



BRIEFING

Confirmation of RSE decisions from 3 August and the release of MIQ vouchers for September

Date:	6 August 2021	Priority:	High
Security classification:		Tracking number:	2122-0423

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Agree to set aside 450 rooms in contingency for September and November for RSE workers, if they are required Copy to the Deputy Prime Minister, and the Ministers of Foreign Affairs, Agriculture and Immigration	10 August 2021

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Privacy of natural persons	Acting General Manager, MIQ Policy	Privacy of natural persons	✓
	Senior Policy Advisor, MIQ Policy		

The following departments/agencies have been consulted
N/A

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 Withdrawn |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



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Purpose

To confirm the decisions made during the meeting between officials and Ministers on 3 August 2021 discussing Recognised Seasonal Employer (RSE) and one-way Quarantine-Free Travel (QFT) negotiations. It also seeks your agreement to release the remaining vouchers onto the Managed Isolation Allocation System (MIAS).

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** officials met with Ministers Robertson, Hipkins, Mahuta, O'Connor and Faafoi on Tuesday 3 August to discuss transitional options to facilitate the arrival of Solomon Island RSE workers through MIQ and implications if one-way QFT arrangements with Samoa, Tonga and Vanuatu are not in effect by 1 September 2021
Noted
- b **Note** that health assessments for Vanuatu and Tonga are due to be reported back on Friday 13 August, and that this will enable a better estimate around whether RSE workers need to enter MIQ in September
Noted
- c **Note** you have agreed that any decisions on phase four managed returns from NSW will not be considered until after 13 August 2021, to preserve MIQ options [briefing 2122-0403 refers]
Noted
- d **Note** that the following decisions were made on the 3 August that affect MIQ:
 - MIQ places will continue to be set aside for the Solomon Islands flight scheduled for November
 - MIQ places will be made available for September flights if required (ie if flights cannot be deferred/rescheduled and if QFT is not yet in place)
 - To ensure there are MIQ options available, (a) further decisions about managed return flights from NSW will not be made until after 13 August so that MIQ options remain available and (b) MIAS vouchers will not be released for September until the QFT timing and RSE requirements are clear
 - Officials can now advise other groups of the recent class exception and group allocation decisions made by Border Exception Ministers and confirmed by Cabinet on 12 July where planning needs to get underway or where exceptions were not approved. [This does not include the approved border exceptions where timeframes for implementation are still under discussion by Ministers Hipkins and Faafoi, such as students, split families and changes to critical worker criteria]*Noted*

Holding rooms for RSE contingency

- e **Note** that increasing the number of group arrivals with complex needs in September will place additional strain on the MIQ system that is already operating under pressure, and increases the risk that COVID-19 may enter the community
Noted
- f **Note** there are approximately 800 rooms for September that MBIE has allocated for release onto MIAS, excluding the QFT 500 reserve
Noted
- g **Note** that holding rooms for RSE workers requires 300 rooms across September and 150 rooms in November
Noted
- h **Indicate** your interim preference for holding rooms in reserve for a potential RSE intake:
EITHER
- Option a - MBIE holds these rooms from the QFT 500 reserve, leaving 350 rooms per fortnight in the QFT Reserve (*preferred option*)
- Agree / Disagree
- OR
- Option b - MBIE holds these rooms from vouchers allocated for release onto MIAS
- Agree / Disagree

Voucher release

- i **Note** the last significant MIAS voucher release was in early July 2021, and that MBIE is releasing the remaining vouchers of the 800 for NSW phase three (9-22 August) onto MIAS
Noted
- j **Note** officials do not consider it necessary to withhold the MIAS voucher release for September given that sufficient space for both RSE workers and the QFT response can be made available by either the QFT 500 reserve or holding back a small number of vouchers
Noted
- k **Note** MBIE is currently experiencing high levels of demand for vouchers and increasing levels of frustration from travellers (including New Zealand citizens) that are unable to book vouchers and that this carries increasing New Zealand Bill of Rights risks
Noted
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Noted
- m **Note** that MBIE will provide you with further advice on the September voucher release next week, as part of our next advice on enabling red flights from Australia
Noted

Further advice

- n **Note** that further advice will be provided to you next week on enabling red flights from Australia during the suspension period and on the release of further vouchers onto MIAS following phase three (9 August – 22 August)
Noted

- o **Agree** that this briefing be proactively released with appropriate withholdings under the Official Information Act 1982

Agree / Disagree

Privacy of natural persons

Acting General Manager, MIQ Policy
Managed Isolation and Quarantine, MBIE

6 / 8 / 21



Hon Chris Hipkins
Minister for COVID-19 Response

12 / 8 / 21

Background

1. On 12 July 2021, Border Ministers decided that the MIQ group allocation for RSE workers would end on 1 September 2021 [briefing 2122-0065 refers]. This decision was based on pursuing one-way QFT arrangements with Samoa, Tonga and Vanuatu, which would facilitate the arrival of the majority of RSE workers into New Zealand without the need for MIQ.
2. As part of this decision, Border Ministers also agreed to end the RSE group allocation of 150 people every 16 days, to enable the arrival of deep-sea fishing crew into New Zealand during September and October 2021.
3. At the time, and in subsequent briefings [briefing 2122-0159 refers], officials made it clear that this decision relied on ambitious timeframes for implementing one-way QFT with Samoa, Tonga and Vanuatu, and would potentially result in a gap between when the RSE allocation was cancelled (1 September) and when QFT would commence. The decision to use the RSE spaces for deep-sea fishers in September meant there was no 'plan B', given there is a cap on the number of rooms in the group allocation. This cap is in place to ensure MIQ limits the strain on the system from accommodating multiple, complex groups.
4. MBIE continues to recommend that Ministers do not allocate spaces to groups in excess of the current cap on group allocations.
5. Officials met with Ministers Robertson, Hipkins, Mahuta, O'Connor and Faafoi on Tuesday 3 August to discuss transitional options to facilitate the arrival of Solomon Island RSE workers through MIQ and implications if one-way QFT arrangements with Samoa, Tonga and Vanuatu are not in effect by 1 September 2021.
6. This briefing seeks to confirm the decisions made during this meeting and provide you with advice on the MIQ implications and risks associated with these decisions for MIQ.

Decisions made during the meeting

7. Based on the outcomes of the meeting on Tuesday 3 August, Ministers have directed MBIE as follows:
 - MIQ will make space available for the 144 Solomon Island RSE workers arriving in November 2021.
 - If required, MIQ will have space available to facilitate the arrival of RSE flights in September (one flight from Samoa and one flight from Vanuatu).
 - Further decisions on NSW managed returns will not be made until after 13 August (following health assessments for Vanuatu and Tonga).
 - MIQ vouchers will not be released on MIAS for September until there is clarity of the RSE need for MIQ.
 - Officials can now advise other groups of the recent class exception and group allocation decisions where planning needs to get underway or where exceptions were not approved [briefing 2122-0065 refers]. This does not include the approved border exceptions where timeframes for implementation are still under discussion by Ministers Hipkins and Faafoi (such as students, split families and changes to critical worker criteria).

8. In addition to these decisions, it was noted that:

- Every effort would be made to get one-way QFT with Samoa, Tonga and Vanuatu in place by September.
- Advice around risks and mitigations for QFT from Samoa, Tonga and Vanuatu would likely be less certain and more complex than what was approved for Niue and the Cook Islands.
- Health assessments for Vanuatu and Tonga are due to be reported back on Friday 13 August, which will enable a better estimate around timeframes and readiness.
- New Zealand officials will press Tonga during QFT negotiations to increase their domestic MIQ capacity and health support to enable repatriation of a greater number of Tongan nationals over the coming months.
- MFAT was directed to rapidly progress QFT negotiations with Samoa, noting the challenges associated with Samoa's newly established Government.
- Minister Hipkins' Office has confirmed that the SWC Cabinet Paper providing an update on one-way QFT arrangements will be considered on the 18 August 2021.
- MPI and MBIE to check whether there are any further expectations from Ministers O'Connor and Faafoi regarding announcements of the other class exceptions (eg deep sea fishers).

Implications for MIQ arising from these decisions

Providing rooms is just one part of accommodating RSE workers in MIQ

9. MBIE is currently undertaking contingency planning to accommodate RSE workers in MIQ beyond September. If MIQ is required to accommodate RSE workers in September, this equates to 300 vouchers within two dedicated RSE managed isolation facilities. Currently, RSE flights are scheduled from Samoa on 10 September and a flight from Vanuatu arriving on 27 September. A flight from the Solomon Islands is also scheduled to arrive on 4 November.
10. This will put MBIE well over the group allocation, as August to October group allocations are already oversubscribed. RSE workers and deep-sea fishers are also the most complex group (e.g. limited English language, complex health needs, heavy smokers requiring access to smoking areas), which are resource intensive to plan for and manage. The whole MIQ system is currently operating at an extremely high tempo because of NSW, which is not sustainable when combined with the number of complex groups.
11. The September and October allocations for groups are at the upper end of what MIQ has ever previously accommodated (approximately 937 rooms in September, 917 in October). However, there are broader impacts on MIQ than just ensuring there is space within MIQ facilities for RSE workers. The overwhelming majority of the challenges comes from the intensive planning and frontline requirements, support needs, and increased risk of breaches that large and complex groups result in, in particular with the Delta variant now more prevalent.

Frontline staff and our stakeholders need certainty to provide appropriate planning

12. The stakeholders that provide wraparound support for RSE workers are essential for the wellbeing of RSE workers in MIQ and the overall success of the scheme. Confidentiality provides essential wraparound services (interpreters, health support and Pasifika pastoral support) that ensure the wellbeing and success of the RSE programme in MIQ. It is vital that we retain Confidentiality for the wellbeing of the RSE workers, if RSE flights are to continue.
13. Confidentiality has taken on a number of staff on fixed term contracts to the end of March 2022 to support the RSE border exception. Due to the uncertainty around their contracts, MBIE is aware that some of their staff are already starting to look for other employment. Confidentiality have also been heavily involved in supporting RSE workers within MIQ facilities. It is not easy to stop and start these services. MBIE needs to engage in good faith with these stakeholders and provide certainty as soon as possible to provide certainty for these organisations and their workforce.
14. There is now less than a month before the group allocation is expected to end and the staff in Hamilton have not been informed. The uncertainty surrounding QFT negotiations and whether RSE workers will need to enter MIQ, and the preparations that are needed to support the necessary arrangements present an extremely challenging situation for MIQ and our stakeholders.¹ This could have significant ramifications for future cohorts of RSE workers, including the Solomon Islands cohort due in November if these services are not available.
15. Eight weeks of intensive preparations were required to support the arrival of the first RSE cohort and resulted in two staff members resigning due to work pressures. If we need to accommodate RSE workers in MIQ with only two or three weeks' notice, this will push the MIQ system to its limits, may result in further workforce resignations and we may not be able to provide the specialist support needed for RSE workers in MIQ.

Switching RSE support on and off will be extremely challenging

16. Restarting the RSE allocation (or switching it on and off) to accommodate a small number of ad hoc flights would be challenging and expensive. Our key partners are less likely to reengage on a sporadic or temporary basis. There is also a risk that this situation might incentivise the horticulture/viticulture sectors to delay flights to avoid the costs associated with MIQ.

Stretching the MIQ system

17. Pushing MIQ to operate for prolonged periods at capacity increases the risk of this happening in multiple ways – increased numbers of breaches, exhausted and stressed frontline staff making mistakes, staff retention issues etc. This is now only higher with the airborne nature and increased infectiousness of Delta.
18. It is extremely difficult for MBIE to facilitate the arrival of RSE workers, in conjunction with the deep-sea fishers, in September. Facilities accommodating groups carry a significantly heavier workload and risk than facilities that only have MIAS returnees, as group allocation members often need intensive supervision, support, and re-education to reinforce the IPC and other requirements of being in MIQ.

¹ Specific planning needs include: planning and logistics for the group, planning and logistics for individuals with complex needs, identifying and procuring wrap-around support required, working with Health on bespoke requirements that require exemptions, on the ground support, ensuring that groups comply with MIQ IPC and other requirements, translation services etc.

19. MBIE also anticipates that there will be increased pressure and risk within MIQ in September due to the United Arab Emirates lifting the suspension on passengers from India and Pakistan effective from the 5 August. This allows Emirates to resume the main flight-route to New Zealand from India. If India remains as a Very High Risk Country, then 363 travellers from India (approx. 176 rooms) currently holding MIAS vouchers will enter MIQ between now and end of September. If India is classified down to high risk then this number will increase to 991 travellers (approx. 558 rooms).
20. The combined workload of all of the high volume and complex nature of the groups in August - October on both the central and frontline staff cannot be underestimated. Given that these staff are our last line of defence between COVID-19 and the community it is critical that any future decisions do not increase their workload.

Human rights implications in delaying MIAS vouchers

21. In accordance to the voucher release framework, MBIE has 808 rooms due to be released onto MIAS for September (not including the QFT 500 reserve). In October, there are 2381 rooms due to be released.
22. Ministers have directed MBIE to not release any vouchers on MIAS for September until there is clarity of the RSE need for MIQ. MBIE is receiving an increasing number of complaints from people about the lack of voucher availability who are upset that NSW is being prioritised over other New Zealanders needing to return. The average number of cases received each week since the start of MIQ is 121; however, for the past four weeks the case average is 264 per week.
23. These complaints are difficult to manage as we are unable to provide the resolution that they are seeking – a voucher for their planned travel to New Zealand.
24. For every MIQ space that is taken away from the MIAS allocation and moved to the group allocation for a non-New Zealander, another citizen or family could be denied their right to return to New Zealand.
25.

Legal professional privilege

Legal professional privilege There is currently not availability of MIAS vouchers until the end of 2021, with voucher releases being “snapped up” in minutes. Our most recent data is that of the people currently successfully accessing MIAs vouchers, approximately 85-90 percent of them are New Zealand citizens or permanent residents.

Next steps

26. MBIE will action your preferred decision. MBIE will continue planning for RSE workers entering MIQ facilities in September and November. You will receive separate advice on further out-of-cycle group allocations and advice on possible options to reinstating red flights from Australia during the suspension (including further advice on voucher releases for September).