

Briefing

Trans-Tasman Quarantine-Free Travel (QFT): Signing of notice to recommence Quarantine-free Travel from Western Australia

Date due to MO: 28 April 2021 **Action required by:** 28 April 2021

Security level: IN CONFIDENCE **Health Report number:** 20211019

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
Dr Ashley Bloomfield	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 Withdrawn | |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:

Trans-Tasman Quarantine-Free Travel (QFT): Signing of notice to recommence Quarantine-free Travel from Western Australia

Security level: IN CONFIDENCE **Date:** 28 April 2021

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

Purpose of report

1. This report recommends that you sign the attached COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 3) 2021, which enables the recommencement of quarantine-free travel (QFT) from Western Australia.

Summary

2. On 23 April 2021, Ministers decided to pause QFT from Western Australia and a notice was subsequently issued excluding QFT for travellers who had been in Western Australia on or after 11.30pm on 23 April 2021 (New Zealand time). On 26 April 2021, you were advised to continue the pause until a further review on 27 April 2021.
3. On 27 April 2021, I advised you that the health risk posed by the three cases in Western Australia was low [HR 20211011 refers]. The April 2021 Perth Cluster appears to be contained and the post-lockdown transitional response measures that the Western Australia government has introduced provide an additional layer of assurance. These include mandatory mask wearing in public, while at work and on public transport unless exemptions apply; 20-person limit for private indoor and outdoor gatherings as well as bar, restaurants and cafes; and no visitors to aged and disability care facilities and hospitals, except for compassionate reasons and advocacy. The measures will be in place until 12:01am on Saturday, 1 May 2021.
4. You agreed that QFT from Western Australia could recommence for travellers who were not close or casual contacts of the identified cases. For those identified as close contacts, under the attached COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 3) 2021 (the Notice) they will only be able to travel quarantine-free if they completed 14 days of self-isolation and provide evidence of a negative COVID-19 test before departure for New Zealand. Casual contacts will need to complete all locally required health responses, including completion of self-isolation or testing. In addition, casual contacts will have to wait 14 days from the date of their exposure at a location of interest before undertaking any travel to New Zealand.

Recommencing Quarantine-free Travel

5. In order to recommence QFT from Western Australia, you will need to revoke COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 2) 2021 and replace it with a new exemption notice that gives effect to this decision.
6. You have consulted with the Prime Minister, Deputy Prime Minister, the Minister of Foreign Affairs and the Minister of Transport on the conditions for recommencing QFT from Western Australia, and this report provides you with the Notice for signing.

Recommendations

We recommend you:

- a) **Note** that on 23 April 2021 you decided to pause QFT from Western Australia from 11.30pm on 23 April 2021 (New Zealand time). **Noted**
- b) **Note** that as at 11am, 27 April 2021, there have only been three cases associated with the outbreak in Western Australia (two locally acquired cases notified in Western Australia and one related locally acquired case notified in Victoria). **Noted**
- c) **Note** that quarantine-free travel from Western Australia should recommence for travellers who are not close or casual contacts: **Noted**
 - a. For those identified as close contacts, they may only travel quarantine-free if they complete 14 days of self-isolation and provide evidence of a negative COVID-19 test before departure for New Zealand.
 - b. Casual contacts will need to complete all locally required health responses, including completion of self-isolation or testing. In addition to the this, casual contacts will also have to wait 14 days from the date of their exposure at a location of interest before undertaking any travel to New Zealand.
- d) **Agree** to sign the attached COVID-19 Public Health response (Exemption for Quarantine-free Travel) Notice (No 3) 2021, which gives effect to the commencement of quarantine-free travel from Western Australia with the conditions outlined in recommendation (c) above. **Yes/No**



Dr Ashley Bloomfield

Director-General of Health

Date: 28/04/2021

Hon Chris Hipkins

Minister for COVID-19 Response

Date:

Trans-Tasman Quarantine-Free Travel (QFT): Signing of notice to recommence Quarantine-free Travel from Western Australia

Background

1. Two-way QFT between New Zealand and Australia began on 19 April 2021. New Zealand and Australia have opened their respective borders on a unilateral basis.
2. In the event of case(s) of COVID-19, decisions on continuation, pauses or suspension are considered independently. New Zealand's response(s) are guided by the Response Framework agreed by Cabinet [CAB-21-MIN-0101]. It is linked to our Elimination Strategy and guided by the policy objectives of keeping COVID-19 out of New Zealand, keeping QFT open and operating if safe, and minimising the impact of any disruption to travellers and operators.
3. New Zealand was first notified of a locally acquired case in Western Australia at 2.45pm on 23 April 2021. Later that day, you were provided advice that, although there was a low risk to New Zealand, there should be a pause of QFT from Western Australia. After consulting the Prime Minister, Deputy Prime Minister, the Minister of Foreign Affairs and Minister of Transport, you agreed that QFT from Western Australia should be paused.
4. On 26 April 2021 a continuation of the pause was recommended until 27 April 2021, when additional test information would be available and further advice provided.

Recommencing QFT from Western Australia

5. On 27 April 2021, you were provided with the latest advice on the April 2021 Perth Cluster [HR 20211011]
6. That advice noted that the risk to New Zealand from the outbreak of COVID-19 in Western Australia was low. It recommended that QFT recommence from Western Australia for travellers who are not close or casual contacts:
 - a. For those identified as close contacts, they would need to complete 14 days of self-isolation and provide evidence of a negative COVID-19 test before departure for New Zealand.
 - b. Casual contacts would need to complete all locally required health responses, including completion of self-isolation or testing. In addition to this, casual contacts would also have to wait 14 days from the date of their exposure at a location of interest before undertaking any travel to New Zealand.

7. The April 2021 Perth Cluster appears to be contained. Testing rates of identified close contacts, casual contacts and general community have been high and the risk of there being undetected community transmission is unlikely. The public health measures instituted by Western Australia provides additional assurance.

Statutory power to grant an exemption

8. The COVID-19 Public Health response (Exemption for Quarantine-free Travel) Notice 2021, which was made under the Air Border Order, exempts certain people who arrive in New Zealand on a quarantine-free travel flight from the requirements for
 - a. a confirmed allocation to enter a managed isolation or quarantine facility; and
 - b. isolation or quarantine on arrival.
9. Recommencing QFT would entail revocation of the current exemption in order to remove the condition that travellers must not have been in Western Australia on or from 11.30pm 23 April 2021 (New Zealand time).
10. You may exempt any person or class of person from the requirement to comply with any provision of the Air Border Order if you are satisfied that:
 - a. the exemption is necessary and desirable in order to promote the purposes of the Act or Air Border Order; and
 - b. the extent of the exemption is not broader than is reasonably necessary to address the matters giving rise to the exemption.
11. When deciding whether to grant or modify an exemption and what (if any) conditions to impose you must take into account my advice on the public health implications.

Public health advice

12. You have previously been provided with detailed public health advice for recommencing QFT from Western Australia [HR 20211011 refers].
13. You are also receiving ongoing advice about the risks associated with COVID-19. In accordance with section 9(2) of the COVID-19 Act, you may have regard to that advice without it being repeated here. COVID-19 is a highly infectious disease which may be spread by people who are not showing symptoms. This supports significant intervention measures for those at heightened risk of contracting or spreading COVID-19.

Promotion of the purposes of the Act and the Air Border Order

14. The proposed recommencement of QFT from Western Australia promotes the purposes of the Act and the Air Border Order as it will mean travellers from Western Australia, as well as other states and territories in Australia, who meet the general QFT eligibility requirements and the new additional requirements, will not be subject to managed isolation or quarantine on arrival in New Zealand. Recommencement will also re-enable social, cultural and economic activities between New Zealand and Western Australia.
15. I understand that, as required for a recommencement of QFT arrangement, you have consulted with the Prime Minister, Deputy Prime Minister, the Minister of Foreign Affairs

and Minister of Transport and have taken into account their views on the conditions for recommencing QFT from Western Australia.

New Zealand Bill of Rights Act 1990

16. The exemption discretion must be exercised consistently with the New Zealand Bill of Rights Act 1990 (NZBORA), and in particular the right of citizens to enter New Zealand. The recommencement of QFT would allow the realisation of that right by most citizens currently offshore in Western Australia. However, you need to be satisfied that the public health risk justifies limiting the right to return of citizens who are close and casual contacts.
17. The continuation in effect of the pause for this group limits their right to enter New Zealand, as they are unable to enter New Zealand on a green zone flight for 14 days and for close contacts, only after returning a negative test. It is open to you to conclude this limit is justified for public health reasons, because close and casual contacts may have been exposed to COVID-19, and preventing them from entering New Zealand during the 14 day cycle of infection minimises the risk of transmission in New Zealand if in fact they were exposed. The limit on the right is temporary and is only in place until their risk to public health has diminished.
18. The discretion to grant exemptions should be viewed in light of the restrictions imposed on other arrivals to New Zealand under the Air Border Order and Isolation and Quarantine Order. If the exemption power is not exercised in line with the purpose of the Act this could have the effect of making managed isolation restrictions on others appear arbitrary and not proportionate to the public health risk. We consider that continuing the pause for a limited group is broadly consistent with the restrictions on other arrivals to New Zealand, who are also required to undergo a 14 day quarantine period and testing to demonstrate their low risk to public health.

Equity

19. The recommencement of QFT will allow most New Zealand citizens, residents and visa holders who have been in Western Australia on or after 11.30pm 23 April 2021 (New Zealand time) to return to New Zealand.

Implementation

20. Note that the Notice will come into force at 11:59am on Wednesday, 28 April 2021.

Next steps

21. If you are satisfied that the grounds for making the order are met and are appropriate to achieve the purpose of the COVID-19 Act, you may wish to sign the Exemption Notice.

ENDS.

COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 3) 2021

Pursuant to clause 26 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, the Minister for COVID-19 Response gives the following notice after complying with that clause.

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Notice

1 Title

This notice is the COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 3) 2021.

2 Commencement

This notice comes into force at 11.59 am on 28 April 2021.

3 Interpretation

In this notice,—

Air Border Order means the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

QFT exemption notice means the COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice 2021 (*New Zealand Gazette*, 16 April 2021, Notice No. 2021-go1441)

QFT (No 2) notice means the COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 2) 2021 (*New Zealand Gazette*, 24 April 2021, Notice No. 2021-go1571).

4 **Revocation**

The QFT (No 2) notice is revoked.

5 **Additional condition of exemption allowing quarantine-free travel by person**

- (1) This clause imposes an additional condition on an exemption under clause 4(1) of the QFT exemption notice (which relates to a person who arrives in New Zealand on an aircraft undertaking a QFT flight).
- (2) The condition is that a statement is made by, or on behalf of, the person before boarding the aircraft that—
 - (a) the person is neither a close contact nor a casual contact; or
 - (b) the person is a close contact and—
 - (i) has, for 14 days after their last risk event, self-isolated by complying with the requirements of clauses 15D and 15G of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020—
 - (A) as if they were a relevant worker and not required to notify the Ministry of Health of their intended place of self-isolation; and
 - (B) with any other necessary modifications; and
 - (ii) has evidence of a qualifying pre-departure test; or
 - (c) the person is a casual contact and—
 - (i) has satisfied all health requirements imposed by authorities in Australia, including any requirements for self-isolation or testing; and
 - (ii) is departing on an aircraft for New Zealand no earlier than 14 days after their last risk event.
- (3) In this clause,—

casual contact—

 - (a) means a person who has been exposed to a confirmed case or probable case but who is not a close contact; and
 - (b) in particular, means a person, other than a close contact, who has been at a location in Western Australia, and during the relevant time, specified on the website for locations of interest

close contact—

- (a) means a person who is likely to be at a higher risk of being infected with COVID-19 by a confirmed case or probable case by certain high-risk exposure to the case, without appropriate personal protective equipment, during the case's infectious period; and
- (b) in particular, means a person who—
 - (i) has been advised by the Department of Health of Western Australia that they are a close contact of a confirmed case; or
 - (ii) is required to be tested for COVID-19 and self-isolate for 14 days as a result of having been at a location in Western Australia, and during the relevant time, specified on the website for locations of interest

confirmed case means a person who is confirmed to have COVID-19 in the state of Western Australia at or after the start time for confirmed cases

last risk event, for a person, means the last event that meant the person became, or continued to be, a close contact or casual contact (as appropriate)

probable case means a person who will probably become a confirmed case

qualifying pre-departure test, for a person, means a negative result, or a certificate, that would satisfy clause 8(2B)(a) of the Air Border Order

start time for confirmed cases means 7.30 pm on 17 April 2021 (New Zealand time, or 3.30 pm on 17 April 2021 Perth time)

website for locations of interest means an Internet site on which the Department of Health of Western Australia specifies—

- (a) locations in Western Australia that were visited by a confirmed case; and
- (b) any relevant times of, or relating to, the visits (after the start time for confirmed cases).

6 Transitional provision

- (1) The additional condition imposed by the QFT (No 2) notice continues to apply only in relation to a QFT flight that departs for New Zealand before the commencement of this notice.
- (2) The additional condition imposed by clause 5 applies only in relation to a QFT flight that departs for New Zealand on or after the commencement of this notice.

Dated at Wellington this day of 2021.

Minister for COVID-19 Response.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice comes into force at 11.59 am on 28 April 2021. It relates to the exemption under the COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice 2021 (the **QFT exemption notice**). That notice exempts certain people who arrive in New Zealand on a quarantine-free travel flight (or QFT flight) from the requirements for—

- a confirmed allocation to enter a managed isolation or quarantine facility; and
- isolation or quarantine on arrival.

This notice revokes the COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 2) 2021, removing the additional condition it imposed on the exemption for a person under the QFT exemption notice. The additional condition was that the person had not been in the state of Western Australia at or after 11.30 pm on 23 April 2021 (New Zealand time, or 7.30 pm on 23 April 2021 Perth time).

This notice imposes a new additional condition on the exemption. The condition is that a statement is made by, or on behalf of, the person before boarding the aircraft. The statement relates to whether the person is a close contact or a casual contact (relating to exposure to cases in Western Australia after a certain time). For close contacts, the statement covers requirements for self-isolation and pre-departure testing. For casual contacts, the statement covers health requirements imposed by authorities in Australia and a requirement to delay departure after exposure.

The new additional condition applies only in relation to a QFT flight that departs for New Zealand on or after the commencement of this notice.

This notice is administered by the Ministry of Health.