



BRIEFING

Demand for New South Wales managed returns - phase three

Date:	4 August 2021, 3pm	Priority:	Urgent
Security classification:		Tracking number:	NSW-011 / 2122-0403

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19	<p>Note that as of 9:30am 4 August 2021, MBIE has processed 582 eligible registration of interest (ROI) applications (equating to a total of 844 people requiring ~680 rooms) for NSW phase three.</p> <p>Note that of these eligible applications, 342 (525 people requiring ~410 rooms) meet the urgent or exceptional criteria and are being progressed.</p> <p>Agree that in addition to the agreed 500 room QFT reserve, MBIE access up to 300 additional rooms from MIAS vouchers in order to fully meet demand for NSW phase three.</p> <p>Agree that up to 30 of these 300 rooms be provided to support consular cases identified by the Ministry of Foreign Affairs and Trade (MFAT), and any remaining rooms after that point be released onto MIAS.</p> <p>Note that Ministers met on Tuesday 3 August 2021 to discuss RSE worker travel, and agreed that any further decisions about managed return flights from NSW would not be made until after 13 August 2021.</p>	5 August 2021

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

The following departments/agencies have been consulted
MFAT

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 Withdrawn |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

This briefing updates you on demand for phase three managed returns from New South Wales (NSW) based on registration of interest applications that have been assessed to date. It seeks your agreement to access up to 300 additional MIQ rooms, in addition to the to the previously agreed 500 QFT reserve, to fully meet demand for phase three.

Recommended action

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

a **Note** that Acting Minister for COVID-19 Response Minister Verrall agreed to commence phase three of NSW managed return flights from 9 August – 22 August 2021, drawing on the 500 QFT reserve rooms, and identifying demand through a registration of interest (ROI) process [NSW-009 and NSW-010].

Noted

b **Note** that Minister Verrall agreed that if demand for phase three exceeded capacity, MBIE could potentially draw upon an additional 300 rooms from unreleased MIAS vouchers, subject to a better understanding of demand in NSW and Ministerial agreement [NSW-010].

Noted

c **Note** that as of 9:30am Wednesday 4 August 2021, MBIE has received 930 ROI applications for the NSW phase three managed return, with 582 applications meeting the managed return eligibility criteria.

Noted

d **Note** that of these, 342 applications, corresponding to 525 people requiring approximately 410 MIQ rooms, have self-identified as meeting at least one of the six urgent or exceptional criteria, and the details of those applications have been passed to airlines for immediate flight booking.

Noted

e **Note** a further 240 ROIs, corresponding to 319 people requiring approximately 270 rooms, have been submitted by travellers who meet the (date and visa) eligibility criteria, but have not self-identified as having an urgent or exceptional need to return to New Zealand.

Noted

f **Indicate** your preferred option for responding to demand for NSW phase three:

Option One (recommended) – Agree that MBIE access up to 300 additional rooms to fully meet phase three demand (i.e. allocate spaces to all 240 non-urgent or exceptional eligible applications (~270 rooms) received through the ROI process).

Agree / disagree / discuss

Option Two – Agree that MBIE will not access any of the additional 300 rooms but will allocate the remaining ~90 rooms of the original 500 room QFT reserve to non-urgent or exceptional travellers based on the order in which travellers submitted a completed ROI.

Agree / **disagree** / discuss

- g **Agree** that, if you proceed with Option One, up to 30 of the unallocated phase three rooms can be accessed for consular cases to support travellers in NSW and other Australian States and Territories that have identified by MFAT as urgently needing to travel.

Agree / disagree / discuss

- h **Agree** that, if you proceed with Option One, any of the remaining 300 rooms (i.e. those not required for phase three and consular cases) be released onto MIAS.

Agree / disagree / discuss

- i **Agree** that, if you proceed with Option Two, MBIE will release the additional 300 rooms onto MIAS.

Agree / **disagree** / discuss

- j **Note** that Ministers met on Tuesday 3 August 2021 to discuss Recognised Seasonal Employer (RSE) worker travel, and agreed that any further decisions about managed return flights from NSW would not be made until after 13 August 2021, when further advice about establishing one-way Pacific QFT will be provided to Ministers.

Noted

- k **Note** that, as per Ministers' direction above, MBIE will not provide you with any advice on a phase four of managed returns from NSW until after 13 August 2021.

Noted

- l **Note** that this will result in uncertainty next week for anyone remaining in NSW seeking a pathway back to New Zealand, including those who have submitted an ROI but travelled after 22 June 2021.

Noted

- m **Note** that in order to ensure that all available rooms in the phase three window are fully utilised, your decisions on the options presented in this briefing are needed urgently.

Noted

- n **Agree** to copy this paper to the Ministers of Foreign Affairs, Transport, Immigration and Customs for their information.

Agree / Disagree

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

Agree / Disagree



Kara Isaac
General Manager
MIQ, MBIE

4 / 8 / 21



Hon Chris Hipkins
Minister for COVID-19

4 / 8 / 2021

Background

1. On 27 July 2021, Acting Minister for COVID-19 Response, Minister Verrall agreed to a third phase of NSW managed returns from 9-22 August 2021, using 500 rooms from the QFT reserve [NSW-009].
2. On 29 July 2021, Minister Verrall agreed [NSW-010] that MBIE would run a registration of interest (ROI) process for phase three, under which:
 - a. People were able to retrieve a form from the Unite Against COVID-19 website, which asked them to provide information about their eligibility to travel (based on immigration status, and dates of travel), and reasons for needing to return to New Zealand.
 - b. ROI forms needed to be submitted to MBIE between 10:00am Friday 30 July and 2:00pm Tuesday 3 August 2021.
 - c. Any people who expressed reasons consistent with the urgent or exception criteria used for phase one and two of NSW managed returns were immediately referred to airlines for booking, to ensure full utilisation of MIQ capacity, and
 - d. Other applications would be retained until such time all applications at (d) had been referred, and, once that had occurred, subsequently processed in order of receipt [NSW-010].
3. Those who submitted incomplete forms were contacted via email as forms were received. If they had not since submitted a completed form, they have been given a further 24 hour window after the closure of the form at 2.00pm 3 August 2021 to re-submit their ROI by 2.00pm 4 August 2021.
4. On 29 July 2021, Minister Verrall also agreed that if demand for phase three exceeded 500 places, MBIE could consider utilising up to 300 additional rooms from 9 – 22 August 2021 from unreleased MIAS vouchers, subject to Ministerial agreement [NSW-010].

Demand for phase three managed returns from NSW

Demand for managed return from NSW has exceeded the allocated 500 rooms

5. As at 9:30am on 4 August 2021:

ROIs processed	930
Ineligible ROIs (due to immigration status or travel date range)	348
Eligible ROIs that meet urgent or exceptional criteria	342 = 525 people, requiring ~410 rooms
Eligible ROIs that do not meet urgent or exceptional criteria	240 = 319 people, requiring ~270 rooms
Incomplete ROIs (note: people were given until 2pm 4 August to resubmit)	159
Yet to be processed ROIs	8

6. After the ROIs with urgent or exceptional needs have been referred (or are in the process of being referred) to airlines for booking, there are approximately 90 rooms remaining from the 500 rooms agreed for phase three NSW managed returns.

You have options to manage the remaining travellers who do not meet the urgent or exceptional criteria

7. There are 319 remaining travellers who do not meet the urgent or exceptional criteria. We consider that you have two options for managing those travellers in NSW who have expressed interest in returning to New Zealand, but who do not fit any of the urgent or exceptional criteria.
8. The ROI form did not indicate which reasons for return would be used for prioritisation purposes under phase three. People who MBIE has assessed as not meeting the urgent or exceptional criteria (used under phases one and two) may be of the view that their situation is urgent or exceptional. Examples of stated reasons for return, beyond such criteria, include: needing to return to study, employment (e.g. school teachers), and attend to responsibilities in New Zealand.
9. We understand that Ministers met on Tuesday 3 August 2021 to discuss Recognised Seasonal Employer (RSE) worker travel, and agreed that any further decisions about managed return flights from NSW would not be made until after 13 August 2021. As per this Ministerial directive, we will not provide you with any further advice on NSW returns until after this date (i.e. for a fourth phase of NSW managed returns).
Free and frank opinions

Option One (recommended): use the remainder of the 500 agreed rooms, and further access up to 300 of the additional rooms yet to be released on MIAS for August

10. As previously advised, the final 10 percent of MIAS vouchers (300 rooms) for 9-22 August 2021 have not yet been released.
11. We recommend filling both a) the remaining 90 rooms from the 500 rooms agreed for phase three, and b) up to 300 of the not yet released rooms with people who have provided an eligible ROI and seek to return to New Zealand.
12. In using these 300 rooms, all 844 people who had submitted eligible ROIs for phase three managed returns from NSW would be accommodated. This means that we have certainty that we have met current demand for managed return of eligible people who travelled to NSW between 6 April – 22 June 2021, however future consideration will need to be given to people who travelled to NSW after 22 June 2021.
13. Accommodating all eligible ROIs in phase three would provide for flexibility in September (a period of high demand for group allocations), and maintain MIQ contingency to respond to other QFT emergencies (e.g. facilitating a managed return from the Cook Islands). It would also mean that NSW could be treated the same as other Australian States and Territories during the QFT suspension.
14. The major trade-off in accessing the 300 rooms for NSW managed returns is that it means continued lack of voucher release onto MIAS for the rest of the world who last had access to a sizable release in early July. MIQ are receiving an increasing number of complaints from people upset that NSW is being prioritised over other New Zealanders needing to return.
15. Allowing all eligible non-urgent but still stranded people back in phase 3 would be justifiable on the basis that, unlike the rest of Australia, they did not have a window of green flights on which to return before travel with the state was paused.
16. MFAT has also identified a small number of consular cases in Australia who do not meet the phase three eligibility criteria but have an urgent need to return to New Zealand. We

propose that up to 30 of the remaining rooms from the additional 300 (once all people in NSW who have submitted ROI are accounted for) could be allocated for this purpose. It would likely include people outside of NSW (on the proviso it is possible for these people to enter NSW to exit to New Zealand) who were unable to access green flights due to technical reasons (such as having been at a place of interest), or people elsewhere in Australia who otherwise have an urgent need to travel. We will also continue to work with MFAT on a case-by-case basis should more than 30 rooms be required, but we are confident we can absorb this into MIQ spaces.

17. Approximately 90 remaining rooms (i.e. those not required for phase three and consular cases) will be released on to MIAS as soon as possible for access by others seeking to return to New Zealand.

Option Two (not recommended): do not utilise the additional 300 rooms, but allocate the remainder of the 500 contingency rooms to people who have other non-urgent or exceptional reasons for return

18. Another option is not to utilise the additional 300 rooms but to allocate the approximately 90 rooms left remaining from the 500 rooms to eligible people in NSW who have other non-urgent or exceptional reasons for return, in order of receipt of completed applications. These 300 rooms would instead be released onto MIAS.
19. As identified in NSW-010, the risk with this option is that the ROI process may have created a legitimate expectation that people who have submitted forms are on some form of government waitlist (i.e. have recourse to a managed return).
20. Moreover, distinguishing between this non-urgent or exceptional group of people on a first in first served basis may be perceived as unfair. While we have prioritised people with a reason to travel that is consistent with the urgent or exceptional circumstances process, we have not prioritised people within the remainder of forms. This means that there is a mixture of travellers whose circumstances fall outside the urgent or exceptional circumstances (but may still include a degree of urgency relative to other travellers) who were able to submit their applications more quickly (of whom MBIE cannot select between).
21. In addition, by delaying the return of some travellers who have completed the ROI process, we are delaying the re-introduction of the standard MIQ operating model. The managed return model is time consuming, resource intensive and unsustainable, and provides no pathway back for other New Zealanders in other states for the foreseeable future.
22. This option would see only a partial return of approximately 100 eligible people (in terms of immigration status and date cut-offs) back to New Zealand. Approximately 200 people who have submitted a ROI to return to New Zealand would remain in NSW. Should you seek additional managed returns of these people, phase four would run into September (when MIQ capacity is likely to be increasingly constrained).

Non-eligible travellers

23. There are a number of people in NSW who have submitted ROI forms but are ineligible for managed returns, by virtue of their immigration status, or because they travelled outside of the date cut-offs. By way of example, at least 56 people who travelled to NSW between 23 - 26 June 2021 (i.e. after the QFT pause with NSW took effect on 22 June 2021) have submitted ROI forms.
24. We are unable to provide an estimate of the number of people in NSW who are ineligible for managed returns, but who want to return to New Zealand. Whilst the figure stated above is indicative, it is likely that a number of people who wanted to submit a ROI form, but did not do so on seeing they were ineligible.

25. We do not propose providing managed NSW returns for these people under phase three. In particular because it may create inequity with people who remain in other parts of Australia, having actually travelled there under QFT, who also want to return to New Zealand.

Next steps

26. As previously noted, the hard deadline for the completion of all incomplete ROI forms was 2pm today. Final figures will be provided to your office once available.
27. If you choose to proceed with Option One, MBIE will begin referring all eligible but non-urgent or exceptional applications to airlines, as has been the process with eligible urgent or exceptional applications.
28. If you choose to proceed with Option Two, we will begin informing all eligible people who do not meet urgent or exceptional criteria that they will not be provided a managed return at this time. We will provide you with further advice after 13 August 2021 on a phase four NSW managed return.
29. You will receive separate advice on the matter of the rest of Australia's return to red flights.
30. We recommend that the Ministers of Transport, Foreign Affairs, Immigration and Customs be provided a copy of this paper, once you have considered it, for their information.