



Briefing

IMPLEMENTATION OF RETURN GREEN FLIGHTS FROM VICTORIA

To: Hon Chris Hipkins Minister for COVID-19 Response			
CC: Rt Hon Jacinda Ardern Prime Minister		Hon Grant Robertson Deputy Prime Minister	
Hon Michael Wood Minister of Transport		Hon Nanaia Mahuta Minister of Foreign Affairs	
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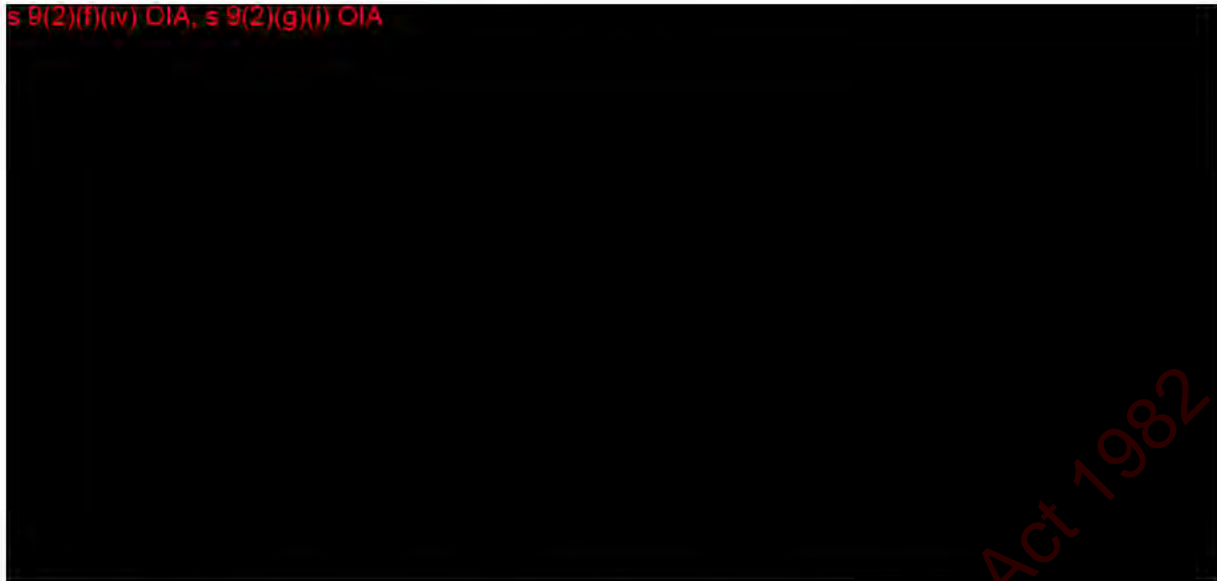
Purpose

1. This briefing provides further advice on the operational considerations for implementing managed returns from Australia, in response to an extended pause of trans-Tasman Quarantine Free Travel, following decisions taken by Ministers yesterday.
2. This is subsequent to the advice provided to Ministers with power to act on 3 June. *Advice on Managed Returns from Victoria* [DPMC-2020/21-1057] refers.

Recommendations

1. **Note** that on 25 May 2021, Ministers agreed to pause QFT flights from Victoria to New Zealand following growing numbers of COVID-19 community cases in the state and travellers impacted by the QFT pause are currently sheltering in place.
2. **Note** that Ministers met with officials and received advice regarding the managed return of New Zealanders from Victoria on 3 June, agreeing to provide managed return flights from Melbourne from 9 June 2021.

§ 9(2)(f)(iv) OIA, § 9(2)(g)(i) OIA



4. **Note** that eligible travellers will need to return a negative COVID-19 test prior to departure under existing pre-departure testing requirements.
5. **Note** that Transport officials understand that Air New Zealand, Qantas and Jetstar are all intending to operate flights from Melbourne, and have indicated they are not expecting there to be capacity constraints, and are able to adjust schedules to meet demand.
6. **Note** officials have a high degree of confidence there will be enough capacity added from 9 June to enable the return of all New Zealanders currently stranded in Melbourne.
7. **Agree** that in the very unlikely event that capacity was to become an issue, we propose to limit any humanitarian prioritisation to individuals who require consular assistance from NZ consular officials and where:
 - a) a serious risk to health or safety exists for the applicant or their dependant, which requires urgent travel to New Zealand; YES / NO
 - OR
 - b) where urgent travel is required to ensure a child is provided with appropriate care and protection.
8. **Agree** that return green flights are predicated on a high-trust declaration-based model, with the onus on the individual to meet requirements. YES / NO
9. **Note** the legal advice and the New Zealand Bill of Rights Act 1990 implications.
10. **Agree** that this briefing is proactively released, with any appropriate redactions where information would have been withheld under the Official Information Act 1982, in August 2021. YES / NO

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s9(2)(a) OIA

Christine Stevenson
Chair, Border Executive Board

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s9(2)(a) OIA

Hon Chris Hipkins
Minister for COVID-19 Response

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Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Christine Stevenson	Chair, Border Executive Board		
Ruth Fairhall	Head of Strategy & Policy, COVID-19 Strategy & Policy, COVID-19 Group	s 9(2)(a) OIA	✓

Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

IMPLEMENTATION OF RETURN GREEN FLIGHTS FROM VICTORIA

Background

3. On 25 May 2021, Ministers agreed to pause QFT flights from Victoria to New Zealand following growing numbers of COVID-19 community cases in the state [refer HR20211248]. That pause has since been extended and this will now be in place until at least 10 June 2021, with a review on Wednesday 9 June. Departures to Melbourne have continued during this QFT pause with 2,459 passenger arrivals in Melbourne from New Zealand between 25 May and 2 June.
4. Trans-Tasman QFT has been established on the principle of “flyer beware”, with clear Government communications emphasising that travellers should have contingency plans in place, in preparation for any outbreak of COVID-19 in the community. New Zealanders who have travelled to Australia are advised at several points that they must be prepared for travel disruptions, and have been warned that they may need to stay in Australia for longer than planned and will need to meet any costs of this.
5. Travellers impacted by the QFT pause are currently expected to shelter in place until QFT resumes. As of 31 May 2021, there were 504 travellers registered as being in Victoria on MFAT’s Safe Travel system. This is a voluntary registration system, so there will be significantly more New Zealanders currently in Victoria. There have been 65 consular enquiries of all kinds from New Zealanders in Victoria received across MFAT’s consular network.
6. Officials met with the Minister for COVID-19 Response to discuss the managed return of New Zealanders from Victoria and provided advice to Ministers with Power to Act on 3 June. Based on officials’ advice, the Minister for COVID-19 Response agreed to provide managed return flights from Melbourne from 9 June 2021.

Option for return green flights selected by Ministers

7. Ministers agreed to a return with the following high level parameters:
 - a) Flights would operate through the green zone, with passengers being processed at the airport at the same time as other travellers on green flights;
 - b) Passengers would be required to have a pre-departure test (PDT) in Victoria within 72 hours prior to returning to New Zealand;
 - c) Masks must be worn on planes and public transport;
 - d) Passengers should aim to use private transport to get to their location of residence once in New Zealand (if possible); and
 - e) Passengers make a declaration prior to departure that they are not symptomatic and have not been in a location of interest.
8. Officials are now working to operationalise this decision so that flights can begin on 9 June 2021.

Pre-departure testing requirements and accreditation

Pre-departure testing

9. Travellers will need to return a negative COVID-19 test prior to travel, and existing PDT requirements apply. The PDT should be within 72 hours before a flight and comply with existing specifications for testing as set out in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020. All tests must be processed by a laboratory recognised in the country of origin (in this case Australia) as authorised or accredited to conduct tests. All current exemptions from PDT requirements would apply, including children under 2 and all air crew.
10. PCR testing in Australia is done by private clinics. Most clinics advertise 48-72 hour turnaround for pre-departure testing on their websites. In practice most results are produced within 48 hours to meet requirements of other countries, but there are no guarantees.
11. Officials understand that the cost of a COVID test in Australia is AU\$120-180 for a PDT via pathology labs or referral of a travel doctor (as opposed to general drive-up/walk-in free COVID testing for those with symptoms). Officials recommend passengers undertake pre-departure testing within 72 hours in line with advertised turnaround times of Australian clinics. The cost of any pre-departure test must be met by the traveller.

Requirements for Air crew

12. Aircrew requirements are being worked through by the Ministry of Health, to ensure there are no unintended impacts for crewing and resourcing. A pre-departure testing requirement in Melbourne for aircrew would not be operationally possible. Crew are not on the ground in Melbourne long enough to undertake testing and get the results. The proposed airside exemption remains (i.e. for crew who fly up and directly back, without leaving the aircraft/airside).

Health capacity for contacting travellers returning on green flights

13. If Ministers wanted officials to contact people arriving in New Zealand on green flights for the purposes of surveillance of the requirements, the Ministry of Health would be able to operationalise this at scale. If a recent traveller subsequently tested positive in New Zealand, the Ministry of Health would move into their normal Contact Tracing activity and would only be able to send emails to travellers – unless any travellers are identified as contacts of the positive case.

s 9(2)(f)(iv) OIA, s 9(2)(b)(ii) OIA

s 9(2)(f)(iv) OIA, s 9(2)(b)(ii) OIA

s 9(2)(f)(iv) OIA, s 9(2)(g)(i) OIA

19. The ability to provide assurance that these criteria are being met will be very limited and we would be relying on a high trust model. It will not be possible to check eligibility for all passengers prior to departure, and if a person arrived in New Zealand who was ineligible, the options for taking enforcement action are very limited. It is not feasible to quickly amend the self-check in kiosk declaration questions. Communications through New Zealand government channels and from airlines about the purpose of the flights being for returning residents will be critical.
20. The details of how these provisions would be implemented are discussed below in paragraphs 31–37.
21. Despite the challenges of enforcing any limitations, we consider it is worthwhile to distinguish these as green flights from Melbourne from normal QFT flights and to maintain the integrity of the current QFT pause.
22. In the event that the government wanted to be more specific about who could travel to New Zealand, a “brightline” test could be used such as the date that the person last left New Zealand on or after the announcement of two-way QFT with Australia. This would capture anyone who travelled to Australia under QFT arrangements with an expectation

(notwithstanding the "flyer beware" messaging) that they would be able to return to New Zealand without going into managed isolation.

Humanitarian exemptions

23. People with humanitarian exemptions will be eligible for travel to New Zealand on return green flights from Victoria. People in this position would be able to apply through the existing INZ process.

Prioritisation criteria if capacity becomes constrained

24. Under the current conditions advised, Transport officials report that airlines are not expecting there to be capacity constraints. Further, airlines have indicated that they are able to adjust schedules to meet demand. We understand that the pre-departure testing requirement is also likely to have a dampening effect on demand; some travellers will choose to wait until the requirement is lifted.
25. Discussions with airlines have provided officials with a high degree of confidence there will be enough capacity added from 9 June to enable the return of all New Zealanders currently stranded in Melbourne. On this basis, prioritising passengers in this instance should not be necessary.

26. s 9(2)(f)(iv) OIA, s 9(2)(g)(i) OIA

27. In the unlikely event capacity was to become an issue, we propose to limit any humanitarian prioritisation to individuals who require consular assistance from NZ consular officials and where:
 - a) a serious risk to health or safety exists for the applicant or their dependant, which requires urgent travel to New Zealand; or
 - b) where urgent travel is required to ensure a child is provided with appropriate care and protection.
28. An alternative approach could be to apply a broader set of humanitarian criteria. However, determining how wide to cast the net poses significant challenges including establishing a clear policy basis for favouring some needs over others, and a rigorous process for interrogating claims.
29. From a consular perspective, the Ministry of Foreign Affairs and Trade advise applying broad humanitarian criteria is not necessary in the current circumstances and the resource required to stand up such a process is not warranted. Should Ministers consider it is warranted for other reasons, given the time available, this task would be best undertaken by an agency already resourced to assess and interrogate claims against a set of humanitarian criteria.

Process

30. Should further prioritisation be required, we propose officials work with the airlines to reserve a small number of seats on each flight for a period prior to the flight, to ensure

travellers with immediate consular needs – who meet the threshold for humanitarian prioritisation set out above – can access seats. Consular officials would identify any individuals among presenting consular cases who met the criteria and work with the airline to arrange bookings. The above humanitarian criteria would not be advertised by the Unite against COVID website, but the website would direct anyone who required consular assistance to Ministry of Foreign Affairs contact numbers.

Airport processes and readiness

Airport check-in process

31. Since the start of COVID-19, a high trust model has been used whereby travellers' complete self-declarations upon arrival at the airport. Currently airlines have pre-boarding questions at the kiosk, which ask travellers to confirm that they have not been in a location of interest and do not have symptoms of COVID-19, but does not include requesting a declaration of a negative PDT result.
32. Airline check-in systems are primarily electronic, and they have limited desk space and human resources on the ground. For return green flights from Victoria, the primary onus would be on the passenger to confirm they meet requirements. Supporting this would be:
 - a) clear communications on flight arrangements, eligibility requirements and public health measures (pushed directly to passengers via airlines)
 - b) potential spot checks by airlines and/or airport liaison officers on departure. Non-complying passengers could be denied boarding
33. Passengers must confirm they meet the requirements to be issued a boarding pass. If a passenger does not confirm the requirements, airline check-in staff undertake a secondary process to determine if they are eligible for QFT (e.g. if they have met a required stand-down period since exposure).
34. While border and travel risk would ideally be managed offshore with PDT checked and the verification process completed for ALL passengers prior to boarding, there are operational constraints which make this challenging. Checking all passenger PDT upon check-in in Australia and arrival in New Zealand would have service and resourcing implications.
35. s 6(a) OIA, s 9(2)(c) OIA
36. s 6(a) OIA
37. There could be some checking on arrival, built off the current checks – that people have for example undertaken pre-departure tests before travel – undertaken by New Zealand Customs. We note that there is no infringement applicable to persons who have breached the requirements, and travellers could not be required to return to Australia.

38. s 6(a) OIA, s 9(2)(c) OIA

s 9(2)(f)(iv) OIA, s 9(2)(g)(i) OIA

Australian government settings and Melbourne Airport

- 41. At present, there are only a small set of reasons people can leave home legally in Melbourne. MFAT officials have been able to confirm that New Zealanders in Victoria are able to travel to the Melbourne International Airport for the purposes of exiting Australia, and this has been updated publicly on the Victoria Government webpage.
- 42. Transport officials have not been made aware of any issues related to Melbourne International Airport being able to handle flights departing during lockdown. Air New Zealand has checked internally, and with the Victoria Department of Health and Human Services, and reported there is no reason to believe Melbourne airport would not welcome the flights, nor that there are any issues anticipated.

43. s 9(2)(a) OIA

Compliance and enforcement

- 44. In line with the high-trust model proposed, if someone fails to comply with the conditions for QFT, there are limited compliance and enforcement options available.

45. s 9(2)(g)(i) OIA

- 46. Currently, failing to comply with a condition for QFT is not clearly an infringement offence, so no enforcement could be undertaken by the issuing of an infringement notice.

s 9(2)(h) OIA

s 9(2)(h) OIA

Next steps

53. Managed return flights will be enabled by placing conditions on the exemption notice that gives effect to QFT. Parliamentary Counsel Office have begun drafting a notice and drafting instructions will be finalised pending decisions on this briefing.
54. Officials will continue to review and plan for future QFT pauses and that require managed return flights, particularly where more complex arrangements might be required (e.g. flights arriving with gaps).

Communications

55. Public messaging around travel logistics and requirements will be communicated to the public and key stakeholders via official Unite Against COVID-19 channels. Direct communications to affected travellers will come from airlines and mirror messaging communicated through official Unite Against COVID-19 channels.