

Briefing

Regulatory changes to enable Air Chathams to operate quarantine-free travel flights

Date due to MO:	28 May 2021	Action required by:	As soon as practicable
Security level:	IN CONFIDENCE	Health Report number:	20211108
To:	Hon Chris Hipkins, Minister for COVID-19 Response		
Copy to:	Rt Hon Jacinda Ardern, Prime Minister Hon Kris Faafoi, Minister of Justice Hon Andrew Little, Minister of Health Hon Michael Wood, Minister of Transport		

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Te Tumu Whakarae mō te Hauora Director-General of Health	s 9(2)(a)
Maree Roberts	Deputy Director-General, System Strategy and Policy	s 9(2)(a)

Minister's office to complete:

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 Withdrawn | |

Comment:

Regulatory changes to enable Air Chathams to operate quarantine-free travel flights

Security level: IN CONFIDENCE

Date: 28 May 2021

To: Hon Chris Hipkins, Minister for COVID-19 Response

Purpose of report

1. This report seeks your agreement to amend the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order) to add Air Chathams to the list of airlines defined as 'QFT carriers'.
2. This report discloses all relevant information and implications.

Summary

3. Trans-Tasman two-way quarantine-free travel (TT QFT) commenced at 11:59pm on 18 April 2021, as confirmed by Cabinet on 6 April 2021 [CAB-21-MIN-0101].
4. To facilitate TT QFT, the Air Border Order specifies the countries from which people may travel quarantine-free (QFT places), the airlines that can operate quarantine-free flights (QFT carriers) and the airports in New Zealand at which these flights may land (QFT ports).
5. Air Chathams is seeking to be designated as a QFT carrier under the Air Border Order so that it can resume its weekly operation flying between Auckland and Norfolk Island. Norfolk Island is a QFT place under the Air Border Order because it is an external territory of Australia, administered by the state of New South Wales.
6. Officials have assessed Air Chathams' proposed TT QFT operation and I have determined that there are systems and processes in place to safely undertake QFT and the risk of the outbreak or spread of COVID-19 from the proposal is low.
7. If you agree to this proposal, officials will issue instructions to the Parliamentary Counsel Office to commence drafting an amendment to the Air Border Order.

Recommendations

Officials recommend you:

- a) **Note** that Air Chathams is seeking to be designated as a 'QFT carrier' under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order) in order to undertake trans-Tasman quarantine-free travel from Norfolk Island to Auckland. **Noted**
- b) **Note** that officials have assessed Air Chathams' proposed trans-Tasman operation and I have determined that there are appropriate systems and processes in place to safely undertake quarantine-free travel and the risk of the outbreak or spread of COVID-19 from the operation is low. **Noted**

- c) **Agree** to designate Air Chathams as a QFT carrier by adding it to the list of airlines defined as QFT carriers in clause 4A(2) of the Air Border Order. **Yes/No**
- d) **Agree** that the Ministry issue drafting instructions to the Parliamentary Counsel Office to give effect to the designation of Air Chathams as a QFT carrier. **Yes/No**
- e) **Note** that, subject to your agreement, you will be provided with a further Health Report with a draft amendment to the Air Border Order for consultation with relevant Ministers. **Noted**



Dr Ashley Bloomfield

Te Tumu Whakarae mō te Hauora
Director-General of Health

Date:



Hon Chris Hipkins

Minister for COVID-19 Response

Date: 28/5/2021

Regulatory changes to enable Air Chathams to operate quarantine-free travel flights

Background

1. TT QFT commenced at 11:59pm on 18 April 2021, as confirmed by Cabinet on 6 April 2021 [CAB-21-MIN-0101].
2. The Air Border Order establishes the framework for QFT flights by specifying the countries from which people may travel quarantine-free (QFT places), the airlines that can operate quarantine-free flights (QFT carriers) and the airports in New Zealand at which these flights may land (QFT ports).
3. Currently Air New Zealand, Qantas and Jetstar are designated as QFT carriers under the Air Border Order. A number of other international airlines have signalled their interest in operating services within the TT QFT bubble in the coming months.

Air Chathams is seeking to operate QFT flights

4. Air Chathams is seeking to be designated as a QFT carrier under the Air Border Order so that it can operate quarantine-free flights from Norfolk Island to Auckland. Norfolk Island is a QFT place under the Air Border Order because it is an external territory of Australia, administered by the state of New South Wales. Australia is designated as a QFT place in clause 4(1) of the Air Border Order.
5. To designate Air Chathams as a QFT carrier you need to amend clause 4A(2) of the Air Border Order to add Air Chathams to the list of airlines defined as QFT carriers. This is a minor and technical drafting change to the Air Border Order.

Public Health Advice: the proposal is low risk

6. Officials have assessed Air Chathams' proposed TT QFT operation and have determined that the airline meets all health and regulatory requirements in the Air Border Order and the Ministry of Health's *Infection Prevention and Control (IPC) Guidance: Air Border*. These include that Air Chathams has demonstrated the following:
 - a. *Air crew eligibility* – air crew are separated between red (non-QFT) and green (QFT) flights unless they meet requisite stand-down periods and undertake COVID-19 testing
 - b. *Passenger eligibility* – travel eligibility and health questions are a requirement of the check-in process
 - c. *Ill passengers* – there are appropriate procedures in place for dealing with ill passengers at check-in and in flight
 - d. *Face coverings* – there are appropriate face coverings available for distribution in-flight to passengers that do not have their own
 - e. *Communications* – approved COVID-19 communications are provided to passengers at booking, or shortly afterwards

- f. *COVID-19 safety messages* – approved COVID-19 safety messages are delivered by air crew before landing at a New Zealand airport
 - g. *Collateral* – systems are in place to distribute the *Unite Against COVID-19* flyer to passengers before arrival in New Zealand
 - h. *Aircraft cleaning protocols* – the airline has cleaning protocols that comply with approved processes set out in the *Infection Prevention and Control (IPC) Guidance: Air Border*.
7. Based on the implementation of these measures, I have determined that the risk of the outbreak or spread of COVID-19 from Air Chathams' proposed TT QFT operation is low and there are sufficient measures in place to address residual risks. I note that Air Chathams has been assessed as meeting the same standards and requirements as the airlines that are currently operating TT QFT flights. Accordingly, I recommend that you designate Air Chathams as a QFT carrier in the Air Border Order.

New Zealand Bill of Rights Act 1990

8. The power to amend the Air Border Order under section 11 of the Act must be exercised consistently with the New Zealand Bill of Rights Act 1990 (NZBORA).
9. In general, the proposed amendment lessens the restrictions on freedom of movement that would otherwise be imposed by the Air Border Order by exempting travellers to New Zealand from the requirement to enter managed isolation upon arrival.
10. s 9(2)(h) [REDACTED] The face mask requirement is intended to mitigate the risk of an outbreak occurring in New Zealand due to the high number of people travelling on QFT flights, many of whom may be Australian tourists intending to travel around New Zealand.
11. I note that wearing face coverings is only one mechanism by which the public health risks of increased travel opportunities between Australia and New Zealand can be mitigated. In that sense, the requirement enhances the ability of people to move freely between both countries, even if temporarily impacting some of their other NZBORA rights. We therefore consider the requirement to wear face coverings is a justified limitation on the rights and freedoms in NZBORA.

Equity

12. The proposed amendment has no material equity impacts.

Next steps

13. Subject to your agreement, the Ministry will issue drafting instructions to the Parliamentary Counsel Office to give effect to the designation of Air Chathams as a QFT carrier. You will be provided with a further Health Report with a draft amendment to the Air Border Order for consultation with relevant Ministers as required by the COVID-19 Public Health Response Act 2020.

ENDS.