 30 June 2020 guidance for airlines for inbound international flights • Medical grade masks requested to be made available to all passengers, with passengers strongly encouraged to use these masks as a precautionary measure while on board. • Guidance to be provided on putting on and taking off a mask. Safe disposal facilities to be provided. **Ministry of Health 26 June 2020 requirements for international airline crew** • Must wear gloves and masks whenever in passenger areas; wear full PPE, when dealing with a sick passenger suspected of having COVID 19; and must, at all times, practice regular and thorough hand hygiene.	***Ministry of Health*** • Work directly with the airlines to ensure that the guidance is implemented in practice. • As noted above, an audit was commissioned of compliance with aircrew controls during high-risk layovers. The audit found, based on the observation of one flight, amongst other things, that *"occasional lapses in the use of PPE were observed whilst on the outbound journey. Otherwise the flight crew were observed to adhere to PPE requirements during flights. PPE use for passengers was approximately 30% on the outbound journey and approximately 90% on the inbound journey".* NB: Consideration of airlines' controls were outside the scope of the review.

Before the border | Journey to NZ (in-flight) | **At the border** | After the border

Passengers | Disembarkation and travel through airport – use of PPE, security and cleaning	
Key border measures/requirements	**Key controls - observations and findings**
At the time of fieldwork, there were no PPE requirements for passengers whilst disembarking and travelling through the airport. Subsequently, the advice below has been issued. **Ministry of Health 19 Aug 2020 Advice for Travellers** • All travellers arriving in New Zealand must wear face masks from the time they disembark the aircraft until they arrive at their hotel. **COVID-19 Public Health Response (Air Border) Order (No 2) 2020 – came into effect 6 Sept 2020** • Requires persons arriving in New Zealand by air to maintain physical distancing and wear PPE, as directed by a medical officer	***Police*** • Board the aircraft before passengers disembark to advise them when the managed isolation or quarantine location is outside Auckland. However, this is not consistently done – one recent example where this was not done as passengers were assigned to five different locations. ***Customs*** • Each arriving flight is processed separately to prevent interaction between flights and to control flow. • Staff present when door opens, and at appropriate places during the passenger/crew journey. Other security controls include controlled access to airside and CCTV cameras, which are also used for contact tracing.

Passengers | Disembarkation and travel through airport – use of PPE, security and cleaning	
Key border measures/requirements	**Key controls - observations and findings**
of health or a health protection officer, throughout the period the person is at the aerodrome and travelling to their place of isolation and quarantine.	• No physical distancing between passengers is required or enforced (this is now a legal obligation). • The international passengers arriving on the flight observed arriving at Auckland airport were wearing masks. Passengers were offered masks on arrival if they are not wearing them and encouraged to wear them. Passengers arriving at Christchurch airport are asked to change their masks and sanitise on disembarkation. This was not done at Auckland. • We were told of a recent example of a passenger who had initially refused to wear a mask. Border staff had understood that the wearing of masks by passengers was a legally enforceable requirement, and were later advised that was not the case. • Other COVID-19 controls at the airport include COVID-19 signage in airport, regular cleaning of surfaces and availability of hand sanitiser. **Cleaning protocols for airports** The Ministry of Health does have any specific protocols for the cleaning of airports. It has provided advice on the cleaning to be done following a confirmed or probable case of COVID-19. Based on discussions with Customs staff at Christchurch airport, cleaning protocols are in place and border staff are advised when cleaning is about to occur.

Before the border | Journey to NZ (in-flight) | **At the border** | After the border

Aircrew| Disembarkation and travel through airport – use of PPE	
Key border measures/requirements	**Key controls - observations and findings**
Ministry of Health 26 June 2020 requirements for international airline crew • All arriving international aircrew are required to move through the airport through a safe corridor**.** • Overseas**-**based aircrew are required to wear a mask when moving through the airport.	• Aircrew on the international flight that was observed arriving at Auckland travelled through a separate corridor from passengers and were wearing masks. • There is no requirement for New Zealand-based aircrew to wear PPE even in the latest update on the requirements in the Air Border Order (No 2) 2020 which requires passengers to wear PPE and maintain physical distancing. The health risk-based reasons for this difference is not made clear. NB: Consideration of airlines' controls were outside the scope of the review.

Passengers and aircrew | Health screening and handover to quarantine	
Key border measures/requirements	**Key controls - observations and findings**
Completion of arrival card • All passengers are required to complete an arrival card. Health specific questions were added to arrival card on 20 March 2020. • Aircrew are required to complete a COVID-19 crew health card on arrival. **COVID-19 Public Health Response (Air Border) Order 2020 – 22 June 2020** • All people arriving by air, except excluded arrivals, are required to report for, and submit to, medical examination and testing at the designated aerodrome at which they arrive* * This is also a requirement for people arriving by air under the recent Air Border Order (No 2) 2020 which came into effect on 6 September 2020. Similar exceptions apply i.e. for aircrew and medical attendants, diplomats, crew of ship immediately travelling to their ship and members of the military. **Ministry of Health 26 June 2020 requirements for international airline crew** • All arriving international aircrew are required to undertake a health assessment on arrival (like that done for passengers). If they display symptoms of COVID-19 or have had close contact with a case during layover, they are to be referred to MIQ facility for further assessment and management.	***Local health staff*** • Carry out health screening of all passengers and crew. Medical staff review health information on arrival cards, carry out temperature and symptoms checks to determine whether the traveller is to be sent to quarantine or managed isolation. Aircrew sent to quarantine if symptomatic. • The passenger arrival card health questions are out of date (i.e. refer to self-isolation). The arrival card was in the process of being updated during the review. A sticker was to be put over the questions no longer relevant but this was not done. • Arrival card information is collected by Homecare Medical for managing the welfare of people in MIQ and for contact tracing as needed. ***Police*** • Provide a reassurance and enforcement presence at the point of health screening. ***MPI/Customs*** • Check arrival card that health screening has been completed. ***Handover to quarantine*** In Auckland, Police and Customs escort passengers being sent to quarantine through immigration, biosecurity screening and baggage collection. In Christchurch, passengers being sent to quarantine are taken to a separate room, and wait till the rest of the flight has been processed before the Defence Force personnel escort them to the bus.

Border Staff |Use of PPE, other hygiene measures and testing	
Key border measures/requirements	**Key controls - observations and findings**
Ministry of Health 15 July 2020 guidance for border staff (in Border Advisory) • Personal protection advice – hygiene, infection control and use of PPE. The advice on use of PPE has remained reasonably consistent since March i.e. wear mask and gloves which meet all three requirements –passengers/crew have come from overseas in the last 14 days or are visibly unwell; and they going to be with the person for longer than 15 minutes; and within 2m (earlier was 1m) of the person. Also they may wear a mask and gloves for personal searches as a precautionary measure. **Ministry of Health 20 August 2020 guidance** • Recommends that mask and gloves should be worn if physical distancing of 2m cannot be maintained from passenger or crew. It should also be worn during the physical search of passengers.	At the time of the fieldwork, the 15 July 2020 guidance was the only advice for government agencies operating at the border. There were no mandatory requirements for testing. ***Government agencies operating at the border*** • The Ministry of Health guidance is followed or exceeded by government agencies working at the border. The standards and protocols for each agency are decisions are for the individual agency to make in line with their health and safety obligations but creates perceived inconsistencies for staff working alongside each other in the end-to-end process. • Health and safety compliance systems and controls are largely used to ensure compliance. This includes staff training on requirements, provision of PPE and supervision of staff to ensure controls are complied with. Some agencies have very detailed health and safety documentation whereas others choose to rely on the Ministry of Health guidance. • Government agency border staff were observed wearing mask and gloves at all times where passengers were present (for the flight observed). • The health risk-based reasons for differences in the use of PPE in similar scenarios are not always evident to those operating the end-to-end process. For example, the differences in the PPE requirements of health workers screening passengers coming from high-risk countries at the border through temperature checks i.e. wearing masks and gloves, and those administering COVID-19 tests in the community i.e. wearing masks, gloves, visors and gowns. • Perspex shields are used at passport control at Auckland and Christchurch airports. • Testing of border staff has been voluntary but strongly encouraged. At the initial stages, vouchers were provided to staff, and later access to testing facilities has been provided onsite. Since the completion of the fieldwork, certain border staff have been required to have a mandatory one-off test and regular, mandatory testing going forward.

Aircrew - New Zealand- based and international | transport, self-isolation and testing	
Key border measures/requirements	**Key controls - observations and findings**
Ministry of Health 26 June 2020 requirements for international airline crew • There are various requirements for international aircrew whilst they are in New Zealand. The requirements differ between New Zealand-based crew and overseas-based crew. • **New Zealand-based aircrew:** the requirements depend on the risk rating discussed earlier. In summary: for low and medium-rated layovers, aircrew can return home and operate as usual. For high-risk layovers, aircrew can fly domestically to their home on arrival, complete self-isolation for 48 hours, have a COVID-19 test and continue to self-isolate at home until the result of the test is known. • **Overseas-based aircrew:** Aircrew who live/are based outside of NZ and who stay one night or more in New Zealand are required to self-isolate in accommodation approved by their airline or for private operators that meets or exceeds the criteria for a managed facility. Consideration should be given to accommodation on a dedicated floor or wing of the hotel to reduce the likelihood of aircrew coming into contact with other guests. There are requirements for use of PPE, physical distancing and good hygiene. For example, aircrew are required to wear a mask when moving through the airport and to and from the hotel.	***Ministry of Health*** • Work directly with the airlines to ensure that the guidance is implemented in practice. • Data has not been collected to enable monitoring of the overall compliance with the COVID-19 testing requirements for aircrew arriving from high-risk layovers i.e. have all aircrew that should be tested been tested. • There are some gaps and inconsistencies in the measures. For example, New Zealand-based aircrews from high-risk layovers are allowed to take domestic flights to travel to their place of self-isolation without any guidance on the use of PPE or other measures during travel, but are not allowed to take public transport, taxis or uber when they travel to be tested on day 2 of their arrival in New Zealand (this latter requirement is not in the main requirements document but in a separate Q&A document for aircrew about the requirements). • Have an ongoing programme of assurance work around aircrew. This includes inspection reviews of aircrew, transport and hotel arrangements to assess compliance with the Ministry's requirements. Non-compliance issues have been identified and recommendations for improvement made. NB: Consideration of airlines' controls were outside the scope of this review.

Before the border | Journey to NZ (in-flight) | At the border | After the border

Diplomatic and consular staff | self-isolation and testing	
Key border measures/requirements	**Key controls - observations and findings**
There are no requirements. Diplomatic and consular officials are exempt from the COVID-19 requirements in the Air Border 2020 and the Air Border Order (No 2) 2020.	***MFAT*** • Ask all diplomatic and consular personnel, including recognised family members, who would like to self-isolate, to complete a self-isolation plan (form) and provide this to MFAT in advance of their arrival to New Zealand. • The self-isolation plan template was developed with the Ministry of Health and MFAT in accordance with health requirements agreed to by the Ministers of Foreign Affairs and Health. • Notifies the self-isolation plan and the details of the testing regime to the Ministry of Health public health team for confirmation of adequacy. • Obtains agreement to an amended self-isolation and testing plan with the relevant foreign mission. ***Ministry of Health*** • During self-isolation, conducts daily health checks by telephone with the individuals directly or through a contact person nominated by the foreign mission. Foreign missions arrange for testing on or around day three and 12 of self-isolation. • If an individual tests positive, the health practitioner or laboratory will notify the Ministry of Health (as COVID-19 is a notifiable disease) and authorities will ask that the person consent to placement in a government-managed quarantine facility.

Before the border | Journey to NZ (in-flight) | At the border | After the border

Marine crew transferring to a vessel l transport and hygiene	
Key border measures/requirements	**Key controls - observations and findings**
Crew of a ship immediately transferring to a vessel are exempt from the COVID-19 requirements in the Air Border 2020 and the Air Border Order (No 2) 2020.	***MIQ*** • Send the transport plan devised between the shipping agent and the bus company responsible for all movements to the Ministry of Health/public health unit for approval.

Marine crew transferring to a vessel l transport and hygiene	
Key border measures/requirements	**Key controls - observations and findings**
	• Oversees all steps to ensure transport happens as per plan. • Handover to transport provider at the airport by government agency representative. • Handover to Customs at the port. If they are not immediately transferring to a vessel, handover happens to MIQ.

Charter and private aircraft

The processes described above apply in the same way to charter or private aircraft. The only difference at that the arrival point is not always at the main terminal in the airport. The transport provider advises Customs of the arrival details to allow all the necessary steps in the arrival process to occur.

Deportees

The same arrival process also applies for prisoners being deported from Australia who arrive in chartered aircraft. These arrivals all go through a gate separate from other craft so that there is no interaction with other people. Additional security measures involving the Police and Corrections staff are also taken, and specific health protocols are followed.

Repatriation flights

MFAT has the lead responsibility for facilitating the repatriation of New Zealanders and evacuation and transit of foreign nationals.

It is estimated there are several hundred thousand New Zealanders who live overseas. Most of them are not registered on New Zealand consular databases.[30]

The first New Zealand Government assisted flight from Wuhan was on 6 February 2020. There have been approximately 107 different types of repatriation flights between 6 February to 5 August 2020[31]. These include New Zealand Government charter flights, foreign government facilitated repatriation flights, and facilitated commercial flights. During this time, MFAT provided significant assistance to repatriate 5,223 New Zealanders. The peak of the flights was in April and May 2020.

Before the first New Zealand Government assisted flight from Wuhan on 6 February 2020, MFAT's Assisted Departure Policy was a long standing policy. A Ministerial decision was made that due to the extraordinary circumstances brought on by COVID-19, it was deemed appropriate to depart from this longstanding policy.

[30] Safe Travel is the official registration facility for New Zealanders travelling or living overseas. It enables MFAT to contact people registered in an emergency, or to provide consular assistance. MFAT advised on 5 August 2020 that current total number of Safe Travel registrants was 21,323 from 179 countries but that the actual numbers of New Zealanders is likely to be far higher.

[31] The date information was provided to the review.

A Cabinet paper was subsequently approved that sought agreement to the prioritisation and delivery of consular repatriation efforts for New Zealanders stranded offshore due to COVID-19, and to confirm the category of countries from which the Government will and will not offer repatriation flights.

A Repatriations Country Risk Assessment Framework was developed and updated on a regular basis to inform prioritisation and decision making related to New Zealand Government assisted repatriation flights. Teams were established and resourced to run country-specific repatriation flights. Each flight required bespoke action and processes, but steps were taken to ensure consistency of processes. This included 'lessons learned' debriefs. For the majority of the commercial flights, the APP system was used to confirm passenger eligibility. Where the APP system was not available, manual processes were used for Immigration New Zealand to confirm eligibility.

Transit passengers

Transit passengers are required to stay in the transit area of the airport. They normally spend less than 24 hours in transit in New Zealand (it was 12 hours recently when the Auckland region was at alert level 3). On disembarkation, they go directly to the transit lounge, where there are other departing passengers.

There are no specific COVID-19 border requirements or other controls in place for these passengers. Under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 which came into effect on 6 September, transit passengers are exempt from the requirements to undergo medical examination or screening at the airport, maintain physical distancing and wear PPE as directed, and go to managed isolation and quarantine. If a transit passenger is given permission to enter New Zealand under the Immigration Act 2009, this exemption does not apply.

Part 4: Wider border system

This section makes findings and observations about the wider border system. It discusses some key elements of any system that ensures effective execution in practice – governance and management, people, information and technology, and monitoring, oversight and assurance arrangements.

Governance and management

Strong governance and management are cornerstones to the effective performance of any system.

As discussed earlier, there are many agencies with various responsibilities in managing New Zealand's border. The complexity of the multi-agency environment has made it operationally challenging to take a 'one system' and end-to-end process lens and achieve optimal coordination of the wider border system.

The high scrutiny environment increases the risk of creating silos, as agencies respond to issues and focus on delivery and improvement in their own areas of accountability. Whilst this may drive the necessary improvement in particular functions and areas, it increases the risk of variability across the system if structured frameworks and processes are not in place to ensure consistent performance, and to share and leverage good practice across the system.

The findings of this review have highlighted that better governance, management and coordination of the end-to-end border system is needed. The focus of the system needs to move to sustainable solutions, better structured processes, standard operating procedures, effective risk and issue management, and building maturity in the system and end-to-end process.

The review was not tasked with examining the governance arrangements for the border sector. However, in the context of the review's terms of reference, there are some pertinent observations from the review work undertaken.

As noted in Part 2, the BSGG's purpose is to provide system direction and governance on the programme of work across government that relates to the re-opening New Zealand's borders post-COVID. The mandate and membership of the Group was widened in June 2020 to give effect to its purpose.[32]

The broader Group was established to look at the issues about integration and coherence "at and beyond the border" as New Zealand recovers from COVID-19. The overall objective of the Group is the safe opening of people and goods movement at the borders and reconnection with key markets.

The Group's scope "relates to issues that relate to the re-opening of New Zealand's borders and reconnecting to markets." The Group is focused on ensuring that "the work programme as a whole – and advice to Ministers – is comprehensive (looking at the process end-to-end), coherent and delivers robust outcomes for New Zealand".

[32] Extended Border Sector Governance Group of Chief Executives, Terms of Reference, 10 June 2020

There is currently work underway on the world's smartest and safest border, under the BSGG's oversight, to look at options of using the cross-departmental governance models, such as interdepartmental ventures or executive boards, available under the new Public Service Act 2020.

The matters that will need to be considered by the BSGG in the re-opening of the borders will be broad, varied and cut across many agencies' responsibilities. Complex economic, social and other factors will be at play in the movement of people and goods.

The membership and the focus areas of the Group (outlined on page 18) provide an indication of the scope of the Group. However, what is meant by "at and beyond the border" and the "end-to-end process" is not explicitly defined in the terms of reference.

Some areas of scope are clear, others less so. For example, it is clear that the maritime and aviation borders, and the MIQ arrangements are in scope. The policy and regulatory settings for repatriation are in scope, but it is not entirely clear whether the BSGG has responsibility for governing the identification and management of New Zealanders living offshore who have a legal right to return home. What is clear is that this group of people will affect the flow of people as the impacts of the pandemic continue to unfold around the world.

The BSGG's responsibilities for the collective oversight of the implementation and operation of the system of border measures across the end-to-end process are also not sufficiently clear in the terms of reference.

Strong and effective collective oversight and governance – at and beyond the border – requires clarity about the role and responsibilities of the BSGG, what it is governing, and how this will be given effect in practice. This will enable the right structures, processes, and resources to be put in place to fulfil its mandate.

Going forward, it will be vital to clearly define the role and responsibilities of the BSGG and the border system/end-to-end process that are within the BSGG's mandate. The purpose and objectives of the BSGG should guide decisions about scope. Understanding the requirements of each part of the end-to-end process and how they relate to each other will be crucial.

The BSGG is well-positioned to drive this improvement with the necessary clarity about its mandate and accountabilities, and the structures, processes and the resources to achieve the change needed.

People and system risk and resilience

Agencies have had a clear and singular focus on keeping New Zealanders safe and fighting the COVID-19 virus. This focus has enabled the urgent and rapid implementation of the new border measures.

Standing up a new border system to deal with COVID-19 health risks has required innovation and different thinking from all involved.

People and their safety and well-being have been front of mind, as have the national and community interest. As noted earlier, all agencies involved have shown a desire to focus on solutions and support each other. The positive, can-do attitude of many we spoke with was impressive.

Various parts of the system have experienced stresses, and new functions have been set up. Some steps have been taken to provide additional resources and build more sustainable models, for example in MIQ.

However, any system cannot sustain a crisis/emergency response for an extended time without increased risk and adverse impacts. This is evident in the border system.

There is an overreliance on people to make the system work "I know who to ring". People are focused on doing and reacting, and constant issues management.

There are some very stretched staff with high risk of burnout. There are particularly heavy demands on some agencies, for example the Ministry of Health. More deliberate plans are needed to manage staff rotations to avoid fatigue. This is now happening in some agencies.

There is an increased risk of loss of knowledge through frequent changes in staff and secondments. Such changes also increase the risk of error.

The multi-agency environment and the frequent changes in staffing also increases the risk of gaps, and lack of clarity about roles and responsibilities.

Information sharing and technology

Technology and information sharing constraints within and between agencies adversely impact cohesive inter-agency responses. Information sharing agreements have been developed for some areas but not others.

From a system perspective is not easily discernible what information is being shared, with whom and on what basis (e.g. legislation, information sharing agreement etc.)

Some processes to share information between agencies are clunky, and create risk. For example, the processes to provide front-line staff at the airport with up-to-date verified information on travellers exempted from managed isolation is overly reliant on email and personal interaction.

More generally, there is an overreliance on email to communicate. More secure and smarter ways of communicating should be looked into, as part of a more structured and sustainable approach.

Risk management and assurance

There is no overarching risk and assurance framework for the border system and end-to-end process.

There isn't a common risk framework in use for the border system and the end-to-end process, nor is there an assurance framework and plan.

As discussed in Part 3, compliance reviews have been commissioned by the Ministry of Health in some areas, such as audits of aircrew. These have provided good insight into compliance issues and drivers of non-compliance. However these reviews have not had BSGG visibility and oversight.

Such reviews should be commissioned within an overall assurance framework overseen by governance that ensures that assurance is sought on the prioritised areas of risk, and that actions to resolve issues are actively monitored until resolution.

There is no governance-level risk and issue reporting, incident monitoring, breach reporting, and oversight of assurance activity across the end-to-end process. Such type of reporting will ensure there is oversight of, and insight into, system performance and effectiveness.

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 New Zealand Customs Service 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 New Zealand Customs Service, 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 New Zealand Customs Service 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

Review of COVID-19 Border Measures – Terms of Reference

Border Sector Governance Group

Review of COVID-19 Border Measures

Terms of Reference

Purpose

The purpose of this review is to provide assurance to the Border Sector Governance Group (BSGG) that the required border measures are in place so that 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 reaching New Zealand. These include restrictions on who can travel to New Zealand, processes to manage arrivals to ensure physical distancing etc., and the introduction of managed isolation and quarantine facilities.

This review provides an opportunity to ensure that the measures are in place across the end-to-end process, and to identify any gaps or inconsistencies in implementation.

The review will provide assurance and recommendations to the Border Sector Chief Executives Group, who have collective accountability across this system of measures. It will provide recommendations for action as needed.

The review will be undertaken in two tranches:

- Tranche one – Commercial and private aviation
- Tranche two – Commercial shipping and private vessels

Scope

The scope includes all activities relating to people[33] arriving in New Zealand by air and sea: passengers and crew on commercial craft, charter aircraft, repatriation flights and private vessels. It includes any measures that are in place at the port of departure, the journey to New Zealand, including transit and arrival processing in New Zealand.

[33] For the avoidance of doubt, the coverage includes prisoners returning to New Zealand, and medical evacuation/transfers.

The review will consider the measures in effect as at 1 July 2020. 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 Air Border Order 2020 and the Maritime Border Order 2020 under the COVID-19 Public Health Response Act 2020, and the associated requirements on the Ministry of Health website.

The scope includes the managed isolation and quarantine facilities for arrivals by sea. For arrivals by air, the scope only includes the process until the hand-off to managed isolation and quarantine facilities.

The scope includes the appropriate use of Personal Protective Equipment by border related staff.

Out of scope

This review does not include:

- Processes for departing New Zealand
- Managed isolation or quarantine facilities for aircraft passengers. This is covered by a separate review. However, the connections here and the need for all parts of the system to work together are acknowledged.
- Individual agencies' policies, processes and controls for compliance with the Health & Safety at Work Act 2015.

Review focus

The review will break down the border process for passengers and crew as follows:

Tranche one

Commercial aviation (passenger and air freight flights)

- Booking arrangements
- Pre-border (i.e. any departure screening, the journey itself)
- Arrival processes in New Zealand (disembarkation, customs clearance, baggage collection, biosecurity clearance)
- Transit passenger arrangements
- Hand-off to managed isolation and quarantine facility
- Layover and re-positioning arrangements for aircrew.

Repatriation flights and private aviation

- Pre-border (i.e. any departure screening, the journey itself)
- Arrival processes in New Zealand (disembarkation, customs clearance, baggage collection, biosecurity clearance)
- Hand-off to managed isolation and quarantine facility
- Layover and re-positioning arrangements for aircrew

Tranche two

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 processes
- Crew changeovers
- Provisioning

Private vessels

- Pre-border (i.e. any departure screening, the journey itself)
- Arrival processes in New Zealand (disembarkation, customs clearance, biosecurity clearance)
- Managed isolation and quarantine processes
- Crew changeovers
- Provisioning

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

- The health risks to people interacting with new arrivals, based on what is known about COVID-19 (e.g. incubation period, length of contact, airborne droplets, etc.) and the border measures that have been put in place to manage these risks.
- Implementation and enforcement against the border measures, standards and requirements set out in the Air Border Order and the Maritime Border Order 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:

- NZ Customs Service (Customs)
- Ministry of Primary Industries (MPI)
- Ministry of Business, Innovation and Employment (MBIE) – Immigration NZ
- Ministry of Health
- Ministry of Foreign Affairs and Trade (MFAT) *(in respect of repatriation flights*)
- Local Health Authorities
- Board of Airline Representatives of New Zealand *(tranche one only)*
- NZ Police
- Aviation Security Service (AVSEC) (t*ranche one only*)
- International airport operators: Auckland International Airport Ltd (AIAL), Christchurch International Airport Ltd (CIAL) and Wellington International Airport Ltd (WIAL) (*tranche one only*)
- Airlines arriving in NZ (t*ranche one only*)
- Other organisations present at AIAL, CIAL and WIAL (t*ranche one only*)
- Maritime NZ (t*ranche two only*)
- Port Authorities – particularly Ports of Auckland, Tauranga, Wellington and Lyttelton (*tranche two only*)
- Department of Corrections
- All-of-Government COVID-19 Response Group

Input may also be sought from staff unions as appropriate.

While Managed Isolation and Quarantine (MIQ) is out of scope for arrivals by air, MIQ related agencies will be consulted to verify hand-off procedures.

Review arrangements and timing

The review will be led by Wendy Venter of Venter Consulting with assistance from members of Customs' Risk, Assurance and Integrity team.

A draft report for comment will be available no later than four weeks from the date of commencement of the review for tranche one.

Due dates for tranche two will be confirmed once the processes for the managed isolation and quarantine of maritime crew and passengers have been implemented.

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 for comment and feedback before it is finalised. The sponsor will share the draft report with Sally Gilbert at the Ministry of Health.

Key contacts

The sponsor for this review is Christine Stevenson, Chair of the Border Sector Governance Group.

The key contact for this review is Janine Foster, Chief Advisor Risk, Assurance and Integrity, New Zealand Customs Service.

The terms of reference have been agreed by the Border Sector Governance Group.

Key contacts will be provided for:

- Customs
- MFAT
- MPI
- MBIE – Immigration
- Ministry of Health
- Local Health Authorities
- NZ Police
- AVSEC
- Maritime NZ
- Board of Airline Representatives of NZ
- International airport operators: AIAL, CIAL and WIAL
- Airlines arriving in NZ
- Other organisations present at AIAL, CIAL and WIAL
- Port Authorities – particularly Ports of Auckland, Tauranga, Wellington and Lyttelton
- All-of-Government COVID-19 Response Group
- MIQ

Update to the Terms of Reference

Following issue of the terms of reference, the sponsor asked the review to only focus on the implementation of border measures by the government agencies in the end-to-end aviation border process. The review was also asked to consider and leverage any assurance work commissioned by government agencies of private operators' compliance with the border measures.