



## BRIEFING

# Electronic Travel Authority: outcomes of consultation and policy decisions

<b>Date:</b>	9 August 2018	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	3440 17-18

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway <b>Minister of Immigration</b>	<b>Agree</b> to the proposed parameters for the ETA <b>Note</b> that a draft Cabinet paper for ministerial consultation will be provided to your office on 14 August	13 August 2018
Hon Kris Faafoi <b>Associate Minister of Immigration</b>	For information	N/A

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Siân Roguski	Manager, Immigration Policy	04 901 3855	✓
Christine Hyndman	Principal Policy Advisor, Immigration Policy, MBIE	04 901 8575	

The following departments/agencies have been consulted

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <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 Withdrawn           |

Comments



## BRIEFING

# Electronic Travel Authority: outcomes of consultation and policy decisions

Date:	9 August 2018	Priority:	High
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### Purpose

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To seek your agreement to the details of the Electronic Travel Authority (ETA) proposal for Cabinet agreement in September.

### Summary

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In light of consultation feedback and further development of the business case and initiative design, we recommend the following changes are made to the proposal that was considered by the Cabinet Business Committee (CBC) in May 2018:

- a crew ETA of five years' duration
- a proposal that, subject to privacy and legal considerations, ETA holder information could be shared with certain firms (such as airlines) as well as other border agencies
- the potential to opt in to receiving targeted information, such as tourism information
- an increase in project costs (to s 9(2)(i) over the two and a half years of the project's duration), and a fee range between \$9 and \$12.50.

We also recommend that the Cabinet paper include the following additional information:

- spell out the short and longer term purposes of the ETA
- include a definition of the ETA (for Immigration Instructions)
- note that certain classes of traveller who fall outside the current project's scope are likely to be included in the future
- recommend consequential work on a change to transit visa waiver policy.

If you agree to the details of the proposal, a draft Cabinet paper will be prepared and sent to your office on 14 August, to be consulted with colleagues between 15 and 29 August, and considered by the Cabinet Economic Development Committee (DEV) on 12 September. The final details of the initiative, which have regulatory implications and include the final fee, will be considered by DEV in March 2019. A summary of submitters is set out at Annex One and the summary of consultation outcomes is attached at Annex Two.

### Recommended action

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It is recommended that you:

- a) **Note** that the Cabinet Business Committee (CBC) agreed on 28 May 2018 [CBC-18-MIN-0057] that officials consult on the details of a proposed model, including:
  - i. the classes of people required to hold an Electronic Travel Authority (ETA) before travel;
  - ii. the period of validity;

iii. the information to be collected by the ETA and how it should be used;

*Noted*

b) **Note** that public consultation on the proposed ETA, immigration fee and levy changes, and the International Visitor and Conservation Levy (IVL) opened on 15 June 2018 and closed on 22 July 2018, and that officials have also met with industry representatives;

*Noted*

c) **Note** that the ETA received 19 external submissions (listed at Annex One and summarised in the report attached at Annex Two), and that:

- i. most (14) were broadly in favour of its introduction (although carrier industry representatives did not support this for crew);
- ii. the majority of concerns related to the potential for compliance burdens discouraging travellers or imposing costs on carriers;
- iii. it was seen as a good option for providing tourism or (in particular) biosecurity information to intending travellers;
- iv. submitters agreed that it should be possible for data to be shared but emphasised the need for privacy controls;

*Proposed parameters of the ETA – policy settings*

d) **Agree** to propose to Cabinet that the ETA progress, with the details as set out in Table One below (changes from the original proposal considered by Cabinet are marked in **bold**):

Table One: Policy details of ETA

*(please tick one)*

<b>Proposals</b>	<b>Agree</b>	<b>Disagree</b>	<b>Discuss</b>
<p><u><i>The classes of people required and not required to hold an ETA before travel</i></u></p> <p>i. the classes of people required to hold an ETA before travel to or transit through New Zealand be:</p> <ol style="list-style-type: none"> <li>a) people who are waived the requirement to hold a visa before travelling to New Zealand as visitors, unless separately excluded;</li> <li>b) Australian permanent residents with the right to return to Australia;</li> <li>c) cruise passengers and crew and commercial aircrew;</li> <li>d) people who are otherwise waived the requirement to hold a visa before transiting New Zealand;</li> </ol>			
<p>ii. the classes of traveller not required to hold an ETA before travel to New Zealand be:</p> <ol style="list-style-type: none"> <li>a) New Zealand citizens travelling on New Zealand passports, or foreign passports with appropriate endorsements</li> <li>b) Australian citizens travelling on Australian passports</li> <li>c) people who hold a valid New Zealand visa permitting travel to New Zealand;</li> <li>d) certain people currently deemed to hold a visa to travel to New Zealand under Schedule 3 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010), namely:               <ol style="list-style-type: none"> <li>i. crew and passengers on a ship travelling to New Zealand, which is not a cruise vessel;</li> </ol> </li> </ol>			

Proposals	Agree	Disagree	Discuss
<ul style="list-style-type: none"> <li>ii. crew on a foreign ship authorised to carry coastal cargo;</li> <li>iii. crew of private aircraft;</li> <li>iv. members of a visiting force and associated crew members;</li> <li>v. people travelling under the auspices of the Antarctic Treaty;</li> <li>vi. guests of government</li> </ul>			
<ul style="list-style-type: none"> <li>iii. members of the classes of traveller not required to hold an ETA before travel to New Zealand could however voluntarily choose to do so <b>(except for New Zealand citizens travelling on New Zealand passports)</b></li> </ul>			
<p><u>The duration of an ETA</u></p> <ul style="list-style-type: none"> <li>iv. The duration of an ETA from the date of granting will be two years, <b>except in the case of air and marine crew travelling in the course of their employment, who will be able to apply for and be granted ETAs of five years' validity</b></li> </ul>			
<p><u>The information to be collected by the ETA</u></p> <ul style="list-style-type: none"> <li>v. the information to be collected about the intending traveller or their travel comprise: (Required) <ul style="list-style-type: none"> <li>a) biographic details;</li> <li>b) travel document details;</li> <li>c) contact details;</li> <li>d) information which enables the traveller's statutory eligibility to travel visa waiver to be confirmed (including a declaration about their criminal conviction history);</li> <li>e) information about the intention of their travel to New Zealand, including relevant declarations about whether they are travelling in order to seek medical treatment;</li> <li>f) <b>information about the person making the application on behalf of the traveller, if that is a third party</b></li> </ul> </li> </ul>			
<p>(Optional)</p> <ul style="list-style-type: none"> <li>g) information about the intended date of travel, including booking references;</li> <li>h) biometric information (the passport photograph);</li> </ul>			
<p><u>The use of the information to be collected by the ETA</u></p> <ul style="list-style-type: none"> <li>vi. the information to be collected by the ETA will be: <ul style="list-style-type: none"> <li>a) used to determine the applicant's eligibility to travel to New Zealand;</li> <li>b) checked against information held by or accessible to Immigration New Zealand (such as the international Lost and Stolen Passports list);</li> <li>c) subject to legal and privacy impact considerations, able to be shared with authorised agencies <b>and firms</b>, such as border agencies <b>and carriers</b>, for risk assessment and facilitation purposes, <b>including to provide information (see below);</b></li> </ul> </li> </ul>			

Proposals	Agree	Disagree	Discuss
<p><u>Information that could be provided to applicants for an ETA</u></p> <p>vii. the information that could be provided to applicants:</p> <p>a) should include targeted information on or links to New Zealand's:</p> <p>    i) immigration requirements;</p> <p>    ii) biosecurity requirements;</p> <p>    iii) Customs requirements;</p> <p>b) could include targeted information on, or links to information on:</p> <p>    i) <b>safely driving in New Zealand;</b></p> <p>    ii) <b>events likely to impact on travellers (such as major earthquakes, pandemic information);</b></p> <p>    iii) <b>(opt in) targeted tourism information;</b></p>			

*Further elements of the ETA*

e) **Note** that

- i. The ETA is a platform for broader border of the future work, which will take advantage of technology advances to set policy aimed at better managing the New Zealand border to:
  - a) improve New Zealand's and our international partners' ability to detect and address risks associated with non-bona fide travel
  - b) better manage and facilitate bona fide travel and travellers
- ii. The immediate purpose of the ETA is to be an enhanced screening device to enable certain excluded foreign nationals to know, in advance, that they are ineligible to be granted a visa at the border and instead need to apply for a visa offshore.

*Noted*

- f) **Note** that, for the avoidance of doubt, an ETA is an authority to travel visa free, but is not a visa entitling a person to enter and stay in New Zealand;

*Noted*

- g) **Note** that, subject to future Cabinet agreement, the requirement to hold an ETA could be extended to some of the classes of traveller referred to under Table One ii) d) above, and / or to other classes of traveller;

*Noted / discuss*

- h) **Note** that consultation has identified a disjunct with transit visa policy settings, which would see transit visa-required people who are transiting New Zealand for Australia and returning by the same route required to hold an ETA to travel to Australia and a visa to return from Australia;

*Noted / discuss*

- i) **Direct** officials to examine the transit visa waiver for transit visa-required people who are transiting New Zealand for Australia, with a view to either waiving visa requirements for travel in both directions (making it ETA-required) or requiring a visa for both directions;

*Agreed / disagreed / discuss*

- j) **Direct** officials to undertake further policy work on the required regulatory changes to:
  - i. set a final fee;



- ii. prescribe the requirements for seeking an ETA;
- iii. work through the replacement of the current regulations setting out when foreign nationals are deemed to hold visas, and how certain classes of people can apply for and be granted visas and entry permission;

*Agreed / disagreed / discuss*

*Implementation and funding*

- k) **Note** that a staged implementation is planned:
- i. the initial phase, which will commence with air passengers, and with biographic capture only, will enable individuals to apply for the ETA and to pay the International Visitor and Conservation Levy (IVL) from the first quarter of 2019/20;
  - ii. progressive enhancements, extending the scope of collection and enabling more border security and facilitation features, will be integrated into the ETA system until this project concludes in December 2020;
  - iii. future developments envisaged, but not at present within the scope of this formal project, include a policy exploration of future possibilities for better assurance and easier travel;

*Noted / discuss*

- l) **Note** that the Ministry is continuing to refine the design and its implications with vendors and that the estimated cost is now s 9(2)(i) over the two and a half years of the project's duration;

*Noted / discuss*

- m) **Note** that the current estimate of the cost-recovery fee to be charged to applicants is between \$9 and \$12.50, and Cabinet will be asked to decide the final level in March 2019;

*Noted / discuss*

*Further work*

- n) **Direct** officials to prepare a Cabinet paper based on recommendations d) to m) above, and to provide a copy for ministerial consultation to you by 14 August, accompanied by a copy of the draft Regulatory Impact Assessment and business case;

*Agreed / discuss*

- o) **Note** that Cabinet agreement to the outcomes of consequential policy development will be sought before the end of March 2019, with the Cabinet agreement to the subsequent regulations changes planned for April 2019; and

*Noted*

- p) **Agree** that the summary of submissions, the submissions received, the Regulatory Impact Assessment, and a copy of the final business case, be proactively released following Cabinet decisions on the ETA.

*Agreed / discuss*



Siân Roguski  
**Manager, Immigration Policy,**  
**Labour and Immigration Policy**  
 Labour, Science and Enterprise, MBIE

09 / 08 / 2018

Hon Iain Lees-Galloway  
**Minister of Immigration**

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## Public consultation on the ETA has closed and the business case for the ETA is almost finalised

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1. On 28 May 2018, the Cabinet Business Committee (CBC) agreed [CBC-18-MIN-0057] that officials consult on the details of a proposed model, including:
  - a. the classes of people required to hold an Electronic Travel Authority (ETA) before travel;
  - b. the period of validity;
  - c. the information to be collected by the ETA and how it should be used.
2. Public consultation on the proposed ETA, immigration fee and levy changes, and the International Visitor and Conservation Levy (IVL) opened on 15 June 2018 and closed on 22 July 2018. A total of 19 external submissions were received on the proposed ETA. The majority were from industry stakeholders, with a total of seven submissions from airline and cruise representatives and three from the tourism industry.
3. The Ministry of Business, Innovation and Employment (MBIE) also received two submissions from the English language sector, one from local government and one from the Australia New Zealand Leadership Forum. Four submissions were from private individuals, while a few further comments were received via submissions on the IVL and the Ministry of Foreign Affairs and Trade passed on feedback from some partner countries.
4. MBIE officials also met with industry representatives face to face and by teleconference. These included representatives from the airline, cruise and tourism industries, Business New Zealand, and Federated Farmers. Discussions have also been held with Australian officials (including in the context of the recent Single Economic Market meeting), with consultants developing work on the Future of the Border for the M5 meeting you will be attending in August in Sydney, and with potential vendors. The sections below set out issues raised by stakeholders and submitters, and brief comments on MBIE's responses to them.
5. In brief, there was useful and thoughtful feedback, some of which we have taken into account in amending aspects of the design proposed for consultation, and some of which we will take into account in the ongoing process, system and implementation design. Most of the submissions (14 of the 19) supported the ETA proposal. No issues raised would represent a reason to not progress with the ETA proposal.

### *Concerns were raised about cumulative costs while some consultees identified future opportunities*

6. There was some concern about the cumulative impacts of the proposals which were under consultation, and also other border charges (the introduction of the Border Clearance Levy at the beginning of 2016 is still fresh). As you are aware, the Border Sector Governance Group (BSGG) is placing a strong emphasis on ensuring that border sector work programme items, including cost recovery proposals across border agencies, are aligned.
7. An important aspect is ensuring that the cumulative impacts of each agency's operations (including cumulative cost recovery changes) are clearly understood. You discussed overall border cost recovery and reviews with your Border Sector colleagues on Wednesday 8 August [18-19 0048]. You will be briefed shortly on the invitation from the Cabinet Economic Development Committee (DEV) on 8 August to Border Sector Ministers to report back on the total cost to travellers and traders of all upcoming changes in border-related fees and charges [DEV-18-MIN-0151].
8. On the whole, submitters were more focused on the risks of an ETA than the possible benefits. However, there was discussion of the potential to use the ETA to reduce or streamline requirements for travellers, particularly the arrival card. As you are aware, following the planned removal of the paper-based departure card, we envisage the development of a digital arrival card. The ETA could provide a platform for a mechanism to make arrival declarations and immigration applications, with already-known information (name, passport number, country of birth etc) already filled in.

9. Some submitters also commented on opportunities for closer alignment with Australia, with one submitter suggesting a trans-Tasman visa (third country nationals apply to one country and get visitor entry to both).
10. We note that the Border of the Future vision which is being developed by the M5 also emphasises the ability for passengers to be able to easily (voluntarily) share their information between countries to facilitate legitimate travel. We are planning to work with Australia (in the first instance) to ensure that our requirements, and our ability to manage risk, are as aligned as possible. This may also have a specific practical application in aligning cruise ship management and in particular in setting and enforcing joint standards for data provision.

*MBIE has separately been developing a business case and costing the operational design*

11. An initial project team has been established within Immigration New Zealand (INZ) to develop the operational design and the business case necessary to support the funding bid. Treasury agreed to a waiver of the standard government procurement requirements, given that the IT development is congruent with existing INZ systems and expertise and the project is not large. This has enabled discussions to be undertaken with targeted vendors to inform the IT and process design underway.
12. The business case has been substantially completed and is now progressing through internal and external review and endorsement prior to its formal presentation to Treasury on 17 August. As you are aware, Treasury's comfort with the project's scope and controls will be necessary to support the out of cycle bid which the Cabinet paper is seeking. The overall cost of the project has risen from the estimate provided to Cabinet in May (discussed later in this report).
13. You will receive a copy of the near-final business case and a draft Regulatory Impact Assessment (RIA) next week, alongside the draft Cabinet paper for ministerial consultation.

## **We recommend you propose to Cabinet that it proceed with the ETA, with some small changes from the previous design**

*We recommend that you propose the same broad outline with some additions and a higher cost*

14. As combination of consultation results and the project development work have resulted in some additions to the model consulted upon. Table One in the recommendations has a high level summary of the full outline and the proposed changes, and should be referred to when reading the following discussion.
15. The changes to the proposal that was considered by CBC in May 2018 are :
  - a crew ETA of five years' duration
  - a proposal that, subject to privacy and legal considerations, ETA holder information could be shared with certain firms (such as airlines) as well as other border agencies
  - the potential for ETA holders to opt in to receiving targeted information, such as tourism information
  - an increase in the project's costs to s 9(2)(j) s 9(2)(j) over the two and a half years of the project's duration.
16. We also recommend that the Cabinet paper include the following additional information:
  - spell out the short and longer term purposes of the ETA
  - include a definition of the ETA (for Immigration Instructions)
  - note that certain classes of traveller who fall outside the current project's scope are likely to be aimed for inclusion in the future
  - recommend consequential work on a change to transit visa waiver policy.



*We propose a more complete list of the classes of people required and not required to hold an ETA before travel, and an indication of people who will be required to hold an ETA before travel in the future*

17. **Recommendations d) (i) and d) (ii)** We have slightly elaborated the description of the classes of people proposed to be required or not required to hold an ETA before travel. It is envisaged that the extent of the ETA obligation will be extended to a wider range of travellers over time, and we propose that Cabinet note this. Passengers and crew of cargo ships and on private vessels and private aircrew are only excluded from the scope of the current project for pragmatic reasons related to the speed of implementation. Further policy work will need to be carried out to determine the practicality of requiring some of the other traveller classes to hold an ETA before travel.

*We still propose that ETAs be voluntary for most people who are not required to hold them*

18. **Recommendation d) (iii)** No submitters commented on the proposal that ETAs be voluntary for people who are not required to hold them. MBIE proposes that ETAs be available on a voluntary basis to travellers not required to hold an ETA before travel to New Zealand, with the exception of New Zealand citizens travelling on New Zealand passports. Take up may not be high in the short to medium term, as border facilitation benefits may be some way off.

*We have final recommendations about the periods of validity, which include five years for crew*

19. **Recommendation d) (iv)** Submitters had mixed views about the ideal validity of an ETA, and whether an ETA should expire if not used within a specified period. INZ officials whose work is focused on risk were keen that applicants be required to travel within a defined period. However, other people consulted considered that this would not be very customer-friendly, especially if travel was unexpectedly delayed, and pointed out that it was not required for other countries' ETA products. We therefore recommend that the two year duration for passengers originally proposed be maintained, with travel to New Zealand able to take place at any time during that two year period.
20. Carriers requested that crew be exempted from the requirement to hold an ETA. This was on the basis that they checked crew members' criminal histories, and that global or regional crew pools would mean the requirement to maintain ETA status for large groups of people who might need to travel to New Zealand irregularly and at late notice would be logistically challenging.
21. We consider that it is appropriate that New Zealand has timely information, and decision making powers, over all people who are arriving at or departing New Zealand. We recommend therefore that air and marine crew be able to apply for and be granted ETAs of five years' validity. There are no implications for IVL receipts from this, as crew will not be liable to pay it.

*We have added to the information to be provided by applicants*

22. **Recommendation d) (v)** Most submitters did not express concerns about the description of information required from ETA applicants, although a couple (both representing Education providers) felt it should be minimal, and BARNZ noted that air crew would not necessarily be able to provide information on dates of travel.
23. All information sought from ETA applicants will be justified through a privacy impact process, and in the first instance will be the information and declarations required to make a decision about whether people are eligible to travel to New Zealand visa-waiver. The system design will aim at user-friendliness (such as enabling basic biodata to be uploaded from the passport, and being able to enter a credit card number once for applications covering several family members).
24. We have added the requirement to provide information about an agent or family member making the application, as this is important for risk management (particularly the detection

and prevention of fraud). We are also proposing that travellers be offered the ability to opt into receiving specific messaging (see discussion from paragraph 30).

25. We propose that Cabinet agree to a high level description of the information to be provided, so the build of the system is not constrained. The final details of obligatory information will be specified in Regulations. Cabinet will consider the proposals for regulatory change in March 2019.

*We have also elaborated the description of how information provided by customers could be used*

26. **Recommendation d) (vi)** Submitters agreed that the information should be used to screen intending passengers to identify whether they should be eligible to travel to New Zealand. No submitter indicated that it should not be shared with other border agencies (such as Customs) although there was strong support for any sharing meeting legislative and privacy requirements. As discussed in the following section, such sharing could enable the provision of targeted information back to travellers.
27. Some submitters were keen that the ETA be a platform for future border facilitation opportunities. This could also mean sharing information with carriers and ports. For example, it may be possible in the future for carriers to confirm ahead of check in (such as against MBIE and Department of Internal Affairs' databases) that intending travellers are permitted to travel to New Zealand. A negative return could enable carriers to provide targeted communications to travellers (or their agents) to advise them that they may not be able to travel and to give them information about how to address this. As noted above, we are separately aiming that carriers' apps could support travellers' access to ETAs (although this would not in itself mean their automatic access to a traveller's information).
28. In line with standard practice, the initial Privacy Impact Assessment (PIA) is currently being developed by MBIE, alongside the regulatory process. It will focus on what personal information will be collected and for what purpose. The next iteration will support the detailed solution design, to ensure privacy considerations are taken into account. This will include how personal information is collected, used, stored, and accessed.
29. The final version will support implementation, to identify the privacy impacts of the end to end ETA process, and ensure appropriate actions are included in the implementation planning to address any impacts, and any outstanding privacy risk issues are understood. The PIA will be reviewed in relation to subsequent releases.

*As the project develops we will further determine the information to be provided to ETA holders*

30. **Recommendation d) (vii)** As the ETA will have electronic contact details, it offers a channel through which information could be sent to intending travellers. There was a range of views about the provision of information to ETA holders, between an Education representative who considered it should not be used to provide any information at all, a Tourism representative who considered that it could be used to promote key tourism messages, and useful information about driving, and various submitters who felt that it should be used for biosecurity messaging to reduce travellers' chances of inadvertent breaches.
31. We consider it would be appropriate for ETA applicants to be able to opt into receiving certain information, but note that there may be times when we would want to use the channel for all or a targeted subset of holders. (For example, following a natural disaster or during a pandemic.) We propose to develop this aspect of the ETA as the project progresses, in consultation with interested stakeholders. We are mindful of the potential to be perceived as spamming travellers, and also that not all travellers will have access to devices, either at all or during parts of their journeys.

## Some additional detail and agreement to further work are also proposed

*We propose that Cabinet note the ETA's purpose, to underpin future development, and definition, to avoid legal doubt*

32. **Recommendation e)** Cabinet noted in May [CBC-18-MIN-0057] that, following the delivery of the Electronic Travel Authority, the next phase would involve a policy exploration of future possibilities for better assurance and easier travel. We propose a purpose statement that covers both this project and the next, as below:

*The ETA is a platform for broader border of the future work, which will take advantage of technology advances to set policy aimed at better managing the New Zealand border to:*

- a. *improve New Zealand's and our international partners' ability to detect and address risks associated with non-bona fide travel*
- b. *better manage and facilitate bona fide travel and travellers*

*The immediate purpose of the ETA is to be an enhanced screening device to enable certain excluded foreign nationals to know, in advance, that they are ineligible to be granted a visa at the border and instead need to apply for a visa offshore.*

33. **Recommendation f)** We also propose a formal definition for this stage of the ETA. It responds to Legal comment that the term "Authority" could inadvertently give visa waiver visitors the impression that the ETA guaranteed entry to New Zealand, when this is not the case. (For example, if adverse information is received about a person during their travel to New Zealand, they may still be denied entry.) The proposed definition is:

*An ETA is an authority to travel visa free, but is not a visa entitling a person to enter and stay in New Zealand.*

*We propose that the Cabinet note that ETA's scope will be extended in the future to require more classes of people to hold an ETA before travel to New Zealand*

34. **Recommendation g)** Certain classes of traveller have not been scoped into the current project in order to keep its implementation manageable, although it is intended that they will be included over time. The numbers of people under these classes are understood to be relatively small.

35. It is currently envisaged that some of those classes will be brought into the regime either through a dedicated policy project, involving targeted consultation, or through the wider review which is discussed at paragraphs 32 and 44. At this point we consider that the priority classes for addition into the regime would be those in **recommendation d)** (Table One) **(ii) (d) i to iii**, namely:

- (a) *crew and passengers on a ship travelling to New Zealand, which is not a cruise vessel;*
- (b) *crew on a foreign ship authorised to carry coastal cargo;*
- (c) *crew of private aircraft.*

*The ETA proposal has highlighted an issue with current Transit Visa policy*

36. **Recommendations h) and i)** Under transit visa policy, most visitor visa-required nationals are also required to apply for and be granted a transit visa if they are travelling through Auckland airport en route to a further destination. (Twenty-four nationalities, including most citizens of most Pacific and many South American countries, are exempt this requirement.) People travelling to Australia, and holding a valid visa to do so, are exempt the requirement to hold a transit visa: people travelling from Australia are not. This causes issues in particular for transit visa-required nationals travelling to the Pacific or the Americas from Australia.



37. During consultation on the ETA proposal it was identified that, if no changes are made, transit visa-required people who are transiting New Zealand for Australia and returning by the same route will be required to hold an ETA to travel to Australia and a visa to return from Australia. This is not desirable. We therefore propose that Cabinet direct officials to examine the transit visa waiver for transit visa-required people who are transiting New Zealand for Australia, with a view to either waiving visa requirements for travel in both directions (thus requiring an ETA for both directions) or requiring a visa for both directions.

*Detailed changes to policy underpinning current Regulations will be sought in March 2019*

38. The ETA has a number of regulatory implications, which mean changes will need to be made to the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010* before it can be implemented. These include setting a final fee (discussed in paragraph 48 below), prescribing the requirements for applications, and determining the replacements for the current “deemed visa” provisions.
39. Under current settings, crew and passengers on a ship carrying passengers and / or cargo, between any foreign port and New Zealand, are deemed to hold a visa from when that ship leaves the port heading for New Zealand. Once various classes of traveller are required to hold an ETA in order to travel to New Zealand, such crew will need to hold a visa enabling work as soon as they enter New Zealand’s Exclusive Economic Zone, while such passengers will need to hold a visa at a minimum once they disembark the ship.
40. It will not be practical to replicate the airport border (where arrival cards and eGates enable passengers to apply for visas and entry permission), so we are likely to need to deem people to have applied through, for example, crossing into the EEZ or descending a gangplank. Given that part of the impetus for removing the current deemed visa regime is the need to be able to turn non-bona fide marine arrivals around more easily than at present, work will need to be undertaken to identify how such people can be refused entry to New Zealand.
41. We propose that in September Cabinet also agree that decisions on these policy changes and the outcomes of the transit visa policy work be considered by DEV in March 2019, with the subsequent regulations changes considered by LEG in April.

### **Current planning envisages a staged roll-out and future policy work**

42. If Cabinet agrees to proceed with the ETA, and approves the funding requested, work on developing the solution will commence. The ETA will be co-designed with stakeholders (in particular air and cruise carriers), to ensure that both the systems and processes are as easy to use as possible.
43. A staged implementation is planned, with the immediate aim of enabling collection of the IVL to commence in the second half of 2019 from air passengers, with biographic capture only. Progressive enhancements, including the roll-out to cruise passengers and crew alongside the implementation of marine Advance Passenger Processing, will be integrated into the ETA system until this project concludes in December 2020.
44. Following the delivery of the ETA and the completion of this project, and as noted in paragraph 32 above, the next phase will involve a policy exploration of future possibilities for better assurance and easier travel, based on the development of the M5/B5’s Border of the Future vision. That would include whether the ETA’s wider application could provide further immigration and border benefits.
45. Specific aspects could involve considering how we could build on the technology investment to date, and whether we could or should rework our legal or visa frameworks (for example, whether there is benefit in changing the status of the ETA from a condition on a visa waiver to a light touch visa). Paragraph 35 above discusses the timing of consideration of whether further groups of travellers (such as passengers and crew of cargo ships and on private vessels and private aircrew) could be brought within the scope of the ETA, and decisions will be made closer to the end of this project.

## **The costs have increased during the development of the business case**

46. MBIE is continuing to refine the design of the ETA and its operational implications with vendors as it develops the ETA business case in consultation with the Treasury. A copy of the final business case will be provided to you on 14 August alongside the draft Cabinet paper for ministerial consultation.
47. As the design of the ETA has developed, the estimate of the costs has risen from the \$16.5 million (plus or minus ten per cent) in the original Cabinet paper to the current figure of now s 9(2)(j) over the two and a half years of the project's duration. This reflects an increased allowance for global communications to intending visa waiver travellers. The draft Cabinet paper for ministerial consultation will include draft financial recommendations for the drawdown of capital, additional operational expenditure and the forecast changes to revenue. These figures will be finalised, in consultation with Treasury, in time for Cabinet's decision in September.
48. The current estimate of the cost-recovery fee to be charged to applicants is between \$9 (cited in the May paper) and \$12.50, depending upon how aspects of the investment are treated. As noted above, Cabinet will be asked to decide the final level in March 2019.
49. MBIE carries out three-yearly reviews of its immigration third party charges: the next review of immigration fee and levy rates will commence in 2020/21 with a view to implementing the new rates in the second half of 2021. The ETA fee will therefore be reviewed as part of the periodic overall assessment of INZ's volumes and costs.
50. The project includes the design and delivery of the mechanism to collect the IVL from both ETA and visa-required travellers (subject to Cabinet approval). If Cabinet were to decide not to proceed with the IVL, this would then impact on the overall cost of design and implementation, although it is unlikely to have any impact on the cost of managing the ETA. It would likely also mean that the bid for funding would be deferred until Budget 19, and a consequential deferral of the ETA project.

## **Next steps**

51. Table Two below sets out the proposed dates for the policy project:

*Table Two: Project dates, actions and deliverables*

<b>Date</b>	<b>Deliverable</b>
10 August	Feedback from Minister's office on proposals
14 August	Draft Cabinet paper provided to Minister's office for ministerial consultation (alongside business case and draft RIA)
15 August	Draft Cabinet paper sent out for consultation
27 August	Feedback received from Ministers
3 September	Final Cabinet paper provided to office
6 September	Cabinet paper submitted to Cabinet Office
12 September	Cabinet paper considered by DEV
17 September	Cabinet confirmation

## **Annexes**

Annex One: Electronic Travel Authority (ETA) - summary of submitters

Annex Two: Electronic Travel Authority (ETA) - *Summary of Submissions Report August 2018*



## Annex One: Electronic Travel Authority (ETA) - summary of submitters

Ref	Submitter details	Submitter type
1.	s 9(2)(a)	Private Individual
2.	NZ Marine	Industry - Tourism
3.	s 9(2)(a)	Private Individual
4.		Private Individual
5.	IATA	Industry - Airline
6.	Tourism Export Council	Industry - Travel/Tourism
7.	Christchurch NZ	Other - Local Govt
8.	s 9(2)(a)	Individual industry - English language school
9.	Tourism Industry Aotearoa	Industry - Tourism
10.	Hospitality NZ	Industry - Tourism
11.	BARNZ	Industry - Airline
12.	English New Zealand Executive	Peak body - English language sector
13.	s 9(2)(a)	Private individual
14.	NZ Cruise Association	Industry body - Cruise
15.	Carnival Australia	Individual Industry Stakeholder - Cruise
16.	Cruise Lines International Association	Industry - Cruise
17.	Australia New Zealand Leadership Forum	Other
18.	Air New Zealand	Industry - Airline
19.	Emirates	Industry - Airline

**Annex Two: Electronic Travel Authority (ETA) - Summary of Submissions Report August 2018**

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**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI



# Electronic Travel Authority (ETA)

**Summary of Submissions Report**

**August 2018**



**Contents**

- Overview of submissions..... 2
- Summary of submissions ..... 4
  - 1. Scope ..... 4
  - 2. Application and validity ..... 5
  - 3. Information to be collected from travellers ..... 6
  - 4. Functions..... 7
  - 5. Cost of ETA ..... 9
  - 6. Opportunities ..... 10
  - 7. Risks ..... 11
  - 8. Mitigating Risks ..... 12

## Overview of submissions

MBIE received a total of 18\* external submissions on the proposed introduction of an Electronic Travel Authority (ETA).

Of these, the majority were from industry stakeholders, with a total of seven submissions from the airline and cruise industry and three from the tourism industry. We also received two submissions from the English language sector, one from local government and one from the Australia and New Zealand Leadership Forum. A total of four submissions were from private individuals.

Some further comments were also received via submissions on the International Visitor and Conservation Levy. Feedback has also been received from some overseas Commissions and Consulates via MFAT.

Comments made at stakeholder meetings are also been reflected in this document.

*\*Note: A submission from NZ Marine has been excluded as it did not answer any of the questions or make any comments except to request that "payment system is easy for people on visiting yachts".*

### Introduction and impact of ETA

Most submitters supported, or conditionally supported, the introduction of an ETA. The importance of keeping the ETA application "light touch" (ie not modelled on ESTA) was emphasized, with ease and flexibility of application (multiple device friendly, last minute applications) – seen as critical.

At a meeting with BARNZ, the benefits of the ETA and how it would work in practical terms was questioned. MBIE advised:

- Approval for ETA will be automated (generally within a few minutes) in most cases;
- It is envisaged that (subject to privacy, technical and legal considerations) carriers will be able to ping INZ database ahead of time to check passengers are authorised to travel;
- The APP system will advise at check-in whether traveller holds an ETA;
- It will be possible to apply for an urgent ETA at check-in;
- Integration with airline apps will allow pre-screening, meaning fewer turnarounds;
- The aim is that travellers will provide information once but have it used many times;
- Carriers will be provided with information to push out to passengers and crew so that people are aware of the requirements;
- In terms of awareness, a big spend on communications is envisaged in the first two years, together with increased staff availability to resolve any issues.

Cruise and airline industries were strongly opposed to an ETA being applied to their crew, as this would involve logistical challenges and high costs. Additionally, BARNZ commented that an ETA requirement could have a negative impact on some airlines flying on the same routes (ie. those with a high number of non-NZ and non-Australian air crew).

Some submissions suggested exemption is extended to Australian permanent residents, although one submitter felt that Australians and Pacific Islanders, as they are the main source of visitors to New Zealand, should be ETA required.

The travel industry expressed concern that New Zealand is already seen as a high cost destination and additional costs could affect destination choices. One submitter commented:

*"Charges could cumulatively reach a level that sees a material dampening of demand ... We encourage the government to ... be mindful of the value tourists deliver ... it would be very disappointing if we applied so many taxes and charges that this tourism revenue declined and made New Zealand worse off overall".*



## **Validity**

The majority of submitters supported the proposal of a two year validity period, with some suggesting that this should start from the date of entry into New Zealand. Airline and cruise industries requested a longer validity period if ETA is to be applied to crew. An airline industry representative also commented on the impracticality of an ETA expiring if not used.

There was no real consensus on the question of whether an ETA should expire when a passport expires, although one submitter suggested that the ETA should be valid for the life of a passport.

## **Functions**

Most submitters agreed with the proposed functions of the ETA, although there was some scepticism from the travel industry that it is being introduced mainly as a collection tool for IVL.

There were few, but thoughtful, submissions about information which could be provided to travellers via the ETA, with tourism industry keen to provide key tourism messaging. One submitter commented:

*It may be possible to provide travellers with information regarding NZ biosecurity requirements before they travel - ideally in their preferred language.*

## **Risks**

The major risks identified by submitters were poor implementation, leading to a lack of awareness seeing travellers arriving without an ETA. Other submitters cited perception of the ETA as a barrier to travel, and the risk of private operators “springing up to on-sell” the ETA at inflated prices, causing a negative perception of New Zealand.

Industry stakeholders were keen to see a lengthy timeframe for ETA introduction, to provide for comprehensive communication to the travel industry and travelling public.

The cruise industry was concerned that its members do not have access to information about passengers’ travel documentation and about the possibility of passengers arriving in New Zealand without an ETA.

## **Cost**

The Tourism Industry Association was interested in the ETA budget. While this information was not public at that point, MBIE confirmed that it would be a reasonably substantial IT project. Revenue was expected to be around \$12m per annum (based on 1.3m people per year at around \$9 per head). The variable costs of the ETA are expected to be quite low due to the automated nature of most of the decisions.

## **Future Opportunities**

Feedback from the tourism industry included further reducing or streamlining of requirements for some travellers, particularly the Chinese market. Some submitters commented on opportunities for closer alignment with Australia, with one submitter suggesting a trans-Tasman visa.

On proposed future facilitation opportunities, such as digital arrival declaration enabling targeted biosecurity questions, Federated Farmers commented that biosecurity was a big issue for farmers and they would not want it to be “too easy” to arrive without checks. They would want screening on arrival to continue.

## Summary of submissions

Summary of comments	Submitter(s)	MBIE response	Recommended action
<b>1. Scope</b>			
1.1 Paper arrivals card should now only require passport number, other information retrieved via information sharing.	Private citizen	The ETA is part of a planned strategy towards removal of paper-based passenger movement cards. Note that arrival card is also a customs and biosecurity declaration and (in some cases) an application for a visa – the current ETA design does not include those functions.	Proceed with current project.
1.2 NZ needs to adopt facial recognition technology.	Tourism Export Council	This is a potential future option for border facilitation.	Proceed with current project.
1.3 Use ETA to deliver efficiencies through the immigration system (eg by reducing need to stop passengers at the border).	BARNZ	This is one of the arguments for introduction of an ETA.	Proceed with current project.
1.4 ETA should not be a “mini-visa” for data gathering purposes.	English NZ Executive	The ETA is not to intended to gather data for its own sake, but to enable INZ decision making (and potentially to provide information to intending travellers)	Proceed with current project.
1.5 Increase in pre-travel form filling is prejudicial to tourism industry.	NZ Cruise Association	The design will seek to reduce potential compliance burdens. However, we note that Australia has an almost-universal visa regime and a healthy tourism industry.	Proceed with current project.
1.6 Passengers who arrive at airports without an ETA need to be able to apply on the spot online.	ANZLF, Tourism Export Council, Worldwide School Ltd, NZ Cruise Association, English NZ Executive, CLIA	This is part of the ETA design brief.	Proceed with current project

Summary of comments	Submitter(s)	MBIE response	Recommended action
1.7 Anticipate introduction of ETA for Australian residents will generate a large number of calls from member of the public and travel agents, resource for this needs to be considered and we suggest a permanent free-call number to handle queries.	NZ Consulate General, Sydney	We will take this into account in communications planning	Consider in communications plan.
<b>2. Application and validity</b>			
2.1 Two year validity should be from first entry into New Zealand.	Private citizen, BARNZ, Tourism Export Council	We considered this, but it would mean having to impose a “must be used before” condition on the ETA. It could also complicate IVL validity calculations.	Not progressed.
2.2 Air crew/cruise crew should be exempt. <sup>1,2,3,4</sup>	BARNZ, Air NZ, Emirates, IATA, Carnival Australia, CLIA	NZ is seeking advance information on all people planning to travel to NZ. However we note the concerns about the compliance costs to carriers.	Propose extending validity for crew to five years.
2.3 ETA should be valid for the life of passport (Cruise passengers book travel up to two years in advance and are likely to forget to apply for the ETA).	Carnival Australia, NZ Cruise Association	We note that this proposal (ETA valid for either two years or for length of passport, whichever is less) is standard in other countries.	This is being looked at as the project development progresses.

<sup>1</sup> Cruise ships already provide Advance Passenger Information for passengers and crew up to 48 hours prior to arrival as required by Customs therefore government already holds this information for cruise arrivals (and departures), and the introduction of the ETA would duplicate this process. Unless the ETA is extended to everyone, no matter what nationality, cruise passengers and crew should be exempt because of this duplication. (New Zealand Cruise Association)

<sup>2</sup> If ETA is to be applied to aircrew the time period should be 4-5 years and there should be no charge. (BARNZ)

<sup>3</sup> BARNZ would like to work with MBIE to test if there are other mechanisms that can be used to provide required information to INZ. Key parts of the ETA declaration relate to criminal records and reason for travel. Air crew travel reason is obvious. Airlines generally have a policy not to recruit persons with criminal records as air crew so may be able to provide a declaration on this to INZ. BARNZ would be happy to discuss options like these in more detail. (BARNZ)

<sup>4</sup> In relation to the proposed application of the ETA to maritime crew, Carnival Australia believes this to be unnecessary given the relevant information could be shared between Australia and New Zealand (submission by Carnival Australia).

Summary of comments	Submitter(s)	MBIE response	Recommended action
2.5 ETA should be able to be transferred to new passport.	BARNZ, Tourism Export Council, private citizen	We note that this would be facilitative for intending travellers, but could introduce issues (such as data entry issues).	This is being looked at as the project development progresses.
2.6 ETA should be optional so people only apply for the obvious benefits.	Private citizen	We consider that the border security benefits support making it compulsory.	Proceed with current project
2.7 The exemption for Australian citizens should be extended to Australian permanent residents.	BARNZ ANZLF	This would require access to Australian immigration systems to verify and we do not consider it to be warranted. In addition, this reflects that under the TTTA, Australia only provides visa concessions to New Zealand citizens.	Proceed with current project.
2.8 Australians, as the main travellers to NZ, should be ETA required. <sup>5</sup>	NZ Cruise Association, Tourism Export Council	This would not be in line with the provisions of the Trans-Tasman Travel Arrangement.	Proceed with current project.
<b>3. Information to be collected from travellers</b>			
3.1 Information collected should be minimal: name, DOB and passport number should be sufficient.	Worldwide School Ltd	The information collected will be information (including declarations) required to make a decision about whether people are eligible to travel to New Zealand visa-waiver.	Proceed with current project.
3.2 Air crew will not necessarily be able to provide information on dates of travel. <sup>6</sup>	BARNZ	We are considering a crew variant, which might not require dates of travel.	Consider a special portal for crew.

<sup>5</sup> Australians and Pacific Islanders are frequent and regular visitors to New Zealand, using the resources and infrastructure - why shouldn't they pay? Cutting out a HUGE collection pool which if included could keep the fee at a lower point, a more meaningful collection amount and more equitable for all. (Tourism Export Council)

<sup>6</sup> We feel this is a good opportunity to resolve an outstanding problem in relation to 'positioning crew' (crew brought to NZ as passengers to work as crew on outgoing flight). Current requirements (which treat positioning crew as a normal passenger) are onerous, create costs for airlines and are out of step with the process in Australia. Australian requirements for positioning crew are (a) valid passport (b) CTA (crew travel authority) and (c) letter from employing airline confirming positioning arrangements. We request NZ government look to develop similar arrangements for positioning crew entering NZ. This could fit well with creation of a crew-specific ETA. We would be happy to work with MBIE further on this improvement. (BARNZ)

Summary of comments	Submitter(s)	MBIE response	Recommended action
<b>4. Functions</b>			
4.1 The INZ Annual Border Report 2016/2017 shows 6.5m arrivals into NZ and 4,790 either refused boarding or entry. Of the 1.3m visitor waiver individuals and 1m Australians, an extremely small number have been refused entry but this is one of the key reasons for introducing the ETA.	English NZ	A reduction in the numbers of people refused entry at the border is one of the benefits of the ETA, but it is not the main reason for introducing an ETA (which is to get better information about a larger range of people intending to travel to NZ).	Proceed with current project.
4.2 Industry scepticism that ETA is primarily to collect the IVL / reasons of national security are not convincing.	Tourism Export Council, TIA, NZ Cruise Association	The case for the ETA stands on its own and is not dependent on the ability to collect the IVL. Countries generally are moving towards seeking better advance information about non-citizens planning to travel to them.	Proceed with current project.
4.3 BCL cost should be reduced through the use of this shared information.	CLIA, Emirates	The impacts of efficiencies will be able to taken into account in future immigration fee and levy reviews, and (if appropriate) reviews of the BCL.	Proceed with current project
4.4 ETA should be linked with current APP process.	IATA, TIA	This is intended. Information in INZ systems about ETAs will drive APP messaging in the same way that visa information currently does.	Proceed with current project
4.5 ETA should not be used to provide information	Worldwide School Ltd	We do not seek to provide unnecessary or unwanted information to intending travellers. There may be a case for some information to be provided (eg about biosecurity requirements or – if necessary - natural disasters)	Proceed with current project.



Summary of comments	Submitter(s)	MBIE response	Recommended action
4.6 ETA website could be used to promote key tourism messages	TIA	We do not seek to provide unnecessary or unwanted information to intending travellers but note that there may be a case for some information to be provided (via the ETA or its portal).	Proceed with current project
4.7 Provide travellers with NZ biosecurity requirements prior to travel – ideally in their preferred language.	BARNZ	We agree that this is a potential benefit for travellers.	Proceed with current project.
4.8 Information programme to reduce issues on arrival; a significant number will still have to be processed at the airport with an increase in NZ staffing costs.	NZ Cruise Association	The planning for implementation includes a communications programme to reach as many intending travellers as possible.	Proceed with current project.
4.9 Information sharing should be limited to those government agencies that require it for inbound passenger screening. Standard data protection and privacy requirements should apply. <sup>7</sup>	BARNZ, Private citizen	We agree with those points (including the footnote around the potential for future facilitation).	Proceed with current project.
4.10 Information from ETA should be leveraged to further improve passenger experience through reduced intervention and faster clearance times.	CLIA	This is an aim of the project, including the potential for future facilitation.	Proceed with current project.
4.11 International data protection laws of the relevant states should be followed re information use and sharing.	IATA	We are mindful of this.	Proceed with current project.

<sup>7</sup> However, if there is scope for the data to be used by airlines or airports to facilitate passenger flows through New Zealand airports, there may be a case to share it more widely – if there is an opportunity to use the data in this way, it should be consulted on once a clear proposal is available.

Summary of comments	Submitter(s)	MBIE response	Recommended action
<b>5. Cost of ETA</b>			
5.1 Travellers are likely to visit NZ and Australia on same itinerary. Some may regard separate ETAs as a hassle / bad value.	Private citizen	The design will seek to reduce potential compliance burdens.	Proceed with current project.
5.2 If airlines offer ETA they must clearly present their mark-up for providing the service to avoid negative impact.	Private citizen	This is a good point, and we are thinking about how we could reduce the potential for high mark ups (noting that NZ's power to enforce overseas would be limited).	Consider issue in initiative design.
5.3 Cost benefit analysis should be done.	IATA	This is part of the project's business plan development.	Proceed with current project.
5.4 Cost of ETA should be kept as low as possible or be decreased if over-collecting. <sup>8</sup>	IATA, TIA, BARNZ	We will track revenue and costs, and take this into account in future fee-setting (fees can only recover costs and cannot be used for other purposes).	Proceed with current project.
5.5 If ETA is also used to collect the IVL, visitors will only see the total amount as an additional cost for being granted entry to New Zealand and this may be a deterrent. <sup>9</sup>	English NZ Executive, Worldwide School Ltd	This risk has been taken into account in IVL development.	Proceed with current project.
5.6 If crew exemption is not accepted, there should be no cost in obtaining crew ETA. <sup>10,11</sup>	Carnival Australia, CLIA, BARNZ, Air New Zealand	Disagree. Under the NZ government's fee setting rules, costs must be recovered (and cannot be over recovered) by fees.	Propose extending validity for crew to five years.

<sup>8</sup> It is important that the fee is internationally competitive and is not increased in the medium term – a minimum of three years.(TIA)

<sup>9</sup> Most visitors will be paying both the \$9 ETA fee and the \$25-\$35 IVL fee. There needs to be a clear explanation of the two charges and what they are for.(TIA)

<sup>10</sup> Follow the Australian precedent and have a separate aircrew ETA that does not carry a charge (BARNZ)

<sup>11</sup> There should be an information sharing arrangement with Australia, which already collects Maritime Crew Visa information at no cost.

Summary of comments	Submitter(s)	MBIE response	Recommended action
5.7 Although final cost is yet to be determined, the estimated \$9 charge, recovering \$11m each year seems excessive.	NZ Airports, Christchurch International Airport	There will be full disclosure of the make-up of the costs of the project.	Proceed with current project.
5.8 ETA would be a more equitable tool to recover INZ's border processing costs than adding cost to BCL as it would target the cost better at passengers that create it.	BARNZ	Noted.	Proceed with current project.
5.9 Any cost associated with not having an ETA should be recovered from ETA-required travellers.	Private citizen	People who do not hold an ETA and who are required to will not be able to travel. As they will be offshore, the costs to the government will be relatively low.	Proceed with current project.
<b>6. Opportunities</b>			
6.1 The tourism industry would welcome a discussion on how the ETA might play a role in reducing / streamlining requirements for some visitors who currently require a visa to enter New Zealand.	TIA, ANZLF	We are keen to continue engaging with stakeholders as we develop this project and future border facilitation initiatives.	Proceed with current project.
6.2 Information provided through an ETA is already provided by passengers in several other ways (eg APP and PNR), so we question whether ETA would be as helpful in supporting improvements to passenger flow and passenger services as the consultation paper suggests, because the data should already be available.	BARNZ	APP is only available at the point of check in and provides less information than the ETA (and no declarations). PNR is not accurately tied to traveller identity.	Proceed with current project.

Summary of comments	Submitter(s)	MBIE response	Recommended action
6.3 Information provision requirements should be reduced, to avoid duplicate reporting requirements, which may partially offset the costs of the new system.	BARNZ, NZ Cruise Association	We agree that there is the potential for future data integration for passenger facilitation purposes.	Proceed with current project.
6.4 NZ govt should allow travel agents to charge for the cost of ETA through Global Distribution System systems.	Air NZ, Tourism Export Council	As noted above – we are keen to avoid high mark ups (noting that NZ's power to enforce overseas would be limited).	Proceed with current project.
6.5 Establish a trans-Tasman visitor visa for travel to both Australia and New Zealand.	ANZLF	We agree that there is the potential for future integration for passenger facilitation purposes. It is not clear whether this would involve a formal trans-Tasman visa.	Proceed with current project.
6.6 Online application, available on multiple devices, with immediate confirmation (approved/declined).	NZ Cruise Association, English NZ Executive, IATA, Private citizen	We are planning for a fast and easy product.	Proceed with current project.
6.7 No optional fields in application process. Optional fields cause confusion, especially to non-English speakers.	Private citizen	Noted.	Will bear in mind in design.
<b>7. Risks</b>			
7.1 Image issue/barrier to travel.	Private citizen x 3, Tourism Export Council, TIA	We are planning for a fast and easy product which will not deter travellers. We note that such requirements are becoming increasingly common, and that Australia has an almost-universal visa regime and a healthy tourism industry.	Proceed with current project.

Summary of comments	Submitter(s)	MBIE response	Recommended action
7.2 Travellers lack awareness of ETA requirements / arrivals without ETA.	Tourism Export Council, TIA, BARNZ, Private citizen, Carnival Australia, CLIA	People who require an ETA are unlikely to be granted boarding permission without one. The planning for implementation includes a communications programme to reach as many intending travellers as possible.	Proceed with current project.
7.3 Cruise industry will not have access to information re passenger travel documentation.	Carnival Australia	We are examining how carriers could be made aware of whether passengers are likely to be granted boarding permission.	Proceed with current project.
7.4 Drop in international student numbers especially if ETA is not quick and easy to obtain.	Worldwide School Ltd	International students will not require an ETA as they have to apply for a visa.	Proceed with current project.
7.5 There is potential for disconnect between data sent ahead and data collected on arrival causing border problems, such as if purpose of travel changes.	English NZ Executive	Information prepared for applicants will take this into consideration.	Proceed with current project.
7.6 ETA and IVL could deter short-term high-spending English language students.	Worldwide School Ltd	We are planning for a fast and easy product.	Proceed with current project.
<b>8. Mitigating Risks</b>			
8.1 Delay introduction to 2020 to allow time for system to be fully developed; inform international markets; and introduce simultaneously with IVL. Also providing buffer for travellers booked to visit in 2019.	TIA, BARNZ, Conservation Authority	Noted.	Proceed with current project.



Summary of comments	Submitter(s)	MBIE response	Recommended action
8.2 Visa refusals should be communicated to operators	Carnival Australia	We are examining how carriers could be made aware of whether passengers are likely to be granted boarding permission.	Proceed with current project.
8.3 Passport biometric data capture capability in application process to mitigate risk of inaccurate data input.	IATA, private citizen	We are examining the potential to use passport machine readable zone and e-chip readers.	Proceed with current project.
8.4 Provide prompt to apply for ETA when purchasing airline tickets.	Tourism Export Council	We will consider this as part of design.	Will be considered.
8.5 Strong communications plan to make airlines and travel industry aware. <sup>12</sup>	BARNZ, CLIA	We are planning to undertake a large scale communications exercise.	Proceed with current project.
8.6 Application process/information should be available in multiple languages	English NZ Executive	We agree.	Proceed with current project.
8.7 Clarification required whether or not those travelling as a family would need to have individual accounts e.g. children. If so, a simple setup within the account of the guardian or the ability to apply on behalf would be important.	English NZ Executive	We are working through this as part of the design process.	Taking into account as part of design.
8.8 Consider means of combating private sites that will inevitably spring up to sell ETA at a mark-up.	Private citizen	Noted. We are looking at what other countries do (while noting that it is difficult to completely prevent it).	Proceed with current project.

<sup>12</sup> Government should consider using bilateral and multilateral agreements with other government and organisations for effective communication. (IATA)

Summary of comments	Submitter(s)	MBIE response	Recommended action
8.9 Online system needs to be sufficiently robust to ensure minimal interruptions and delays in application process. <sup>13</sup>	CLIA, private citizen	This is an aim of the system (and of all border-related systems).	Proceed with current project.
8.10 Involve industry in ongoing ETA design work. Designing the right process is an important part of how effective ETA will be for travellers, industry and government.	Air New Zealand, BARNZ, CLIA	We are keen to involve industry in co-design and planning for implementation.	Proceed with current project.
8.11 Provide more e-gates (or dedicated e-gates for foreign travellers so locals are not inconvenienced). Passport stamps must be available on request even if e-gate is used.	Private citizen	These are both issues for the New Zealand Customs Service.	Refer to Customs.
8.12 ETA/IVL/BCL are part of a range of cost pressures on visitors and tourism businesses and New Zealand runs the risk of becoming too expensive as a destination: Central and local government need to do their part in mitigating price pressures.	TIA, BARNZ, NZ Cruise Association, Carnival Australia,	Noted.	Proceed with current project.
8.13 How will ETA apply to people who have dual nationality? For travellers using both passports e.g. leave NZ on NZ passport and enter Europe on European passport and vice versa, will ETA system be advanced enough to pick up that this European is also NZ citizen and doesn't need to apply for ETA?	TIA	As long as the overseas passport is endorsed with the fact that they are a New Zealand citizen there should be no problems. (People should already be doing this when seeking to enter on their non-NZ passport.)	Proceed with current project.

<sup>13</sup> ETA processes should consider back up procedures in the event of a system outage such as the introduction of a 24/7 support line. It is also recommended to set up contingency plans for State and carrier system outages. (IATA)