

# Briefing

## Travel exemption for Prime Minister of Australia and officials

**Date due to MO:** 26 May 2021 **Action required by:** 28 May 2021

**Security level:** IN CONFIDENCE **Health Report number:** 20211063

**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
<b>Dr Ashley Bloomfield</b>	Te Tumu Whakarae mō te Hauora Director-General of Health	s 9(2)(a)
<b>Maree Roberts</b>	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 Withdrawn |  |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:

# Travel exemption for Prime Minister of Australia and officials

---

**Security level:** IN CONFIDENCE                      **Date:** 26 May 2021

---

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

---

## Purpose of report

1. This briefing recommends that you grant an exemption from certain requirements in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order) to enable the Prime Minister of Australia to travel to New Zealand quarantine-free on Sunday, 30 May 2021.
2. The purpose of the visit is the annual Australia-New Zealand Leaders' Meeting, which was deferred from earlier in 2021 to allow for an 'in-person' gathering.
3. This report discloses all relevant information and implications.

## Summary

4. Trans-Tasman two-way quarantine-free travel (TT QFT) commenced at 11:59 pm on 18 April 2021, as confirmed by Cabinet on 6 April 2021 [CAB-21-MIN-0101]. To facilitate TT QFT, the Air Border Order specifies countries from which people may travel quarantine-free (QFT places), the airlines that can operate quarantine-free flights (QFT air carriers) and the airports at which these flights may land (QFT ports).
5. The Prime Minister of Australia, Hon Scott Morrison MP, is scheduled to travel from Canberra to Queenstown on Sunday, 30 May 2021, for the Australia-New Zealand Leaders' Meeting with New Zealand Prime Minister, Rt Hon Jacinda Ardern.
6. Mr Morrison's delegation will travel on an Australian Defence Force flight that does not meet the definition of 'QFT flight' in the Air Border Order. This means that, subject to any exemptions that apply, or are made, the passengers and crew on the flight will be required to meet the obligations in the Air Border Order for allocation of a place in a managed isolation or quarantine facility (MIQF) and entry into a MIQF on arrival in New Zealand.
7. Mr Morrison has diplomatic privileges and immunities and is exempt from the MIQ requirements. I recommend that you exempt the members of his delegation and air crew travelling with him so that the scheduled meeting can take place.
8. Officials have assessed the exemption request from a public health perspective and conclude that the risk of transmission of COVID-19 posed by granting the exemption is low. The passengers and crew on the flight will be required to meet conditions aligned with the TT QFT eligibility requirements (eg, being in Australia for at least 14 days and being symptom-free prior to travelling to New Zealand).

## Recommendations

We recommend you:

- a) **Note** that two-way trans-Tasman quarantine-free travel (TT QFT) **Noted** commenced at 11:59pm on 18 April 2021.
- b) **Note** that the Prime Minister of Australia, Hon Scott Morrison MP, is **Noted** scheduled to travel to Queenstown, New Zealand with a delegation on Sunday, 30 May 2021, for the Australia-New Zealand Leaders' Meeting.
- c) **Note** that the COVID-19 Public Health Response (Air Border) Order (No 2) **Noted** 2020 (Air Border Order) specifies the places, airlines and airports that are authorised to participate in TT QFT.
- d) **Note** that the Prime Minister of Australia and his delegation will travel to **Noted** New Zealand on an Australian Defence Force flight that does not meet the definition of 'QFT flight' in the Air Border Order and the passengers and crew on the flight cannot travel quarantine-free unless they have an exemption.
- e) **Note** that clause 26 of the Air Border Order authorises you to exempt any **Noted** person or class of persons from the requirement to comply with any provision of the Order.
- f) **Note** that I consider that an exemption for the Prime Minister of Australia's **Noted** delegation, with appropriate conditions, presents a low risk of transmission of COVID-19 in the community and I recommend that an exemption be granted.
- g) **Agree** to an grant an exemption, with the conditions set out in the attached **Yes/No** notice, from the specified provisions of clause 8 of the Air Border Order for the Prime Minister of Australia's delegation, arriving at Queenstown Airport **s 6(b)(i)** at or around 1.00pm on Sunday 30 May 2021.
- h) **Sign** the attached notice giving effect to the proposed exemption before **Yes/No** 12.00pm on Friday 28 May 2021, so that the notice can be published in the *New Zealand Gazette* before the weekend.
- i) **Note** that, if you agree to the exemption, it will come into force at 11.59pm **Noted** on 29 May 2021.



Dr Ashley Bloomfield

**Te Tumu Whakarae mō te Hauora**  
**Director-General of Health**

Date: 25/05/2021



Hon Chris Hipkins

**Minister for COVID-19 Response**

Date: 26/05/2021

# Travel exemption for Prime Minister of Australia and officials

## Background and context

1. Trans-Tasman 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]. To facilitate TT QFT, the Air Border Order specifies the places, airlines and airports that are authorised to participate in QFT. The current airlines designated for TT QFT are Air New Zealand, Qantas and Jetstar.
2. The Prime Minister of Australia, Hon Scott Morrison MP, is scheduled to travel from Canberra to Queenstown, New Zealand on Sunday, 30 May 2021, for the Australia-New Zealand Leaders' Meeting with New Zealand Prime Minister, Rt Hon Jacinda Ardern. The leaders will also meet Australian and New Zealand business, tourism and community leaders during the trip, lay a wreath at the Arrowtown War Memorial and attend a Super Rugby match in Queenstown.
3. Mr Morrison's delegation will include his wife, Jenny Morrison, and officials. They will travel on an Australian Defence Force flight that does not meet the definition of 'QFT flight' in the Air Border Order. This means that, subject to any exemptions that apply, or are made, the passengers and crew on the flight will be required to meet the obligations in the Air Border Order for allocation of a place in a managed isolation or quarantine facility (MIQF) and entry into a MIQF on arrival in New Zealand.
4. Mr Morrison has diplomatic privileges and immunities and is exempt from the MIQ requirements. I recommend that you exempt the members of his delegation travelling with him so that the scheduled meeting can take place.
5. The delegation will be in New Zealand for one day, departing on the same aircraft from Queenstown on Monday, 31 May 2021.

## Statutory power to grant an exemption

6. The Air Border Order provides that you may grant an exemption from the provisions of the Order only if you are satisfied that:
  - a. the exemption is necessary or desirable in order to promote the purposes of the COVID-19 Public Health Response Act 2020 (the Act) or the Air Border Order
  - b. the extent of the exemption is not broader than is reasonably necessary to address the matters giving rise to the exemption<sup>1</sup>.
7. When deciding whether to grant an exemption and what (if any) conditions to impose on the exemption, you must take into account my advice on the public health implications.<sup>2</sup>

---

<sup>1</sup> Clause 26(1)

<sup>2</sup> Clauses 25(2) and (3)

## The proposed exemption promotes the purposes of the Act and the Air Border Order

8. The purpose of the Act is to support a public health response to COVID-19 that:
  - a. prevents, and limits the risk of, the outbreak or spread of COVID-19 (taking into account the infectious nature and potential for asymptomatic transmission of COVID-19)
  - b. avoids, mitigates, or remedies the actual or potential adverse effects of the COVID-19 outbreak (whether direct or indirect)
  - c. is co-ordinated, orderly, and proportionate
  - d. allows social, economic, and other factors to be taken into account where it is relevant to do so
  - e. is economically sustainable and allows for the recovery of MIQF costs
  - f. has enforceable measures, in addition to the relevant voluntary measures and public health and other guidance that also support that response.
9. The purpose of the Air Border Order is "to prevent, and limit the risk of, the outbreak or spread of COVID-19 by imposing certain requirements on persons arriving in New Zealand by air (including medical examination and testing for COVID-19, and commencement of isolation and quarantining, as soon as is reasonably practicable after arriving in New Zealand)."

### *Preventing and limiting the spread of COVID-19 and the adverse effects of an outbreak*

10. A public health risk assessment has been undertaken to evaluate whether exempting the delegation will lead to an unacceptable risk of transmission of COVID-19.
11. Currently the Australian Capital Territory is not experiencing community transmission and is considered a low-risk state.
12. The Australian Government has confirmed in advance that the flight will be travelling direct from Canberra, Australia to Queenstown, New Zealand. The scheduled arrival time is at or around 1.00pm, Sunday 30 May. Appropriate personal protection equipment (PPE) will be used on the flight, and the crew and passengers will not have travelled outside Australia in the 14 days prior to travel. The flight will depart from s 6(a) [REDACTED] Canberra, and its passengers and or crew will not transit through other domestic airport terminals. The aircraft will be subject to the same deep cleaning as any other commercial aircraft arriving from Australia.
13. On arrival at Queenstown Airport, Customs and health checks will be undertaken on the tarmac after which the delegation will depart in a motorcade. Air crew will be processed through the main terminal.
14. The main COVID-19 exposure risk from travel between Australia and New Zealand is if there is exposure to new arrivals from other countries that may be infectious with COVID-19, either at the border or within a MIQF.
15. As the aircraft bringing the delegation to New Zealand is not a commercial flight, is using a different terminal in Australia than that used by new arrivals from non-QFT destinations, and no one travelling on the flight has been outside Australia in the past 14 days, I consider

that the chances that the delegation may have been exposed to COVID-19 is negligible. Any residual risk can be managed by imposing conditions on the exemption, based on the eligibility requirements for TT QFT passengers that would apply if the delegation was travelling on a QFT flight. The conditions to be applied in this case are set out below.

*Conditions of the exemption*

16. I recommend that you impose conditions that passengers in the delegation:
- a. have not been in a country other than New Zealand or Australia in the past 14 days
  - b. have not been to any COVID-19 places of interest or hot-spots in relation to any current community clusters in the last 14 days
  - c. have not had a positive result from a COVID-19 test during the past 14 days, or if they have had a positive result, have a certificate from a medical practitioner verifying that the infection is historical and the person is no longer infectious with COVID-19
  - d. are not awaiting the results of a test for COVID-19 that they have undergone during the last 14 days
  - e. have not been identified as a close or casual contact of any COVID-19 cases
  - f. are not experiencing symptoms of COVID-19 at the time of departure.

*Taking into account social and economic factors*

17. The trans-Tasman relationship contributes to New Zealand's prosperity and security. This will be the first 'in-person' meeting between the Prime Ministers of Australia and New Zealand since the current New Zealand Government was formed in 2020. It will be an opportunity for the leaders to have a substantive discussion on key issues, including on bilateral trade.

*Other purposes under the COVID-19 Act*

18. The exemption is proposed on a basis that is proportionate, based on the risk profile of the travellers in the delegation. The proposal includes enforceable measures, in that travellers in the delegation may be subject to mandatory isolation or quarantine under section 70 of the Health Act 1956.

*The exemption is not broader than reasonably necessary*

19. The proposed exemption only applies to the passengers in the delegation and aircrew and is no broader than necessary to facilitate travel for the bilateral meeting.

*We conclude the exemption is justified*

20. On balance, considering the low-risk of spread of COVID-19 or adverse effects from exempting the delegation, and the social and economic benefits of the bilateral meeting proceeding, I consider that the exemption is justified.

## **New Zealand Bill of Rights Act**

21. The exemption discretion must be exercised consistently with the New Zealand Bill of Rights Act 1990 (NZBORA).
22. Our assessment is that the exemption lessens the restrictions on freedom of movement that would otherwise be imposed by the Air Border Order. Correspondingly, the conditions

that are proposed for the exemptions are reasonable, in that they mirror the obligations imposed on other travellers to New Zealand under the TT QFT scheme on commercial aircraft, which we have assessed are a justified limitation on the rights and freedoms affirmed under the NZBORA.

## Proposed actions

23. A notice to give effect to the exemption is attached to this briefing for your signature. We invite you to sign the exemption notice before 12.00pm on Friday 28 May 2021, so that the notice can be published in the *New Zealand Gazette* before the weekend. The exemption will come into force at 11.59pm on Saturday 29 May 2021.

## Equity

24. The exemption has no material equity impacts.

## Next steps

25. If you agree to sign the notice, the Ministry of Foreign Affairs and Trade will advise their Australian counterparts in writing that the exemption has been granted and the Ministry will publish the notice in the *New Zealand Gazette* and on the *Unite Against COVID-19* website.
26. As the exemption is not in relation to a 'QFT flight', the requirements for Ministerial consultation on exemptions in the Air Border Order do not apply<sup>3</sup>.

ENDS.

---

<sup>3</sup> Clause 26(3A).

**Exemption of persons from clause 8(2A), (2B) and (3) to (4) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020**

1. Pursuant to clause 26 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (**the Order**), I, Hon Chris Hipkins, Minister for COVID-19 Response, having taken into account the advice of the Director-General of Health, declare that the following persons are exempt from clause 8(2A), (2B) and (3) to (4) of the Order:

Passengers and aircrew arriving in New Zealand on flight **s 6(b)(i)** on Sunday 30 May 2021 who:

- i. are not already subject to an exemption from clause 8 of the Order, pursuant to clause 11; and
- ii. have not been in any country other than New Zealand or Australia in the 14 days immediately prior to their departure for New Zealand (**the relevant 14-day period**); and
- iii. have not been to any area in Australia which is identified by an Australian public health authority as a COVID-19 outbreak location, during the relevant 14-day period; and
- iv. have either:
  - (a) not had a positive result from a test for COVID-19 during the relevant 14-day period; or
  - (b) had a positive result from a test for COVID-19 during the relevant 14-day period and they have a certificate from a medical practitioner verifying that the medical practitioner is of the opinion that this is an historical infection and the person is no longer infectious with COVID-19; and
- v. are not awaiting the results of a test for COVID-19 that they have undergone during the relevant 14-day period; and
- vi. are not subject to a relevant direction or advice from a suitably qualified health practitioner or official of an Australian public health authority to undergo a test for COVID-19 or isolate from others; and
- vii. do not have any of the following symptoms:
  - (a) a new or worsening cough;

- (b) a sore throat;
- (c) shortness of breath;
- (d) a runny nose;
- (e) a loss of sense of smell;
- (f) a fever; or

a suitably qualified health practitioner has certified, on the basis of the symptoms the person is experiencing, that the person should not be required to isolate or quarantine; and

2. For the purposes of this instrument:

- i. **medical practitioner** means a person who is registered or licensed in Australia as a health professional equivalent to a medical practitioner
- ii. **official of an Australian public health authority** includes a person who is engaged by an Australian public health authority
- iii. **relevant direction or advice** —
  - (a) means a direction under an Australian law; and
  - (b) includes a direction or advice from a suitably qualified health practitioner, or an official of an Australian public health authority
- iv. **suitably qualified health practitioner** means a person who is registered or licensed in Australia as a health professional equivalent to a suitably qualified health practitioner

3. The exemption will begin at 11.59pm on 29 May 2021.

Dated at Wellington this 26th day of May 2021



Hon Chris Hipkins

Minister for COVID-19 Response