



BRIEFING

Urgent travel for paediatric orthopaedic surgeon

Date:	17 August 2021	Priority:	Urgent
Security classification:		Tracking number:	2122-0580

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Decide whether <small>Privacy of natural persons</small> and his spouse, <small>Privacy of natural persons</small> should be allowed to board a managed return flight from NSW on 22 August 2021.	18 August 2021

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Megan Main	Deputy Secretary, MIQ	<small>Privacy of natural persons</small>	
Kara Isaac	General Manager, MIQ Policy	<small>Privacy of natural persons</small>	✓

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 Withdrawn |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

Urgent travel for paediatric orthopaedic surgeon

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Purpose

To seek your decision on whether to allow [Privacy of natural persons] a paediatric orthopaedic surgeon and his spouse, [Privacy of natural persons] who are not ordinarily resident in New Zealand to board a managed return flight from New South Wales (NSW) to New Zealand on 22 August 2021.

Recommended action

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

- a **Note** that the Auckland District Health Board and Starship have raised concerns about [Privacy of natural persons] not being able to enter New Zealand to perform acute paediatric orthopaedic operations (refer **Annex One**). *Noted*
- b **Note** that the [Privacy of natural persons] and his spouse, [Privacy of natural persons] are not ordinarily resident in New Zealand and so do not meet the eligibility criteria Ministers set for managed return flights from New South Wales. *Noted*
- c **Note** that there could be fairness issues of allowing people who are not New Zealand citizens, permanent residents or ordinarily resident in New Zealand access to managed return flights. *Noted*
- d **Decide** whether or not to allow [Privacy of natural persons] to board a managed return flight from NSW before managed return flights end on 22 August 2021. *Allow / Do not allow*
- e **Note** that if you allow them to board a managed return flight, MIQ will have the certainty of flight availability to process their application for a MIQ emergency allocation voucher. *Noted*
- f **Note** that if you decide not to allow [Privacy of natural persons] to access managed return flights, they could travel to New Zealand once red flights resume in September and MIQ will process their application for MIQ time-sensitive allocation application once red flight schedules are confirmed for September. *Noted*

g **Agree** that this briefing be proactively release with appropriate withholdings under the Official Information Act 1982.

Agree / Disagree



Kara Isaac
General Manager, MIQ Policy
MIQ, MBIE

17/8/21



Hon Chris Hipkins
Minister for COVID-19 Response

17/08/2021

Background

1. QFT with NSW was paused on 22 June 2021. The Government began managed return flights from NSW from 13 July 2021 for New Zealand citizens, permanent residents and people ordinarily resident in New Zealand who travelled between 6 April and 22 June 2021 to return home.
2. Phase 3 of NSW managed return flights are operating from 9 to 22 August 2021. All eligible travellers who submitted a registration of interest are able to be accommodated through that Phase. On that basis, you agreed to close the NSW managed return process [2122-0450 / AUS-003 refers]. The last day of managed return flights will be 22 August and red flights will commence from September.
3. Auckland District Health Board and Starship Child Health have raised concerns about Privacy of natural persons a paediatric orthopaedic surgeon (and his spouse, Privacy of natural persons who is Privacy of natural persons urgently required to travel to New Zealand to support the high volume of complex acute care and elective work for the regional (Auckland and Waitematā) and national paediatric orthopaedic service. **Annex One** attaches the letter from Auckland District Health Board and Starship Child Health describing the circumstances.
4. The pair are not eligible to board managed return flights under current settings.

Eligibility for managed return flights

5. It is a condition of boarding a managed return flight that a person meets one of the following criteria – they are:
 - a. a New Zealand citizen or the holder of a residence class visa; or
 - b. a person who last departed from New Zealand on or after 6 April 2021 and –
 - i. is the holder of a temporary visa granted under the Immigration Act 2009; or
 - ii. is an Australian citizen under Australian law; or
 - iii. is the holder of a current permanent residence visa (including a resident return visa) issued by the Government of Australia.
6. These criteria were set by Ministers when managed return flights were announced to get New Zealanders home from NSW. The criteria is enforced by airlines who confirm with Immigration Border Officers whether a person is eligible to board.

The circumstances of the case (refer Annex One)

7. Auckland District Health Board and Starship Child Health have raised concerns about their ability to deliver the high volume of complex acute care and elective work for the regional (Auckland and Waitematā) and national paediatric orthopaedic service without one of the Sydney-based surgeons.
8. The service normally requires three senior orthopaedic surgical fellows to cover the acute work. One is in New Zealand and is unavailable for personal reasons, and two are in Sydney and unable to travel because they are not eligible to board managed return flights.
9. The District Health Board and Starship needs Privacy of natural persons to arrive in New Zealand in August, otherwise they will need draw resource from elective surgeries to deal with acute cases. With two weeks in MIQ, this will mean Privacy of natural persons will be able to start

operating in early September. The second Sydney-based surgeon is able to arrive later in September (and they have applied for a time sensitive MIQ voucher).

10. [Privacy of natural persons] are Australian citizens, but are not eligible for managed return flights because they did not leave New Zealand on or after 6 April (i.e. they are not ordinarily resident in New Zealand). They hold critical health worker visas so are able to enter New Zealand under that immigration border exception.
11. You could direct officials/airlines to board [Privacy of natural persons] on a managed return flight before 23 August 2021.

Fairness

12. Allowing [Privacy of natural persons] to access managed return flights could create fairness issues. The only way for people who are not eligible persons to access managed return flights is through the Ministry of Foreign Affairs and Trade's consular channel.¹
13. Other employers or industries who have comparable urgent need for critical workers from NSW could claim unfair treatment. We are aware of an exemption that was sought for a Sydney-based actress (who was not an eligible person) to travel to New Zealand on a managed green flight from Queensland before the Trans-Tasman bubble was closed on 30 July.
14. There are also likely to be some people who are eligible persons or New Zealanders who are not eligible who have been unable to access managed return flights for a variety of reasons.
15. If you decide not to allow [Privacy of natural persons] access to managed return flights, they could travel to New Zealand and enter MIQ when red flights resume in September. The pair previously applied for a time-sensitive MIQ allocation in September which MIQ would process once red flight schedules for September are confirmed. This would mean they are not competing with the rest of the world for access MIQ vouchers in September, though would still need to be approved.

They would need to meet the requirements of the Air Border Order

16. If you decide to let [Privacy of natural persons] board a managed return flight, they will have to meet the requirements of the COVID-19 Public Health Response (Air Border) Order 2020 (No 2). This means they will require a negative pre-departure test at least 72 hours before their flight (unless the Director-General of Health exempts them) and have a confirmed MIQ allocation.
17. The surgeon and his partner have applied to MIQ for an emergency allocation under category 2(b). This covers time-critical commencement of work delivering a critical public or health and disability service, such as the clinical and direct provision of health services requirement to prevent serious illness, injury or death.
18. MIQ has not been processing emergency allocation applications from Australia because there are no flights available until red flights resume in September. If you decide that these [Privacy of natural persons] can board a managed return flight this week, MIQ will have the certainty of flight schedule to process their application.

Annexes

Annex One: Letter of support from Auckland District Health Board and Starship

¹ The MFAT consular channel is only open to New Zealanders and has a very high threshold.

Annex One: Letter of support from Auckland District Health Board and Starship



13th August 2021,

Privacy of natural persons

Director, Child Health Services
Starship Hospital
Auckland District Health Board.

To Whom it may concern,

Re: Letter of support for Privacy of natural persons

TST: MIQ-TST-001042-D7X1

ITA/Visa: Privacy of natural persons

Privacy of natural persons

has been recruited to complete a specialist programme within Starship/Child Health Paediatric Orthopaedic service. This programme has a fixed-term of six months – which we may seek to extend given current circumstances.

The Paediatric Orthopaedic service provides both a regional service (caring for children in Auckland and Waitematā DHB) and a national service for children with paediatric orthopaedic and spinal disorders. There is a high percentage of sub speciality input required into the tertiary volumes, which adds to the complexity in delivery of care for this service.

Half the work is elective cases, with service challenges and constraints already present across sub-specialty areas of paediatric orthopaedics, particularly areas of spine, tumour, and complex hand surgery. The other half of the work is acute trauma or infections. Starship paediatric orthopaedic surgeons and fellows provide acute care for critically injured children transferred to Paediatric ICU (PICU) from around the country as well as supporting the national spinal cord impairment strategy, with transfer of all children with spinal injuries to Starship.

Post-Covid, the paediatric orthopaedic service has experienced service challenges and constraints. At an SMO level, the service is currently carrying an SMO vacancy of 1.7FTE and over the last 18 months has had difficulty recruiting internationally for suitably qualified surgeons, due to impact of Covid19 on recruitment of doctors from different medical jurisdictions and countries. The service is therefore heavily reliant on internationally trained fellows to assist and support the high volume of complex acute care and elective work that needs to be delivered each year.

Normally the paediatric orthopaedic service has 3 fellows, a senior registrar and 4 junior registrars to cover the on-call roster and acute work in CED / theatre and the acute fracture clinics. The normal changeover would have been on Monday 2nd August. We are already without a spine fellow (due to other personal reasons) and without (and one other fellow currently in Sydney) we therefore have 5 of our usual 8 RMOs - one relatively junior senior RMO and four non-training, junior RMOs. This leaves acute cover precarious and will mean that SMO work activity will need to be directed towards supporting acute care and away from elective delivery

Presently across the service we have 50 children that are overdue for their surgical procedure (many with significant spinal deformity and pain) and >160 children overdue for clinic review. The recent Respiratory syncytial virus (RSV) epidemic and the upcoming nursing strike have led to further cancellations of elective work and we anticipate these numbers worsening in the coming months. Historically, paediatric acute volumes increase through spring and peak in summer months, so it will be very challenging for the orthopaedic surgical services to recover from any reduction in their normal patient throughput without Privacy of natural persons. Thank you for your consideration.

Yours sincerely,

Privacy of natural persons

Director, Starship Child Health