

Update on quarantine-free travel from New South Wales and pre-departure tests for travellers from Norfolk Island

Date due to MO:	16 July 2021	Action required by:	16 July 2021
Security level:	IN CONFIDENCE	Health Report number:	20211651
To:	Hon Chris Hipkins, Minister for COVID-19 Response		
Copy to:	Rt Hon Jacinda Ardern, Prime Minister Hon Grant Robertson, Deputy Prime Minister Hon Nanaia Mahuta, Minister of Foreign Affairs Hon Michael Wood, Minister of Transport		

Contact for telephone discussion

Name	Position	Telephone
Robyn Shearer	Te Tumu Whakarae mō te Hauora Acting 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 Withdrawn | |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:

Update on quarantine-free travel from New South Wales and pre-departure tests for travellers from Norfolk Island

Security level: IN CONFIDENCE **Date:** 16 July 2021

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

Purpose of report

1. This report provides updated advice regarding travel to New Zealand by anyone who has been outside of New South Wales (NSW) for a period of 14 days or more after 10:30pm Saturday 26 June 2021 (NZST). It also provides advice on pre-departure testing (PDT) requirements for travellers from Norfolk Island.

Summary

Travel to New Zealand if in a low risk state for 14 days

2. Quarantine-free travel (QFT) with NSW has been paused since 10:30pm Saturday 26 June 2021 to mitigate the risk to New Zealand of a rapidly deteriorating COVID-19 situation in NSW.
3. This means that with the exception of managed return flights, anyone who has been in NSW since 10:30pm on Saturday 26 June 2021 (NZST) is not currently permitted to travel to New Zealand.
4. Since then additional public health measures have been put in place in NSW, and other Australian states and territories, to limit COVID-19 transmission. These measures mean that if a person has been outside of NSW, and are in a low risk state, for a period of 14 days or more, and meet the usual QFT conditions (eg are symptom free etc), we believe they present a lower risk of COVID-19 transmission to New Zealand.
5. We therefore recommend that anyone should now be allowed to travel to New Zealand from all Australian states and territories where QFT flights are operating if they have not been in NSW in the last 14 days before the date of departure to New Zealand, and they meet the standard QFT conditions.

Pre-departure test requirements for travellers from Norfolk Island

6. To date, as a territory of Australia with direct flights from NSW PDT has been required for anyone travelling to New Zealand from Norfolk Island by default. PDT provides an extra layer of public health assurance regarding risk posed by those travelling to New Zealand who have not been in NSW the 14 days prior to their departure to New Zealand. Anyone who tests positive for COVID-19 is prohibited to travel to New Zealand regardless of the time they were last in NSW.

7. We now note that all travellers to Norfolk Island must apply for a travel pass and self-isolate for 14 days if they have come from NSW or Victoria. Furthermore, 100 per cent of the population lives in non-urban areas and the island has a limited testing capacity. Consequently, we now recommend that travellers arriving from Norfolk Island should be allowed to enter New Zealand without a PDT as they present a low risk of transmitting COVID-19 to New Zealanders.
8. Before any decision on a change to quarantine-free travel status under the COVID-19 Public Health Response Act 2020, you must consult the Prime Minister, Deputy Prime Minister, the Minister of Foreign Affairs, and Minister of Transport. You may also consult other relevant Ministers.
9. If you agree to this change, Parliamentary Counsel Office (PCO) will provide an amendment notice directly to your office. Once signed, this needs to be returned directly to PCO for gazetting and would come into effect at 11:59pm that night.

New Zealand Bill of Rights Act (1990) (NZBORA)

10. The principal NZBORA right engaged by the controls imposed on persons returning from New South Wales is freedom of movement (right for a New Zealand citizen to return to New Zealand). This recommendation facilitates the freedom of citizens and others to enter New Zealand and move freely within New Zealand, provided they have been out of NSW for 14 days, take a pre-departure test and do not test positive for COVID-19.
11. Those who have not been out of NSW for 14 days or who refuse to take a pre-departure test or who test positive for COVID-19 will continue to have their freedom of movement limited. That limitation will be justified if the risks to public health that lead to the travel control being imposed continue to make it necessary for the controls to remain in place and that the risks cannot be managed by less restrictive measures.
12. The requirement for returning travellers to take the test as a precondition to returning to New Zealand may also limit their right to be free from unreasonable search and seizure/compulsory medical treatment. However, that limitation will be justified if the risks to public health make it necessary to impose the requirement for testing and that less intrusive measures cannot manage the risks.
13. As we are reducing the PDT requirement on travellers from Norfolk Island there are no NZBORA implications.

Equity

14. Allowing people who have been outside of New South Wales for 14 days or more to travel to New Zealand and dropping PDT requirements on travellers from Norfolk Island constitute reductions in the current restrictions on travellers. Consequently, these changes are equity enhancing.

Next steps

15. PCO will provide you with an amendment notice for signing. Once signed, this will be Gazetted and come into effect at 11:59pm that night.

Recommendations

We recommend you:

- a) **Note** that with the exception of managed return flights, anyone who has been in New South Wales (NSW) since 10:30pm on Saturday 26 June 2021 (NZST) is not currently permitted to travel to New Zealand. **Noted**
- b) **Note** that the effect of this is that those people who arrive in New Zealand from NSW but have not been in NSW in the last 14 days are currently required to enter a managed isolation or quarantine facility, even though the public health risk they present is low. **Noted**
- c) **Agree** that anyone should now be allowed to travel to New Zealand from all low risk Australian states and territories (ie where quarantine-free flights are operating) if they have not been in NSW in the last 14 days before the date of departure to New Zealand. **Yes/No**
- d) **Agree** that anyone arriving from Norfolk Island can travel to New Zealand without a pre-departure test as they now present a low risk of transmitting COVID-19 to New Zealand. **Yes/No**
- e) **Note** that the Parliamentary Counsel Office will prepare the required amendments to the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021 and provide this directly to your office. **Noted**
- f) **Note** that the amended COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021 needs to be signed and returned directly to the Parliamentary Counsel Office for Gazetting. **Noted**
- g) **Agree** to forward this advice to the Prime Minister, the Deputy Prime Minister, the Minister of Foreign Affairs and the Minister of Transport for consultation. **Yes/No**



Robyn Shearer
Te Tumu Whakarae mō te Hauora
Acting Director-General of Health
Date:



Hon Chris Hipkins
Minister for COVID-19 Response

Date: 16/7/2021

ENDS.