



COVID-19 ADVISORY

18 August 2020

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Released by: Nick Leggett

To: Forum Directors, Presidents, CEOs & Area Executives
From: Nick Leggett, CEO

AUCKLAND ROAD BORDER DOCUMENTATION AND PORT TESTING UPDATE

We continue to work on the issues at the Auckland road borders and to get clarity around testing of truck drivers at Ports.

This is a dynamic situation and the Road Transport Forum will bring you information as it comes to hand. We have reactivated our Covid-19 web page [here](#) – which we will update as information comes to hand.

Issues at the border

We are aware drivers are being stopped and asked for documentation at the Auckland road borders and this is causing considerable delays in them getting to work. We believe this is mainly while they are going to/from work. Trucks are also being caught up in queues while the Police stop everyone in cars.

Overnight, this advice has come through from the Ministry of Transport:

Road freight drivers do not need to seek an exemption as they already have one under the COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020, Schedule Three (outlined below and linked here <http://www.legislation.govt.nz/regulation/public/2020/0187/latest/LMS389738.html>). They only need to provide a letter from their employer.

We continue to work with, and talk to Police, to re-enforce this message to their frontline staff at the checkpoints to remind them that freight workers are allowed to cross the border with an employer letter as before. This has also been taken up by the All of Government Group to re-enforce communication messages.

While we are hoping this will resolve issues quickly, can I suggest it might also be useful for your operators, who meet Schedule Three (below), where they can to put in their letters for staff the following specific reference:

“That they are operating under an exemption under the COVID-19 Public Health Response (Alert Levels 3 and 2) Order, Schedule 3, and that as per the Ministry of Transport website reference <https://www.transport.govt.nz/about/covid-19/#Alert3> all that is required for operators operating under this exemption is a Letter from their employer stating they are providing a business or service (listed in Schedule 3 of the Order) and that they need to travel for this reason.

We know this is incredibly frustrating for your members, and please continue to keep us informed about what is happening and if you are seeing the messages coming through.

COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020

Schedule 3 Businesses or services for which interregional travel permitted for work purposes

[cls 9\(c\)\(ii\), 23\(b\)](#)

Number Business or service

- 1 Justice sector, including Courts of New Zealand, Corrections facilities and related services, and tribunals (but note that this list does not affect the exclusion from the closure of premises in [clause 10\(2\)\(b\)](#)).
- 2 Parliament, including members of Parliament, parliamentary staff, and any officer of Parliament (but note that this list does not affect the exclusion from the closure of premises in [clause 10\(2\)\(b\)](#)).
- 3 Supply and delivery of goods.
- 4 Transport and logistics services provided at or through an aerodrome, passenger or freight aviation services, passenger or freight shipping services, road freight services, rail freight services, and public transport services (under contract with a territorial authority).
- 5 Civil defence emergency management services provided by the National Emergency Management Agency and Civil Defence Emergency Management Groups.
- 6 Border services provided by Immigration New Zealand, the New Zealand Customs Service, Maritime New Zealand, and the Ministry for Primary Industries.

Dated at Wellington this 12th day of August 2020.

Testing at Ports

Last night, the Ministry of Health issued a new Maritime Testing Order.

It extends the timeframe of the previous Order for testing to 20 August and in the definition section, introduces a new definition for higher risk worker. You can view the order [here](#) and the relevant clauses are below.

This means that only the people considered in the definition of an affected worker need to be tested.

Anyone showing any symptoms of Covid-19 however, should be tested and follow the advice of medical professionals.

Clause 4 amended (Interpretation)

In [clause 4](#), insert in their appropriate alphabetical order:

affected ship means a ship with a person on board who is required to be isolated or quarantined in accordance with the Maritime Border Order

higher-risk worker, in relation to an affected port, means a person who—

- (a) is a pilot, or a stevedore, carrying out work on or around an affected ship; or
- (b) carries out any other work at an affected port and has symptoms that suggest the presence of COVID-19; or
- (c) boards or has boarded an affected ship at an affected port during the period beginning at 11.59 pm on 21 July 2020 and ending at the testing deadline.

Clause 7 amended (Affected workers to be tested)

(1) In [clause 7\(1\)](#), replace “17 August 2020” with “20 August 2020”.

(2) Replace [clause 7\(3\)](#) with:

(3) A person who works at an affected port is not an affected worker if the person—

- (a) is in isolation or quarantine on a ship under clause 12 of the Maritime Border Order throughout the period beginning at 11.59 pm on 14 August 2020 and ending at the testing deadline; or
- (b) is not a higher-risk worker.

(3) In the heading above [clause 7\(4\)](#), replace “*Exceptions to*” with “*Exemptions from*”.

(4) Replace [clause 7\(4\)\(a\)](#) with:

- (a) starting after 12.00 am on 12 August 2020; and

Dated at Wellington this 17th day of August 2020.

The Ministry of Health have also advised:

Border workers only need to self-isolate while waiting for test results if they have symptoms. If they are asymptomatic there is no need to self-isolate while waiting for test results.

Full advice from the Ministry of Health is attached.

From the Government – wage subsidy

The Finance Minister Grant Robertson announced yesterday that workers whose jobs may be affected by the re-emergence of Covid-19 in Auckland will be supported by a new wage subsidy scheme and a simplified leave scheme. You can read the media release [here](#).

From the Road Transport Forum

I have spoken about the road border issue on RNZ this morning and you can listen to that [here](#).

I was also on Newshub 6pm news last night on this issue and you can view that [here](#).

I spoke about the Ports issue on One News last night.

If you have any concerns, please contact us.

Other useful numbers

Healthline: Free health advice and information, anytime – **0800 611 116**

Need to talk? To connect with a professional counsellor free call or text **1737**

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Guidance for implementing the COVID-19 Public Health Response (COVID-19 Testing) Order 2020 – Ports of Auckland and Tauranga

17 August 2020

This version of the document updates the guidance on the COVID-19 Testing Order for changes made to the Order on 17 August 2020.

Changes include:

- **An extension to the timeframe for completing testing until 11.59 pm on 20 August**
- **A focus on higher-risk port workers**
- **Extending the period of exemption from further testing if a test has already been done by 12 hours (from 12pm 12 August to 12am 12 August 2020).**

1.1. Background

On 14 August 2020 the Minister of Health issued an Order under the COVID-19 Public Health Response Act 2020. The purpose of the Order is to prevent and limit the risk of the outbreak of COVID-19. **An update was made to the Order on 17 August 2020.**

This is achieved by requiring all border officials and port workers who have worked at the Ports of Auckland and Port of Tauranga since 11.59pm on 21 July 2020 to undergo testing for COVID-19. Additionally, workers at managed isolation and quarantine facilities (MIQFS) and individuals who have transported persons to and from MIQFS must be tested. This guidance addresses port workers covered by the order only.

These persons must be tested between 11:59pm 14 August 2020 and **11:59pm on 20 August 2020** (the **testing deadline**).

An exception to the requirement to report and be tested is when a person has been tested since **12 am on 12 August 2020**. This guidance refers to this as the “exemption period”.

As the Order will need to be implemented within a short time-frame, this guidance provides advice on the process and roles and responsibilities for implementing the Order.

1.2. Process

1. The Auckland and Tauranga Port Authorities notify employers of border officials and port workers working at the Ports of Auckland and Tauranga about the Order and this guidance.
2. DHBs develop plans to test all border officials and port workers working at the Ports of Auckland and Tauranga before **11:59 pm on 20 August 2020**. This includes planning and providing for the capacity needed to take samples from all staff.
3. DHBs communicate those plans to the employers of border officials and port workers working at the Ports of Auckland and Tauranga and provide instructions, guidance or other information to support staff working in the facilities to get tested.

4. Employers notify all staff that have worked at the Ports of Auckland and Tauranga from 11:59 pm 21 July 2020 that they must get a test and explain how this will be done.
5. All employers provide staff with times that they can access tests at their facility or provide them with vouchers that they can take to a community testing centre to get the test done.
6. DHBs report the following information to the Ministry of Health at 1.00 pm and 5.00 pm every day. This information show detail that which port they work at and be broken down by occupation:
 - Number of workers tested
 - Number of workers that have refused any part of the test
 - Number of workers exempted from testing by a suitably qualified health practitioner working at a community testing site

1.3. Roles and responsibilities

Port Authorities	DHBs	Employers
<ul style="list-style-type: none">• Notify employers of the Order and guidance.• Link employers to resources for supporting staff who are dealing with logistic or hardship issues that act as a barrier to getting a test completed on time.• Also has the same responsibilities as other employers of staff working on site at the Ports.	<ul style="list-style-type: none">• Provide the health testing staff and arrange schedules to provide testing at facilities.• Ensure testing data is collected reported to the Ministry of Health at 1.00 pm and 5.00 pm each day.• Also has the same responsibilities as other employers of staff working on site at Ports.	<ul style="list-style-type: none">• Notify staff of the requirement to get tested and keep track of who has been tested.• Must support staff who have difficulties accessing testing to get a test completed on time. Port Authorities will link employers to resources as required.

1.4. FAQs

Who must be tested?

- You are an affected worker if you:
 - are a pilot, or a stevedore, carrying out work on or around a ship; or
 - carry out any other work at the Ports of Auckland and Tauranga and have symptoms that suggest the presence of COVID-19; or
 - board or have boarded a ship at the Ports of Auckland and Tauranga during the period beginning at 11.59 pm on 21 July 2020 and ending at 11.59 pm 20 August 2020 where persons are in managed isolation or quarantine under the COVID-19 Public Health Response (Maritime Border) Order 2020

Who doesn't need a test?

- If a health practitioner at the testing site determines that a test is clinically inappropriate, then a test is not required.
- Workers on ships who are currently in isolation or quarantine on a ship under the Maritime Border Order are excluded from the testing requirement.
- Workers who have been tested during the period starting 12 am on 12 August 2020 and 11.59pm on 14 August 2020 are exempt.

When must they be tested by?

- No later than **11.59 pm on 20 August 2020.**

Where should they be tested?

- Either at the port, community testing centre or their General Practitioner.

What if they are on leave and away from home at the moment?

- They should contact their employer who will provide them with a voucher to get tested at a community testing centre.

What if they are working shifts which do not fit within the testing deadline?

- They should contact their employer who will provide them with a voucher to get tested at a community testing centre

What if they have already had a test – do they need another one?

- They will not need another test if they have reported for and submitted to medical examination and testing during the period starting 12 am on 12 August 2020 and 11.59pm on 14 August 2020.

Do they need to be off work until they get my results?

- Staff should stay home if they are sick. Staff that are not sick can continue working.

Can a worker refuse to be tested?

- A test can only be refused if the worker has a particular physical or other need that a suitably qualified health practitioner determines would make it inappropriate for the person to be tested. An infringement offence will have been committed and an infringement fee or fine may be imposed.

What happens if they do not get a test done on time?

- If there is an exceptional reason for not being tested in the timeframe then the person must complete the testing as soon as possible. If this is not a good reason, then the person avoiding testing may be subject to enforcement action.

Appendix 1. Draft letter for employers to send employees

Dear [Name]

The Minister of Health has issued an Order under the COVID-19 Public Health Response Act 2020 that requires everyone who has worked at the Ports of Auckland and Tauranga to undergo testing for COVID-19 by **11:59pm on 20 August 2020**.

Workers who have been tested since the commencement of the COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020 do not need to report for a further test. This means that if you have been tested since **12 am on 12 August 2020** you are exempt.

The purpose of the Order is to prevent and limit the risk of the outbreak of COVID-19.

We are developing a plan with the other employers that have staff at the Ports of Auckland and Port of Tauranga. The plan will include arranging for onsite testing, or the provision of vouchers should it be easier for you to access a test at a community testing centre. We will provide you with more information on testing times and vouchers as soon as possible.

The Order requires all **affected** workers to undergo testing for the following:

- temperatures,
- seeking information on symptoms,
- carrying out chest auscultation (listening to the heart and lungs), and
- taking mouth or nose swabs (or both), as required to test for COVID-19.

You are an affected worker if you:

- are a pilot, or a stevedore, carrying out work on or around a ship; or
- carry out any other work at the Ports of Auckland and Tauranga and have symptoms that suggest the presence of COVID-19; or
- board or have boarded a ship at the Ports of Auckland and Tauranga during the period beginning at 11.59 pm on 21 July 2020 and ending at 11.59 pm 20 August 2020 where persons are in managed isolation or quarantine under the COVID-19 Public Health Response (Maritime Border) Order 2020

This test is mandatory unless you have a particular physical or other need that a suitably qualified health practitioner determines would make it inappropriate for you to be tested.

You play a vital role in keeping New Zealanders safe and limiting the impact of Covid-19 on your communities. I thank you for your work so far and for taking the test.

Your sincerely,

COVID-19

[Name of employer]