



BRIEFING

Further advice on managed return flights from New South Wales

Date:	10 July 2021	Priority:	Urgent
Security classification:		Tracking number:	NSW-002

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Agree to the criteria for accessing the urgent or exceptional cases quota and note the operational implications of managed return flights from NSW.	5pm, 10 July 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	Manager, Regulation and Implementation Policy	Privacy of natural persons	

The following departments/agencies have been consulted
Crown Law

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 Withdrawn |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

Further advice on managed return flights from New South Wales

Date:	10 July 2021	Priority:	Urgent
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Purpose

To seek your agreement to the criteria for accessing the urgent or exceptional cases quota as part of the managed return from NSW, and note the implications of NSW managed return flights on MIQ operations.

Recommended action

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

- a **Note** separate advice is being provided on the overall process for managed return flights. *Noted*
- b **Note** that 80 per cent of managed return flights will be available on a first-come, first-served basis from airlines and a 20 per cent quota will be set aside for urgent or exceptional cases. *Noted*
- c **Agree** that a person will be able to access this quota if they are a New Zealand citizen, permanent resident or are ordinarily resident in New Zealand. Agree / Disagree
- d **Agree** that the partners and dependents of those people should also be eligible for the quota if they travelled with them to NSW and are returning back to New Zealand with them. Agree / Disagree
- e **Note** that paragraphs c and d will be subject to immigration settings allowing these people to return on red flights Agree / Disagree
- f **Agree** a person will have to meet at least one of the following criteria:
 - i. There is a serious risk to health or safety for the applicant or their dependant, which requires urgent travel to New Zealand Agree / Disagree
 - ii. Urgent travel is required to ensure a child is provided with appropriate care and protection Agree / Disagree
 - iii. Urgent travel is required to provide critical care for a dependant person in New Zealand Agree / Disagree
 - iv. The person has a serious medical condition that requires treatment or support back in New Zealand Agree / Disagree

v. The person will suffer significant financial hardship if they are not able to return to New Zealand.

Agree / Disagree

vi. Compassionate grounds, such as visiting close relatives who are in critical medical conditions.

Agree / Disagree

g **Note** that applications will be self-declared and allocated on that basis.

Agree / Disagree

h Legal professional privilege

Noted

i **Note** the operational impacts the NSW managed return flights will have on the MIQ system, as set out at page 5.

Noted



Kara Isaac
General Manager, MIQ Policy
MIQ, MBIE

10 / 07 / 2021

4:04pm



Hon Chris Hipkins
Minister for COVID-19 Response

10 / 07 / 2021

Background

1. On Friday 9 July, Ministers announced that managed return flights for people in New South Wales (NSW) would begin from 11.59pm, Monday 12 July.
2. MBIE advised you that rooms will be available for these people, leveraging the 500 rooms set aside for Quarantine-Free Travel, cohorting underutilisation, and contingency capacity [MBIE briefing NSW-001 dated 9 July refers]. MBIE also sought your agreement to create a Ministerial exemption from the requirement for these people to have a confirmed MIQ allocation under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020. That exemption is necessary to facilitate the decision to return these groups.
3. Ministers have asked for advice on how some seats on managed return flights can be set aside for those with an urgent or special need to return from NSW.
4. MBIE advised you that the managed isolation allocation system (either online or offline) is not a suitable way to set aside managed return flights for urgent or exceptional cases. The quota and criteria sought is about access to flights, rather than places in MIQ.
5. We understand separate advice will be provided on the overall process for managed return flights. Eighty per cent of managed return flights will be available on a first-come, first-served basis from airlines and a 20 per cent quota will be set aside for urgent or exceptional cases.
6. The following groups will be able to travel to New Zealand on managed return flights: New Zealand citizens and permanent resident/resident visa holders; Australian citizens or Australian permanent residents; holders of New Zealand temporary visas; and partners, dependent children or parents of dependent children, of any of the above.
7. This briefing sets out the criteria for access to the urgent or exceptional case quota. It also sets out the operational impact NSW return flights will have on MIQ.

The managed isolation allocation system is not the right tool

8. The management of allocations to MIQ has two parts – online and offline allocations.
9. Online allocations are first-in, first-served and operated through the MIQ booking website.
10. Offline allocations are manually allocated by a decision maker. The Minister decides the criteria by which applications for offline allocations must be decided and the Chief Executive of MBIE must publish the criteria on the MBIE website. The Chief Executive of MBIE makes decisions on applications for offline allocations, based on the established criteria.
11. One of the categories of offline allocations is for emergency places in MIQ to enable urgent travel to New Zealand for people who meet the criteria (e.g. travel to visit close relatives with a terminal illness), and have not been able to find a space in MIQ through the online system.
12. We previously advised you that the online allocation system is not appropriate to support return from NSW. This is because there is no way to only make vouchers available to people returning from NSW and they would otherwise be picked up by people outside NSW. This is part of why we have sought your agreement to a Ministerial exemption for these people from a requirement to have a confirmed allocation.
13. The offline allocation system, e.g. the emergency allocation system, is also not appropriate to facilitate set aside flights for urgent or exceptional cases. Ministers have already decided that MIQ places will be made available to people returning from NSW. The quota sought relates to access to flights, which is not the purpose of the emergency allocation system.

A separate process should be established for access to urgent or exceptional cases quota

14. Eighty per cent of managed return flights will be available on a first-come, first-served basis from airlines and a 20 per cent quota will be set aside for urgent or exceptional cases.
15. We propose that a person will be able to access this quota if they are a New Zealand citizen, permanent resident or are ordinarily resident in New Zealand and meet at least one of the following criteria:
 - a. There is a serious risk to health or safety for the applicant or their dependant, which requires urgent travel to New Zealand
 - b. Urgent travel is required to ensure a child is provided with appropriate care and protection
 - c. Urgent travel is required to provide critical care for a dependant person in New Zealand and need to travel urgently to do so
 - d. The person has a serious medical condition that requires treatment or support back in New Zealand
 - e. The person will suffer significant financial hardship if they are not able to return to New Zealand.
 - f. Compassionate grounds, such as visiting close relatives who are in critical medical conditions.
16. We also recommend that if a person meets one of these criteria, access to the quota should be available to their partners or dependents who travelled with them to NSW and are returning with them back to New Zealand. Note that this will be subject to immigration settings allowing these people to return on red flights.
17. These criteria are consistent with the criteria that were proposed for managed returns from Victoria in early June and are similar to the criteria MBIE uses for emergency allocations to MIQ.
18. We do not propose that people travelling with children should be a criteria in and of itself. There is limited justification for this, particularly given the risk profile for COVID suggest older people are often more at risk. Legal professional privilege
Legal professional privilege
19. We do not propose that there is prioritisation within the quota (e.g. ranking the criteria above). This would involve time and resource we do not have before Tuesday. It would also add complexity that could create legal risk of challenge. Without ranking, the quota will essentially operate as a first-in, first-served basis provided they meet at least one of the criteria.
20. A person will make an application and make a declaration that they meet the criteria. Supporting evidence will not be required. This will be a high-trust system as it is not possible in the timeframes to establish a rigorous process for assessing evidence and verifying applications.
21. If the urgent and exceptional cases quota is not used, airlines will be able to allocate those places to other passengers. We will work with airlines to determine when these will be released (i.e. what timeframe before the flight is due to depart).

22. MBIE has developed this criteria and will operationalise it on behalf of the all of government response. MBIE has experience operating these kinds of systems, and we will work with other agencies, such as the Ministry of Foreign Affairs and Trade's consular service to operationalise it.
23. This process has been developed at pace to deal with an urgent situation. It has not been designed as a permanent feature of the QFT response framework. Given this, there are likely to be unforeseen risks, including legal challenge.
24.  Legal professional privilege

Impact on MIQ system of NSW managed returns

25. As agreed with the implementation of the QFT arrangement, MIQ has held 500 rooms in reserve for a managed return situation where returnees are required to enter MIQ.
26. Utilising approximately 1,000 rooms for this purpose does have implications for the broader MIQ system as outlined below.

Delaying scheduled maintenance for the Four Points Auckland

27. The Four Points Auckland (approximately 220 rooms) was due to be taken offline from 16 to 29 July for scheduled maintenance, including ventilation remediation. This will now need to be delayed. The ventilation remediation works were to rebalance the HVAC system from positive pressure to the preferred negative pressure conditions for MIQ facilities.
28. This facility has a unique floor plan that is characterised by adjoining rooms at the end of corridors with shared access off small lobby spaces that requires careful management as those configurations contribute to risk of intra-MIF transmission.

Loss of operational contingency from Auckland and Christchurch

29. As advised to you on 9 July in the briefing *Legislative amendments and exemptions to give effect to New South Wales managed returns from Tuesday 13 July 2021* [briefing NSW-001 refers] making approximately 1,000 rooms available for NSW returnees in the next two weeks requires a combination of the 500 QFT rooms, rooms unoccupied due to cohorting, and the MIQ operational contingency.
30. This will result in a significant reduction in contingency available in Auckland resulting in limited ability to respond to any events that requires access to contingency. Should a significant event occur then returnees may need to be relocated to MIFs in Rotorua and/or Hamilton.

Delayed or no release of remaining MIAS vouchers for August

31. In order to remain within safe operating parameters and rebuild the MIQ operational contingency, MIQ will withhold the release of the remaining August vouchers (approximately 400) while the NSW emergency response is underway. This will have the effect of denying New Zealanders in other countries who would have otherwise acquired these vouchers the right to return home.

No guarantee of sub-cohorting in facilities

32. For the most part we have managed to allocate the flights so that they will enter facilities during the intake period of 96 hours, so cohorting will be able to be maintained. However, there are a few facilities where cohorting will need to be suspended in order to receive NSW returnees.
33. Public health advice is that where NSW returnees are placed into a facility with other returnees from high risk countries and cohorting is suspended, then there should be sub-cohorting for the purposes of access to fresh air/exercise and smoking. Entry and departure times should also be arranged so that the groups do not cross paths.
34. While best endeavours will be made to ensure this takes place, MIQ is not able to guarantee complete separation of cohorts. This is because many facilities will be fully occupied, the workforce will be under significant pressure, and in some facilities returnees will be sharing floors.

Next steps

35. You need to make a decision today in order for MBIE to operationalise this on Sunday ahead of managed return flights beginning from 11.59, Monday 12 July.