



**NEW ZEALAND DEFENCE FORCE**  
**SUBMISSION TO MINISTER COVER SHEET**

|                                       |   |  |   |              |         |
|---------------------------------------|---|--|---|--------------|---------|
| <b>Title</b>                          | <b>COVID-19 VACCINES RECOGNISED UNDER NEW ZEALAND LEGAL ORDER</b>   |  |   |              |         |
| <b>Tracking No</b>                    | NZDF Tracking #2021-301<br><i>(for OCDF use only)</i>   |  | Minister's Tracking #<br><i>(for Minister's office)</i>   |              |         |
| <b>Importance of the Issue</b>        | High  |  | Moderate  | ✓            | Routine |
| <b>Urgency for Attention/Sign-off</b> | <b>NOT URGENT</b>   |  | <b>Request ministerial response by:</b><br><i>(include date if timing for sign-off is critical)</i> |              |         |
| <b>Contacts</b>                       | LTCOL s. 9(2)(g)(i), 9(2)(a)  |  |   |              |         |
|                                       |   |  | Tel:  |              | A/H:    |
| <b>Purpose</b>                        | To recommend your endorsement of a briefing paper from the Ministry of Health to Hon Chris Hipkins proposing a change to the current COVID-19 Public Health Response (Vaccinations) Order 2021 that would recognise vaccines other than the Pfizer/BioNTech vaccine as being compliant with the Order for work at the Border. |  |   |              |         |
| <b>Recommendations</b>                | It is recommended that you:<br><br>a. <b>Endorse</b> the propose amendments to the COVID-19 Public Health Response (Vaccinations) Order 2021 that will recognise additional named offshore vaccinations as meeting the intent of the order.   |  |   |              |         |
| <b>MoD/NZDF Consultation</b>          | Not required  |  |   |              |         |
| <b>Minister's Comments</b>            |   |  |   |              |         |
| <b>Minister's Action</b>              | Signed/Noted/Agreed/Approved/Declined/Discussion required   |  |   |              |         |
|                                       | Referred to:  |  |   |              |         |
| <b>Minister's Signature</b>           |   |  |   | <b>Date:</b> |         |

  
**KR SHORT**  
 Air Marshal  
 Chief of Defence Force

22 Sep 21



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NEW ZEALAND

NTM 2021-301

22 September 2021

Minister of Defence

## **COVID-19 VACCINES RECOGNISED UNDER NEW ZEALAND LEGAL ORDER**

### **Purpose**

1. The purpose of this Note is to recommend your endorsement of a briefing paper from the Ministry of Health to Hon Chris Hipkins proposing a change to the current COVID-19 Public Health Response (Vaccinations) Order 2021 that would recognise vaccines other than the Pfizer/BioNTech vaccine as being compliant with the Order for work at the Border. This would broaden the group of COVID-19 vaccines allowable for work at the Border and would enable New Zealand Defence Force (NZDF) personnel who are effectively immunised offshore to safely work as part of the New Zealand border response.

### **Current Situation**

2. The current COVID-19 Public Health Response (Vaccinations) Order 2021 (Vaccinations Order), defines vaccinated status as having received two injections of the Pfizer/BioNTech vaccine. This restricts compliance of affected persons under the order to the single brand of approved vaccine for work at the Border.

3. A consequence of this is that NZDF personnel vaccinated overseas with vaccines other than Pfizer/BioNTech, are, on return to New Zealand, unable to work at any border location (including NZDF designated international airbases) in exposure roles.

### **Ministry of Health Briefing Paper**

4. A briefing paper from the Ministry of Health to Hon Chris Hipkins, Minister for COVID-19 Response, proposes a change to recognise selected offshore vaccines in addition to Pfizer/BioNTech as being compliant with the Order for work at the border. This proposal will enable NZDF personnel who are effectively immunised offshore to safely work as part of the New Zealand border response. A copy of the briefing paper is enclosed.

### **NZDF Offshore Vaccination Protocols**

5. To date, 199 NZDF uniformed personnel have received a vaccine offshore. Approximately 44 have received the Pfizer/BioNTech vaccine and the rest a mix of Moderna, AstraZeneca and Janssen vaccinations.

6. Prior to approving access to any vaccination NZDF medical practitioners (doctors) through the Chief Medical Officer, assess the safety and efficacy of the vaccine on offer in a host nation as well as the compliance, safety and standard of the health system providing the vaccinations. In each case vaccine safety approvals by Medsafe equivalent authorities are sought.

7. Prior to receiving a vaccine each NZDF person discusses their specific situation with an NZDF doctor. They are provided with set information requirements that they are required to



satisfy when going through the vaccination process and documentation of each vaccination is entered into their New Zealand based medical records.

8. NZDF Health has very high confidence that NZDF offshore personnel who have been supported through a vaccine access process have had a safe, effective vaccine, with assessment of this safety and effectiveness comparable to the NZ domestic COVID-19 immunisation system.

9. It is not clinically sound to re-vaccinate personnel solely for the purposes of meeting a named vaccine order. The NZDF considers that personnel vaccinated through its offshore facilitated programme with two doses of an equivalent approved vaccine, are effectively immunised for the purposes of higher exposure risk border work. Those personnel who have had only a single dose of any vaccine are offered a booster dose on return to New Zealand to complete a two dose course.

10. The Ministry of Health briefing paper will meet NZDF concerns with respect to legal compliance of personnel who have received vaccinations off shore with vaccines other than the Pfizer/BioNTech vaccine.

### **Recommendations**

11. It is recommended that the Minister:

- a. **Endorse** the proposed amendments to the COVID-19 Public Health Response (Vaccinations) Order 2021 that will recognise additional named offshore vaccinations as meeting the intent of the Order.



**KR SHORT**  
Air Marshal  
Chief of Defence Force

### **Enclosure**

1. MoH Briefing Paper *Proposed approach to COVID19 vaccines that New Zealand recognises for work at the Border* dated 27 September 2021.

# Briefing

## Proposed approach to COVID-19 vaccines that New Zealand recognises for work at the Border

**Date due to MO:** 21 September 2021      **Action required by:** 1 October 2021

**Security level:** IN CONFIDENCE      **Health Report number:** HR20212018

**To:** Hon Chris Hipkins, Minister for COVID-19 Response

**Copy to:** Rt Hon Jacinda Ardern, Prime Minister  
 Hon Andrew Little, Minister of Health  
 Hon Dr Ayesha Verrall, Associate Minister of Health  
 Hon Peeni Henare, Associate Minister of Health  
 Hon Aupito William Sio, Associate Minister of Health  
 Hon Michael Wood, Minister of Transport and Minister for Workplace Relations & Safety

### Contact for telephone discussion

| Name                        | Position  | Telephone  |
|-----------------------------|---|------------|
| <b>Maree Roberts</b>        | Deputy Director-General, System Strategy and Policy         | s. 9(2)(a) |
| <b>Dr Ashley Bloomfield</b> | Te Tumu Whakarae mō te Hauora<br>Director-General of Health | s. 9(2)(a) |

### Minister's office to complete:

- |   |                                    |  |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Decline   | <input type="checkbox"/> Noted               |
| <input type="checkbox"/> Needs change         | <input type="checkbox"/> Seen      | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |  |

Comment

# Proposed approach to COVID-19 vaccines that New Zealand recognises for work at the Border

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**Security level:** IN CONFIDENCE                      **Date:** 27 September 2021

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**To:** Hon Chris Hipkins, Minister for COVID-19 Response

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## Purpose of report

1. This report:
  - a) seeks your agreement to key policy decisions for the second amendment to the COVID-19 Public Health Response (Vaccinations) Order 2021 (Vaccinations Order), specifically the proposed approach to COVID-19 vaccines that New Zealand recognises for work at the Border
  - b) provides advice on the process for the catalogue of COVID-19 vaccine standards agreed for certain purposes (e.g. Border work or people arriving into New Zealand).
2. This report discloses all relevant information and implications known at the time.

## Summary

3. The Vaccinations Order requires certain work at the New Zealand Border to only be undertaken by vaccinated workers due to the risk that these workers, in the course of their work activities, may be exposed to and transmit the COVID-19 virus.
4. As part of the wider context for potential changes to the Vaccinations Order, two judicial review proceedings have been instigated in the High Court in relation to the lawfulness of requirements within the Order, which may require urgent actions and/or amendment to address any findings.
5. The Vaccinations Order is contributing to workforce capacity issues because it does not recognise people vaccinated overseas with a partial or full course of COVID-19 vaccines other than the Pfizer/BioNTech vaccine.
6. The COVID-19 Vaccine Science and Technical Advisory Group (CV-TAG) has reviewed COVID-19 vaccines currently recognised by Medsafe and/or a Medsafe recognised authority (i.e. Pfizer, Moderna, AstraZeneca and Janssen). Generally, these COVID-19 vaccines appear to have sufficiently high efficacy and effectiveness against symptomatic infection after the full course, except for the single-dose Janssen.
7. To broaden the group of COVID-19 vaccines allowable for work at the Border, we propose an overall approach that includes COVID-19 vaccines recognised by Medsafe and/or a Medsafe recognised authority. Additionally, we propose a further dose of the Pfizer/BioNTech vaccine for Border workers who have not received a full course of a recognised COVID-19 vaccine to ensure they have a sufficient level of immunity for high-risk work.



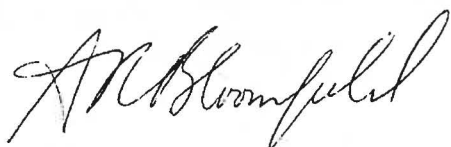
8. CV-TAG recommends a further dose of the Pfizer/BioNTech vaccine for Border workers who have received one dose of the Janssen vaccine. This recommendation addresses concerns about whether the Janssen vaccine would provide sufficient protection for high-risk work at the Border, especially given the lack of data in relation to the Delta variant.
9. However, certain unvaccinated Border workers (pilots and port workers) have expressed concerns about the primary vaccine available and propose receiving an alternative COVID-19 vaccine in order to fulfil their obligations under the Vaccinations Order. These hesitant Border workers would be unlikely to accept the further dose of the Pfizer/BioNTech vaccine recommended by CV-TAG.
10. We expect some hesitant Border workers may remain otherwise unvaccinated if not given the option to receive the Janssen vaccine. If so, there are several risks to consider related to workforce capacity issues and the potential for COVID-19 transmission at and within the New Zealand Border. These risks should be considered alongside the risks signalled by CV-TAG in relation to the suitability of the Janssen vaccine for protection at the Border.
11. We propose an option to also recognise the Janssen vaccine for specified Border workers who are hesitant to receive the primary vaccine available, which would enable them to fulfil obligations under the Vaccinations Order. This option would require these workers to have a single dose of the Janssen vaccine, and then later a second dose of this same vaccine, if recommended by CV-TAG for them to be compliant with the Vaccinations Order.
12. If you agree to the proposed recommendations within this paper, further work will be necessary to enable recognition of COVID-19 vaccines administered overseas. The Ministry will also record any vaccine standards you agree in a centralised compendium for easy access and investigate the most suitable way to manage and make use of the list.

## Recommendations

We recommend you:

- a) **Agree** that the overall approach underpinning the COVID-19 Public Health Response (Vaccinations) Order 2021 recognises COVID-19 vaccines that are: **Yes/No**
  - fully approved or provisionally approved by Medsafe; and/or
  - fully approved, provisionally approved and/or authorised for emergency use by Medsafe recognised authorities
- b) **Agree** to the COVID-19 Vaccine Science and Technical Advisory Group's further recommendations that an additional dose of Comirnaty (Pfizer/BioNTech) vaccine is necessary if a Border worker has:
  - i. an incomplete vaccination with a vaccine recognised by Medsafe or a Medsafe recognised authority **Yes/No**
  - or**
  - ii. received a partial or complete course of vaccination with a COVID-19 vaccine not recognised by Medsafe or a Medsafe recognised authority **Yes/No**

- c) **Note** the COVID-19 Vaccine Science and Technical Advisory Group's advice for the single-dose Janssen vaccine was that:
- there is evidence it provides a high level of protection against moderate to serious disease
  - some evidence suggests it may not be as effective against infection, which may pose a greater risk for work at the Border
  - there is a lack of data about the effectiveness against the Delta variant
  - a full course of the Janssen vaccine alone will not provide a sufficient level of protection for high-risk work at the Border and a further dose of the Comirnaty (Pfizer/BioNTech) vaccine is necessary
- d) **Agree** that if you agree to recommendation (a) and COVID-19 Vaccine Science and Technical Advisory Group's advice in recommendation (c), then the following COVID-19 vaccines would be recognised for work at the Border: **Yes/No**
- Comirnaty (Pfizer/BioNTech)
  - AstraZeneca
  - Moderna
- e) **Note** that trials are presently underway to assess the efficacy of the Janssen vaccine after a second dose
- f) **Agree** to also recognise the single-dose Janssen vaccine for specified Border workers who are hesitant to receive the primary vaccine available, followed by a second dose of the Janssen vaccine if recommended by the COVID-19 Vaccine Science and Technical Advisory Group, which would enable them to fulfil obligations under the COVID-19 Public Health Response (Vaccinations) Order 2021. **Yes/No**



Dr Ashley Bloomfield  
**Te Tumu Whakarae mō te Hauora**  
**Director-General of Health**

Hon Chris Hipkins  
**Minister for COVID-19 Response**

Date:

Date:



# Next amendment to the COVID-19 Public Health Response (Vaccinations) Order 2021

## Background

13. On 1 May 2021, the Vaccinations Order came into force, which requires certain work at the New Zealand Border (the Border) to only be undertaken by vaccinated workers. This is due to the risk that these workers, in the course of their work activities, may be exposed to and transmit the COVID-19 virus.
14. A person conducting a business or undertakings (PCBUs) and groups of workers were covered by the Vaccinations Order in two separate tranches, with the most recent tranche commencing on 15 July 2021. The groups required to be vaccinated include workers:
  - a. at managed isolation and quarantine facilities (MIQFs)
  - b. at airside area of affected airports and some other high-risk areas at airports
  - c. at affected ports
  - d. at accommodation services where specified aircrew members are self-isolating
  - e. who handle items removed from the affected places listed above and touch affected items while undertaking work for a relevant PCBU that is contracted to provide regular services for MIQFs, an affected aircraft, or an affected ship (for example, cleaning, laundering, or refuse disposal services).

### *Judicial review proceeding underway in relation to the Vaccinations Order*

15. As part of the wider context for potential changes to the Vaccinations Order, two judicial review proceedings have been instigated in the High Court. One of these proceedings will be heard together under urgency on 22 September 2021. Both proceedings raise a number of allegations challenging the lawfulness of the Vaccinations Orders<sup>1</sup>.
16. If the hearing on 22 September occurs, it is likely a judgment will be made before the end of the month. It is possible, though we consider unlikely, that the Court will find the Vaccination Order unlawful. Also, it may be that new issues with the Vaccination Order may come to light at the hearing or out of the judgment. If either of these possibilities happen, then urgent action and/or amendment for the Vaccination Order may be necessary. The second proceeding does not yet have a hearing date.

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<sup>1</sup> Two of these allegations relate to whether it was irrational (and therefore unlawful) for the Minister to be satisfied that the Vaccination Order: a) is a justified limit on the rights and freedoms of affected workers under the New Zealand Bill of Rights Act 1990; and b) is appropriate to achieve the purpose of the COVID-19 Public Health Response Act 2020. The second proceeding raises allegations around the safety and effectiveness of the Pfizer COVID-19 vaccine. It is likely if other COVID-19 vaccines are recognised within the Vaccination Order that the second proceeding will expand to challenge the safety and effectiveness of those other COVID-19 vaccines.



## **The Vaccinations Order is limited in the COVID-19 vaccines recognised for Border work, which is contributing to workforce capacity issues**

17. In relation to COVID-19 vaccines, the Vaccinations Order states:
  - a. the person must have received 2 injections of the Comirnaty (Pfizer/BioNTech) vaccine, allowing a transition period for PCBUs and Border workers, and
  - b. the time period in which the person must be vaccinated by, for example, 1 injection before becoming an affected person and 2 injections 35 days after becoming an affected person.
18. The current approach to COVID-19 vaccines required for work at the Border does not accommodate New Zealanders who return from working overseas and who have received a full course of a COVID-19 vaccine other than Pfizer/BioNTech vaccine. The Vaccinations Order does not recognise any other COVID-19 vaccines now or in the future that could provide a sufficient level of protection for work at or close to the Border.
19. We understand that the limitation of only recognising the Pfizer/BioNTech vaccine has produced workforce capacity issues for employers and PCBUs responsible for people who undertake work at the Border.
20. In particular, the New Zealand Defence Force (NZDF) report having more than 250 personnel who have been vaccinated overseas with the Moderna, AstraZeneca or Janssen vaccines. These personnel cannot be reassigned to work at managed quarantine and isolation facilities (MIQFs) because they do not meet the vaccination requirements in the Vaccinations Order. Some personnel currently working at MIQFs have not been able to rotate out for a year or more.
21. The Vaccinations Order also does not accommodate cases where workers are partially vaccinated overseas with a COVID-19 vaccine other than Pfizer/BioNTech vaccine and return to work at the New Zealand Border. There is currently no pathway for these workers to become 'fully vaccinated' as defined in the Vaccinations Order. There are concerns about whether it is safe to administer two doses of the Pfizer/BioNTech vaccine to people who have had a full course of another COVID-19 vaccine.

## **We propose you amend the Vaccinations Order to recognise a wider group of COVID-19 vaccines**

### **Proposals**

22. CV-TAG has provided advice after reviewing COVID-19 vaccines recognised by Medsafe and/or a Medsafe recognised authority. This advice forms the basis of several proposals we seek your agreement to.

*We propose an overall approach that includes COVID-19 vaccines recognised by Medsafe or a Medsafe recognised authority*

23. We propose you amend the Vaccinations Order to reflect an overall approach that recognises COVID-19 vaccines fully approved or provisionally approved by Medsafe; and/or fully approved, provisionally approved and/or authorised for emergency use by

Medsafe-recognised authorities<sup>2</sup>. These authorities include medicines regulators with similarly stringent approaches to approvals (e.g. European Medicines Authority). The list of COVID-19 vaccines recognised currently includes Pfizer/BioNTech, Moderna, AstraZeneca and Janssen.

*We propose a further dose of the Pfizer/BioNTech vaccine for Border workers in certain circumstances*

24. In addition, CV-TAG recommends that a further dose of the Pfizer/BioNTech vaccine is necessary if a Border worker has:
  - a) an incomplete vaccination with a vaccine recognised by Medsafe or a Medsafe recognised authority, or
  - b) received a partial or complete course of vaccination with a COVID-19 vaccine not recognised by Medsafe or a Medsafe recognised authority.
25. CV-TAG also recommends a further dose of the Pfizer/BioNTech vaccine is necessary if a Border worker has a full course of vaccination with the Janssen vaccine, which is largely due to concerns about the effectiveness against infection given the high-risk environment at the Border. We provide greater discussion of the issue in paras 35 to 40.

*We propose an option to offer the Janssen vaccine for specified Borders workers who are hesitant to receive the primary vaccine available*

26. We understand that certain unvaccinated Border workers (approximately 30 pilots and port workers) have expressed concerns about the primary vaccine available and propose receiving an alternative COVID-19 vaccine, specifically the Janssen vaccine, in order to fulfil their obligation under the Vaccinations Order.
27. We propose an option to recognise the single-dose Janssen vaccine for specified Border workers who are hesitant to receive the primary vaccine available, which would be followed by a second dose of the Janssen vaccine if recommended by CV-TAG in the future.

*Analysis of proposals*

### **COVID-19 vaccines recognised by Medsafe or a Medsafe recognised authority**

28. It is necessary that any recognised COVID-19 vaccine for Border work should provide a level of protection that is proportionate to the high risk of exposure to and transmission of the COVID-19 virus, especially given the spread of the Delta variant. Consequently, it is critical to draw on the most robust evaluations of efficacy, safety and quality that are currently available. However, relevant information, data and evidence is still emerging.

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<sup>2</sup> Medsafe recognised authorities are the Australian Therapeutic Goods Administration (TGA), United States Food and Drug Administration (FDA), Health Products and Food Branch of Health Canada, Medicines and Healthcare products Regulatory Agency (MHRA), in the United Kingdom, European Medicines Agency (EMA) (centralised procedure only), and EU member states (decentralised or mutual recognition procedure only). For practicality, we suggest not including EU member states (decentralised or mutual recognition procedure only) because all new vaccines approved in EU only go through centralised process.



29. Medsafe is New Zealand's medicines regulator and is responsible for approving suitable COVID-19 vaccines for use in New Zealand. As such, we consider that Medsafe's assessments provide a minimum standard in New Zealand for the level of expected efficacy, safety and quality for COVID-19 vaccines.
30. Medsafe considers that a number of other authorities have robust approval processes and conduct thorough assessments of applications for new medicines. They follow similar international standards and guidelines in their assessments to Medsafe<sup>3</sup>.
31. We consider that the optimal balance across wellbeing, equity and legacy objectives is achievable through broadening the group of COVID-19 vaccines to those recognised by Medsafe and/or a Medsafe recognised authority and requiring a further dose of the Pfizer/BioNTech vaccine for Border workers in certain circumstances. These objectives include supporting the legitimacy and trust in the overall COVID-19 response. Appendix One provides further detail on all options considered, including the recommended option (Option 2b).
32. The proposed list of COVID-19 vaccines has been reviewed by the CV-TAG with consideration of the level of efficacy and effectiveness necessary for work at the Border, including effectiveness against the Delta variant.
33. At this stage, most proposed COVID-19 vaccines (i.e. Pfizer/BioNTech, AstraZeneca and Moderna vaccines) appear to have high efficacy and effectiveness against symptomatic infection and moderate-to-serious disease after the full course, except for the single-dose Janssen vaccine. CV-TAG's full advice is attached in Appendix Two.

#### **A further dose of Pfizer/BioNTech**

34. CV-TAG advises that mixing vaccine doses is unlikely to result in adverse effects and could provide an improved immune response. A further dose of Pfizer/BioNTech would ensure Border workers who have not received a full course of a recognised COVID-19 vaccine have a sufficient level of immunity for high-risk work at the Border.

#### **Offering the Janssen vaccine**


35. CV-TAG advises that a full course of the Pfizer/BioNTech, AstraZeneca and Moderna vaccines would provide sufficient protection from COVID-19 for work at the Border. However, it would be necessary for Border workers vaccinated with the Janssen vaccine to receive a further dose of the Pfizer/BioNTech vaccine to provide a sufficient level of protection for high-risk work.
36. Border workers' who are hesitant to receive the primary vaccine available and prefer the Janssen vaccine would be unlikely to accept the further dose of the Pfizer/BioNTech vaccine recommended by CV-TAG. However, we do note that trials are presently underway to assess the efficacy of the Janssen vaccine after a second dose.

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<sup>3</sup> We acknowledge that the World Health Organization (WHO) provides a list of COVID-19 vaccines for emergency use, which allows countries to expedite their own regulatory approval to import and administer COVID-19 vaccines. However, WHO's focus differs in that it aims to protect global health through rapid access to medicines, vaccines and diagnostics in an emergency rather than providing sufficient protection for high-risk work at the Border.

37. As some hesitant Border workers may remain otherwise unvaccinated if not given the option to receive the Janssen vaccine, there are several risks to consider:
- a) Government continues to focus on maximising uptake of COVID-19 vaccines in New Zealand to prevent transmission of the COVID-19 virus, supporting the COVID-19 Elimination Strategy. If these specific Border workers remain unvaccinated, then this could to some degree affect whether New Zealand will be able to prevent transmission of COVID-19 within the country's border.
  - b) If these workers remain unvaccinated, then this could contribute to workforce capacity issues at the Border. These Border workers may need to take leave or cease working if employers and/or PCBUs cannot redeploy them to undertake lower risk work.
  - c) Some of these unvaccinated Border workers may continue to undertake high-risk work if they have received an economic exemption. Unvaccinated Border workers could affect whether transmission of COVID-19 permeates the New Zealand Border.
38. Risks associated with Border workers who may remain unvaccinated should be considered alongside the risks signalled by CV-TAG in relation to the suitability of the single-dose Janssen vaccine for protection at the Border.

39. s. 9(2)(j)



40. CV-TAG continues to monitor all relevant information for COVID-19 vaccines and can provide further recommendations about a second dose of the Janssen vaccine as further evidence becomes available.

#### **New Zealand Bill of Rights Act 1990 implications**

41. We do not consider that the impact of the proposed changes will have any implications in relation to obligations under the New Zealand Bill of Rights Act 1990. This is mainly due to the fact that the proposed changes do not change the coverage of Border workers included within the Vaccinations Order.
42. There is the potential that some Border workers may benefit from, where possible, greater choice of COVID-19 vaccines that will allow them to meet their obligations under the Vaccinations Order.

#### *Implementation*

#### **Record of overseas vaccinations**

43. If a COVID-19 vaccine is administered overseas, there is a way to manually load these records into the COVID-19 Immunisation Register (CIR) and then link the records to the workers records in the Border Workforce Testing Register (BWTR). PCBUs can access the register to update worker details and confirm whether the worker is vaccinated.



44. However, there are a few challenges still to work through to enable implementation, specifically:
  - a) clear guidance to District Health Boards on how to undertake the manual process
  - b) there is no established way in New Zealand to verify the authenticity of overseas COVID-19 vaccination documents.
45. Any process to validate COVID-19 vaccinations from overseas would likely need to consider how to prove that the vaccination occurred, and that the COVID-19 vaccine is authentic. Both these issues would require further work.
46. As part of the Reconnecting New Zealand strategy, several agencies are investigating how to develop a system to recognise traveller health declarations, but the system will not be in place until later this year. Until international standards for COVID-19 vaccination certificates are adopted more widely, variability will present significant challenges for checking and verifying vaccination statuses of international travellers into New Zealand (DPMC-2021/22-251 refers).
47. However, we note that NZDF is able to verify the vaccines types and courses that their personnel have had administered overseas, since vaccination details are recorded in the patients clinical record (which is internal within NZDF's health system). The Chief Medical Officer has confidence in NZDF's system for advising and recording immunisation of personnel.
48. If you agree to recognise COVID-19 vaccines administered overseas, further work will be necessary with Border worker agencies to enable this to occur in practice. This would likely take a minimum of three weeks, especially given the lack of an established way to validate the authenticity of evidence provided by Border workers to prove vaccination status.

**Process for the catalogue of COVID-19 vaccine standards agreed for certain purposes**

49. The Ministry will record any vaccine standards you agree in a centralised compendium for easy access, and this will include information about:
  - a) the purpose associated with the vaccine standard (e.g. ensure sufficient protection for Border workers)
  - b) the relevant list COVID-19 vaccines.
50. We will investigate the most suitable way manage and make use of the list in practice.

**Pfizer/BioNTech vaccine use beyond Medsafe approved advices**

51. To fulfil CV-TAG's recommendations (see paras 24 and 25), COVID-19 vaccinators would require the authority to legally administer a further dose of the Pfizer/BioNTech vaccine for Border workers in certain circumstances.
52. COVID-19 vaccinators administering a further dose of the Pfizer/BioNTech vaccine would go beyond the Medsafe approved dosing advice. Section 25 of the Medicines Act 1981 would enable some COVID-19 vaccinators, known as authorised prescribers, to legally administer a further dose of the Pfizer/BioNTech vaccine. However, the use of authorised prescribers narrows the group of COVID-19 vaccinators for this purpose t (e.g. nurse practitioners; other health practitioners and designated prescribers).

53. Actions would be necessary to ensure a coordinated approach to providing further doses of the Pfizer/BioNTech vaccine to Border workers in certain circumstances.

## Equity

54. The proposed amendments do not broaden the groups of persons affected by the current Vaccination Order but do make the vaccination requirements more specific.
55. Generally the proposed approach for COVID-19 vaccines recognised for Border work does not increase health or other inequities domestically and globally due to differential access to COVID-19 vaccines.
56. Border workers, including people working at MIQFs, are at the frontline of the pandemic and therefore at the highest risk of being infected. For workers who are not yet vaccinated, proposed amendments would broaden the group of COVID-19 recognised for work at the Border and potentially encourage uptake overall. This impact may lower the risk of infection for these workers and the risk of transmission to communities of people that these workers ordinarily interact with including place, ethnicity, faith and age-based communities. In April 2021 the COVID-19 Science and Insights Group estimated the current border workforce demographics using testing and vaccination data. This indicates that:
- a) there was a high proportion of people identified as Asian and Pacific Peoples working in managed isolation facilities and affected airports
  - b) there are fewer people identified as Māori than in the general population in the border workforce
  - c) most MIQF workers are aged between the ages of 20 and 24, while airport workers' age is distributed more flatly
  - d) since the beginning of the pandemic, the proportion of border workers who live in more socioeconomically deprived areas has been trending upwards
57. These estimated workforce demographics do not include port workers.
58. There may be inequities for workers who do not want to be vaccinated with the Pfizer/BioNTech vaccine and/or are less able to successfully negotiate a redeployment may be worse off. Generally, workers who do not have equitable access to the required vaccines may be worse off. However, these workers will be able to immediately access COVID-19 vaccines as part of Group 1 of the COVID-19 Sequencing Framework.

## Next steps

59. The proposed tentative timeline for drafting and introduction of the second amendment to the Vaccinations Order covering all affected groups of workers is set out below. Please note the timeframes consider the time necessary for implementation and may be delayed depending on the outcome of current judicial proceedings underway.

| Stage                            | Indicative timeframe | Owner             |
|----------------------------------|----------------------|-------------------|
| Minister agrees policy decisions | Friday 1 October     | Minister's Office |



|  |  |                   |
|--|--|-------------------|
| Drafting instructions to PCO   | Wednesday 6 October  | MoH Legal         |
| PCO provide finalised draft amendment  | Wednesday 13 October   | PCO               |
| Briefing internal sign-out   | Wednesday 13 October   | MoH Policy        |
| <b>Briefing and draft amendment Order to Minister's Office to support ministerial consultation</b> | <b>Thursday 14 October</b> –<br>Wednesday 20 October (5 days for consultation) | Minister's Office |
| PCO finalise Order for Ministerial signing   | Thursday 21 Oct - Tuesday 26 October (3 days – Labour Day)                     | PCO               |
| Internal sign out of Briefing and Order  | Tuesday 26 October   | MoH Policy        |
| <b>Final Amendment Order and Briefing sent to the Minister</b>                                     | Wednesday 27 October   | MoH Policy        |
| Minister of COVID-19 Response signs Order  | Thursday 28 October  | Minister's Office |
| PCO gazette Order  | Friday 29 October by 5pm   | PCO               |
| Amendment comes into force   | Sunday 31 October at 11:59pm   |                   |

60. It will be necessary to communicate with key stakeholders about the requirements that will come into effect to prepare for implementation of changes in the second amendment.
61. We seek your permission for the interagency engagement group to communicate the changes to vaccination requirements at a high-level with key stakeholders. This action will enable us to circulate key messages to manage expectations about the changes.

## Appendix One: Options considered for COVID-19 vaccines recognised for work at the Aotearoa/New Zealand Border

| Option | Description   | Practical implications <sup>4</sup>  | Wellbeing   | Equity   | Legacy  |
|--------|---|--|---|--|---|
| One    | Vaccinations Order only recognises Medsafe fully approved or provisionally approved COVID-19 vaccines.  | At present includes Pfizer/BioNTech, Janssen and AstraZeneca vaccine. Novavax currently under assessment by Medsafe.                           | <p><b>Pros</b></p> <p>Informed by evidence and/or advice about harms and benefits as assessed by New Zealand standards.</p> <p>Minimises the risk of health, social, and economic harm, especially for employers, PCBUs, workers and broader society.</p> <p>Supports uptake of a wider group of COVID-19 vaccines.</p> <p><b>Cons</b></p> <p>Limits group of COVID-19 vaccines to those with submitted applications in New Zealand, which may impact uptake generally.</p>   | <p><b>Pros</b></p> <p>Supports the promotion of equitable health outcomes across public and private employers, PCBUs and workers.</p> <p><b>Cons</b></p> <p>May increase health or other inequities domestically and globally due to differential access to COVID-19 vaccines.</p> <ul style="list-style-type: none"> <li>Some PCBUs may be more likely to need to recruit workers from overseas who have received an excluded COVID-19 vaccine.</li> <li>Some workers vaccinated overseas may not be able to undertake work at the Border because they received an excluded COVID-19 vaccine.</li> </ul>  | <p><b>Pros</b></p> <p>Supports the recovery from the COVID-19 pandemic, including the Delta variant.</p> <p>Supports legitimacy by acting in the best interests of New Zealanders.</p> <p>Promotes continued trust in the COVID-19 response efforts.</p> <p><b>Cons</b></p> <p>Legitimacy and trust in the COVID-19 response may be compromised because:</p> <ul style="list-style-type: none"> <li>evidence suggests that single-dose Janssen vaccine does not provide sufficient protection at the Border.</li> <li>it does not provide flexibility to adapt to changing domestic and international circumstances, such as: <ul style="list-style-type: none"> <li>the need to fill domestic roles at the Border with people vaccinated overseas with an excluded COVID-19 vaccine.</li> <li>that sufficient COVID-19 vaccines with no application submitted in New Zealand would not be recognised.</li> </ul> </li> </ul>   |
| Two    | Vaccinations Order recognises COVID-19 vaccines<br>a) fully approved or provisionally approved by Medsafe, and/or fully approved, provisionally approved and/or authorised for emergency use by Medsafe recognised authorities<br>b) fully approved or provisionally approved by Medsafe, and/or fully approved, provisionally approved and/or authorised for emergency use by Medsafe recognised authorities - with qualifications for single-dose Janssen and non-recognised COVID-19 vaccines and incomplete vaccinations (recommended). | In addition to Option One at present it now includes Moderna, Novavax, Sinovac, CureVac and Sputnik are currently under rolling review by EMA. | <p><b>Pros</b></p> <p>Informed by evidence and/or advice about harms and benefits as assessed by New Zealand and/or similar standards (for both options 2a and 2b).</p> <p>Minimises the risk of health, social, and economic harm, especially for employers, PCBUs, workers and broader society (for both options 2a and 2b).</p> <p>Supports uptake of a wider group of COVID-19 vaccines (for both options 2a and 2b).</p> <p><b>Cons</b></p> <p>Limits group of COVID-19 vaccines to those with submitted applications in New Zealand or to certain other regulatory authorities, which may impact uptake generally (for both options 2a and 2b).</p> | <p><b>Pros</b></p> <p>Supports the promotion of equitable health outcomes across public and private employers, PCBUs and workers (for both options 2a and 2b).</p> <p>Generally, does not increase health or other inequities domestically and globally due to differential access to COVID-19 vaccines (for both options 2a and 2b).</p> <p><b>Cons</b></p> <p>May increase health or other inequities domestically and globally due to differential access to COVID-19 vaccines (for option 2a only).</p> <ul style="list-style-type: none"> <li>Some PCBUs may be more likely to need to recruit workers from overseas who have received an excluded COVID-19 vaccine.</li> <li>Some workers vaccinated overseas may not be able to undertake work at the Border because they received an excluded COVID-19 vaccine.</li> </ul> | <p><b>Pros</b></p> <p>Supports the recovery from the COVID-19 pandemic, including the Delta variant (for both options 2a and 2b).</p> <p>Supports legitimacy by acting in the best interests of New Zealanders and promotes continued trust in the COVID-19 response efforts (for both options 2a and 2b).</p> <p><b>Cons</b></p> <p>Legitimacy and trust in the COVID-19 response may be compromised (for option 2a only) because:</p> <ul style="list-style-type: none"> <li>evidence suggests that single-dose Janssen vaccine does not provide sufficient protection at the Border.</li> <li>it does not fully provide flexibility to adapt to changing domestic and international circumstances, such as: <ul style="list-style-type: none"> <li>the need to fill domestic roles at the Border with people vaccinated overseas with an excluded COVID-19 vaccine.</li> <li>there is no pathway to be deemed "vaccinated" for COVID-19 vaccines with no application submitted in New Zealand or to certain regulatory authorities.</li> </ul> </li> </ul> |

<sup>4</sup> Note: There are different regulatory versions of COVID-19 vaccines depending on the site of manufacture, which means approval of a COVID-19 vaccine is not exactly equivalent across regulatory authorities.



|  |  |   |   |  |
|--|--|---|---|--|
| <p><b>Three</b></p> <p>Vaccinations Order does not recognise COVID-19 vaccines other than:</p> <p>(a) a full course of the Pfizer/BioNTech vaccine, or</p> <p>(b) one additional dose of the Pfizer/BioNTech vaccine.</p>  | <p>It would:</p> <p>a) only recognise two doses of the Pfizer/BioNTech vaccine</p> <p>b) only recognise at least one dose of the Pfizer/BioNTech vaccine.</p>                      | <p><b>Pros</b></p> <p>Partly informed by evidence and/or advice about harms and benefits as assessed by New Zealand standards (for both options 3a and 3b).</p> <p>Partly minimises the risk of health, social, and economic harm, especially for employers, PCBUs, workers and broader society (for both options 3a and 3b).</p> <p><b>Cons</b></p> <p>Not fully informed by evidence and/or advice about the harms and benefits as assessed by New Zealand standards and/or similar standards (for both options 3a and 3b).</p> <p>Significantly limits group of COVID-19 vaccines, which may impact uptake generally (for both options 3a and 3b).</p> | <p><b>Cons</b></p> <p>May not support the promotion of equitable health outcomes across public and private employers, PCBUs and workers (for both options 3a and 3b).</p> <p>May increase health or other inequities domestically and globally due to differential access to COVID-19 vaccines (for both options 3a and 3b):</p> <ul style="list-style-type: none"> <li>Some PCBUs may be more likely to need to recruit workers from overseas who have received an excluded COVID-19 vaccine.</li> <li>Some workers vaccinated overseas may not be able to undertake work at the border because they received an excluded COVID-19 vaccine.</li> </ul>   | <p><b>Pros</b></p> <p>Partly supports the recovery from the COVID-19 pandemic, including the Delta variant (for both options 3a and 3b).</p> <p><b>Cons</b></p> <p>Legitimacy and trust in the COVID-19 response may be compromised (for both options 3a and 3b) because:</p> <ul style="list-style-type: none"> <li>evidence suggests that single-dose Janssen vaccine does not provide sufficient protection at the border.</li> <li>it does not provide flexibility to adapt to changing domestic and international circumstances, such as: <ul style="list-style-type: none"> <li>the need to fill domestic roles at the border with people vaccinated overseas with an excluded COVID-19 vaccine.</li> <li>there is no pathway to be deemed "vaccinated" for excluded COVID-19 vaccines.</li> </ul> </li> </ul>   |
| <p><b>Four</b></p> <p>Vaccinations Order does not specifically reference COVID-19 vaccines other than the Pfizer/BioNTech vaccine. Instead, it recognises internal government agency processes used to advise government personnel on sufficient COVID-19 vaccines (only applies to government workers).</p> | <p>At present, includes primarily Pfizer/BioNTech, Janssen, AstraZeneca and Moderna. However, there is the possibility other COVID-19 vaccines where accessibility is limited.</p> | <p><b>Pros</b></p> <p>Partly informed by evidence and/or advice about benefits as assessed by New Zealand standards and/or similar standards.</p> <p>Minimises the risk of health, social, and economic harm, especially for employers, PCBUs, workers and broader society.</p> <p>Supports uptake of a wider group of COVID-19 vaccines.</p> <p><b>Cons</b></p> <p>Not fully informed by evidence and/or advice about the harms and benefits as assessed by New Zealand standards and/or similar standards.</p>  | <p><b>Pros</b></p> <p>Supports the promotion of equitable health outcomes only across public service employers, PCBUs and workers.</p> <p><b>Cons</b></p> <p>Does not support the promotion of equitable health outcomes across both public and private employers, PCBUs and workers.</p> <p>May increase health or other inequities domestically and globally for private employers, PCBUs and workers due to differential access to COVID-19 vaccines, noting:</p> <ul style="list-style-type: none"> <li>private PCBUs may be more likely to need to recruit workers from overseas who have received an excluded COVID-19 vaccine.</li> <li>private workers vaccinated overseas may not be able to undertake work at the border because they received an excluded COVID-19 vaccine.</li> </ul> | <p><b>Pros</b></p> <p>Supports the recovery from the COVID-19 pandemic, including the Delta variant.</p> <p>Supports legitimacy by acting in the best interests of New Zealanders.</p> <p>Promotes continued trust in the COVID-19 response efforts.</p> <p><b>Cons</b></p> <p>Legitimacy and trust in the COVID-19 response may be compromised because:</p> <ul style="list-style-type: none"> <li>evidence suggests that single-dose Janssen vaccine does not provide sufficient protection at the border.</li> <li>there may not be evidence that some recognised COVID-19 vaccines provide sufficient protection for border work.</li> <li>it does not provide flexibility to adapt to changing domestic and international circumstances for private employer, PCBUs and workers.</li> <li>there may inconsistency in COVID-19 vaccines recognised across the public employer, PCBUs and workers.</li> </ul> |

## Appendix Two: COVID-19 Vaccine Technical Advisory Group Advice - COVID-19 vaccines recognised for work at the Aotearoa/New Zealand Border

62. Medsafe considers that the authorities listed below have robust approval processes and conduct thorough assessments of applications for new medicines. They follow similar international standards and guidelines in their assessments to Medsafe. This allows Medsafe to rely on their assessments and approval to facilitate abridged evaluations of new medicine applications in New Zealand submitted via the abbreviated application pathway. The Medsafe recognised authorities are [1]:
- a) The Australian Therapeutic Goods Administration (TGA)
  - b) The United States Food and Drug Administration (FDA)
  - c) Health Products and Food Branch of Health Canada
  - d) Medicines and Healthcare products Regulatory Agency (MHRA), in the United Kingdom
  - e) European Medicines Agency (EMA) (centralised procedure only)
  - f) EU member states (decentralised or mutual recognition procedure only)
63. The COVID-19 vaccines currently provisionally approved by Medsafe for use in New Zealand are **Pfizer/BioNTech, Janssen, and AstraZeneca**. An application for the **Novavax COVID-19 vaccine** has been received, however further data has been requested from the sponsor [2].
64. As of 31 August 2021, COVID-19 vaccines that do not have Medsafe approval or provisional approval, but that do have approval, provisional approval, or emergency use provisions from Medsafe-recognised authorities are: **Moderna mRNA vaccine** (Spikevax) approved by the TGA, FDA, Health Canada, MHRA, and EMA; and the **AstraZeneca vaccine manufactured by the Serum Institute of India (Covishield)** has received separate approval from Health Canada [3-7]. Vaccines that are currently under rolling review by the EMA but have not yet been approved include CureVac, Gamaleya (Sputnik V), Sinovac (Coronovac) and Vidprevtyn from Sanofi-GSK. These are not currently recognised as part of these recommendations.
65. The vaccines provisionally approved by Medsafe and other regulatory bodies provide protection against COVID-19 and have good safety profiles, however, efficacy/effectiveness varies between the vaccines (see Table 1). A high level of protection against COVID-19 is needed for Border workers, not only for the direct individual benefits of protection against symptomatic infection and moderate-severe disease. But there is also a broader public health benefit through reducing viral infection and onward transmission.



**Table 1: Vaccine efficacy/effectiveness of provisionally approved and recognised vaccines**

|   | Pfizer/BioNTech   | AstraZeneca  | Janssen  | Moderna   |
|---|---|--|--|---|
| <b>Against symptomatic COVID-19 infection</b> | <i>Efficacy</i>   |  |  |   |
|   | 95% (95%CI: 90.3-97.6) >7 days post 2 <sup>nd</sup> dose [8].   | 63.1% (95%CI: 51.8-71.1) >14 days post 2 <sup>nd</sup> dose [15].<br><br>US trial: 76% (95%CI: 68.0-82.0) from 15 days post 2 <sup>nd</sup> dose when given four weeks apart [16].<br><br>54.1% (95%CI: 44.7-61.9) >14 days post 2 <sup>nd</sup> doses [15]. | 74% (95%CI: 46.8-88.4) >28 days post vaccination [19].       | 94.1% (95% CI:89.3-96.8) against infection including severe disease >14 days post 2 <sup>nd</sup> dose [21].  |
|   | <i>Effectiveness</i>  |  |  |   |
|   | 94% (95%CI: 87-98.0) against symptomatic infection [9].<br>85-95.3% >7 days post 2 <sup>nd</sup> dose in Israel, UK and Italy [9-13].<br>UK: 70% (95%CI: 62-77) reduction in transmission post 2 <sup>nd</sup> dose [13].<br>Israel: ~77% reduction among elderly post 2 <sup>nd</sup> dose [14]. | Scotland: 88% (95%CI: 75-94) against hospitalisation 28-34 days post 1 <sup>st</sup> dose [17].<br><br>UK: 80.4% (95%CI: 36.4-94.5) against hospitalisation post 1 <sup>st</sup> dose in the elderly [18].   | US: 76.7% (95%CI: 30.3-95.3) >14 days post vaccination [20]. | 98.2% (95%CI: 97.5-98.6) >7 days post 2 <sup>nd</sup> dose [22].<br>91.3% (95%CI: 79.3-96.3) against symptomatic infection and 68.3% (95%CI: 27.9-85.7) against asymptomatic infection >14 days post 2 <sup>nd</sup> dose [23]. |
| <b>Delta</b>                                  | <i>Effectiveness against symptomatic infection:</i>   |  |  |   |
|   | 88% (95%CI: 85.3-90.1) against symptomatic Delta infection [24].<br>96% (95%CI: 86-99) against hospitalisation with Delta infection [25].<br>Scotland: 79% (95%CI 75-82) against infection [26].  | UK: 67% (95%CI: 61.3-71.8) against symptomatic Delta infection [24].<br>UK:92% (95%CI: 75-97) against hospitalisation with Delta infection [25].   | No data  | US: 66% (95%CI: 22-84) (pooled data with Pfizer) [27].<br>US: 76% (95%CI: 58-87) >14 days post 2 <sup>nd</sup> dose [28].   |
|   | <i>Effectiveness against asymptomatic infection:</i>  |  |  |   |
| No data                                       | No data   | No data  | No data  |   |

66. s. 9(2)(j)

67. Recommendations are also needed for the following groups:

- a. individuals with incomplete vaccination with recommended vaccines
- b. individuals with complete or incomplete vaccination with COVID-19 vaccines that are not recommended for use at the Border.

### Recommendations

68. CV-TAG met on 17 and 31 August 2021 to consider recommendations regarding which COVID-19 vaccines can be recognised for Border work, and how to approach incomplete and complete vaccination with non-recognised COVID-19 vaccines.

69. **CV-TAG noted that:**

- a) Data is still emerging on the efficacy of heterologous vaccine schedules from approved and recognised vaccines in New Zealand's portfolio, however initial results show that mixing vaccine doses is associated with a low incidence of adverse effects and could provide an improved immune response through increased anti-spike antibody titres and neutralising antibodies [31-33].
- b) Protection against symptomatic infection is of enhanced importance for work at the Border. Extensive data has emerged showing high efficacy and effectiveness against symptomatic infection after two doses of the Pfizer/BioNTech, AstraZeneca, or Moderna vaccines in Phase 3 clinical trials and large post-marketing studies. There is strong evidence that the Janssen vaccine (the single-dose, adenovirus vector vaccine) provides a high degree of protection against moderate and severe disease from COVID-19. However, there is less data on the efficacy or effectiveness against symptomatic infection, especially in the context of the Delta variant of SARS-CoV-2, and the immune response appears to be lower.

70. **CV-TAG recommends that:**

- c) a full course of vaccination with a COVID-19 vaccine recognised by Medsafe (or a Medsafe recognised authority) provides sufficient protection from COVID-19 for work at the Border, with the exception of the Janssen vaccine as a single dose schedule.
- d) an additional dose of the Pfizer/BioNTech vaccine should be administered for Border workers who have only received a single dose of the Janssen vaccine, due to the higher risk of SARS-CoV-2 infection for Border work, and the need for enhanced protection against infection among Border Workers.



- e) if a worker is in New Zealand and has an incomplete vaccination with a vaccine recognised by Medsafe (or a Medsafe recognised authority), they should complete their vaccination by receiving one dose of the Pfizer/BioNTech vaccine. This should occur at least 21 days after the first dose of the non- Pfizer/BioNTech vaccine, or at least 28 days after the first dose if this was AstraZeneca or Moderna. There is no upper time limit on time for when that dose can be administered.
- f) workers who have received a partial or complete course of a non-recognised COVID-19 vaccine, should also receive one dose of the Pfizer/BioNTech vaccine.

71. CV-TAG will continue to monitor all relevant information (including vaccine efficacy data against emerging variants of concern and emerging evidence on the duration of immunity) and will update their recommendations as further evidence becomes available.

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