

Briefing

Enabling one-way quarantine-free travel to New Zealand from Vanuatu, Tonga, Samoa, and Tokelau

Date due to MO: 17 August 2021 **Action required by:** 18 August 2021

Security level: IN CONFIDENCE **Health Report number:** 20211864

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 Withdrawn | |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:

Enabling one-way quarantine-free travel to New Zealand from Vanuatu, Tonga, Samoa, and Tokelau

Security level: IN CONFIDENCE **Date:** 16 August 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 to enable one-way quarantine-free travel to New Zealand from Vanuatu, Tonga, Samoa, and Tokelau.
2. If agreed, the decisions in this paper will put in place the necessary regulatory amendment to enable decisions being considered by Cabinet later in August on Pacific one-way quarantine-free travel:
 - i. On 23 August 2021: a paper proposing in-principle approval for one-way quarantine-free travel to New Zealand from Vanuatu and Tonga and an update on progress with Samoa and Tokelau.
 - ii. On 30 August 2021: a paper confirming all requirements are met to commence one-way quarantine free travel with Vanuatu and Tonga.
3. You are also receiving a related Health Report [HR 2021-1842] setting out Ministry of Health advice on additional health measures for Pacific one-way quarantine-free travel.

Summary

4. In July 2021, Cabinet instructed officials to start discussions with Vanuatu, Tonga and Samoa to enable one-way quarantine-free travel (QFT) with at least one of the three countries by 1 September 2021 [CAB-21-MIN-0276].
5. Negotiations are underway to ensure that these countries can meet all the necessary health and regulatory requirements for one-way QFT and to agree formal arrangements.
6. Negotiations with Vanuatu and Tonga are the most advanced. Negotiations with Samoa are progressing but will not likely be concluded at the same time.
7. For Samoa, officials are also working to ensure that Tokelauans can access one-way QFT to New Zealand from Samoa (Tokelau's only port of connection) given New Zealand's specific constitutional responsibilities with respect to Tokelau.

8. To enable one-way QFT with these countries, the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order) requires amending to designate Vanuatu, Tonga, Samoa, and Tokelau as a 'QFT place'. Air Vanuatu, the only airline operating scheduled flights to New Zealand, is also seeking to be designated as a 'QFT carrier'.
9. To commence one-way QFT with each country as soon as practicable, we will seek your approval to bring into effect each designation as we are satisfied the necessary health and regulatory requirements are met for one-way QFT.

Recommendations

We recommend you:

- a) **Note** that negotiations are underway to ensure all the necessary health and regulatory requirements are in place to enable one-way quarantine-free travel with Vanuatu, Tonga, and Samoa. **Noted**
- b) **Note** that Air Vanuatu has sought to be designated as a quarantine-free travel carrier from Vanuatu (Port Vila) to New Zealand (Auckland). **Noted**
- c) **Note** that officials are working to ensure that Tokelauans can access one-way quarantine-free travel to New Zealand from Samoa (Tokelau's only port of connection). **Noted**
- d) **Agree** that the Ministry of Health issue drafting instructions to the Parliamentary Counsel Office to amend the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 to add:
 - i. Vanuatu, Tonga, Samoa, and Tokelau as quarantine-free travel places under the Order **Yes/No**
 - ii. Air Vanuatu as a quarantine-free travel carrier under the Order. **Yes/No**
- e) **Note** that we will seek your approval to bring into effect each designation as we are satisfied the necessary health and regulatory requirements are met for one-way quarantine-free travel. **Noted**



Dr Ashley Bloomfield

Te Tumu Whakarae mō te Hauora
Director-General of Health

Date: 16/08/2021



Hon Chris Hipkins

Minister for COVID-19 Response

Date: 19/8/2021

Enabling one-way quarantine-free travel to New Zealand from Vanuatu, Tonga, Samoa and Tokelau

Background

10. On 12 July 2021, Cabinet instructed officials to start discussions with Vanuatu, Tonga, and Samoa to enable one-way QFT to New Zealand from at least one of these countries by 1 September 2021 [CAB-21-MIN-0276].
11. Officials are negotiating one-way quarantine-free travel (QFT) arrangements with each country to ensure the necessary public health and border measures are in place. These arrangements are progressing at a differing pace.
12. The paper you are scheduled to take to Cabinet on 23 August 2021, *One-Way Quarantine-Free Travel to New Zealand from Samoa, Tonga and Vanuatu*, includes details on the progress of these negotiations.
13. The arrangements with Vanuatu and Tonga are the most advanced. Negotiations with Samoa are progressing but will likely be concluded later.
14. For Samoa, officials are also working to ensure that Tokelauans can access one-way QFT to New Zealand from Samoa (Tokelau's only port of connection), as soon as practicable. New Zealand has specific constitutional responsibilities with respect to Tokelau as Tokelauans are New Zealand citizens.
15. Air Vanuatu is also seeking designation as a QFT carrier. It is the only airline operating scheduled flights between Vanuatu (Port Vila) and New Zealand (Auckland). Air New Zealand is already designated as a QFT carrier and will eventually operate one-way QFT flights from Tonga and Samoa to New Zealand.
16. To enable these changes, the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order) requires amending to include Vanuatu, Tonga, Samoa, and Tokelau as QFT Places and Air Vanuatu as a QFT carrier.

Director-General's advice and health risk assessments

Designation of Vanuatu, Tonga, Samoa, and Tokelau as QFT places

17. The paper you will take to Cabinet on 23 August 2021, includes advice on the health and regulatory assessments that are underway for Vanuatu, Tonga and Samoa.
18. All three countries have completed a self-assessment that sets out how each meets the high-level health requirements for one-way QFT to New Zealand. Each country has also provided supporting documentation against the following criteria regarding its:
 - i. COVID-19 status and risk of community transmission

- ii. surveillance and testing systems
 - iii. contact tracing and case management
 - iv. border controls that prevent the import and spread of new cases.
19. In the case of Tokelau, the Ministry of Health (the Ministry) has a strong working relationship with Tokelau Health officials and is ready to engage as soon as officials in Tokelau are available. While a health assessment would need to be progressed, the Ministry's current view is that the health risk to New Zealand is likely to be low.

Designation of Air Vanuatu as a QFT carrier

20. Air Vanuatu has sought designation as a QFT carrier under the Air Border Order to operate QFT flights from Port Vila to Auckland.
21. An assessment of Air Vanuatu's operations is underway to ensure it meets all health and regulatory requirements in the Air Border Order and the Ministry's *Infection Prevention and Control (IPC) Guidance for the Air Border for Green Zones*. Requirements include Air Vanuatu's ability to demonstrate the following:
- i. *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
 - ii. *Passenger eligibility* – travel eligibility and health questions are a requirement of the check-in process
 - iii. *Ill passengers* – there are appropriate procedures in place for dealing with ill passengers at check-in and in flight
 - iv. *Face coverings* – there are appropriate face coverings available for distribution in-flight to passengers that do not have their own
 - v. *Communications* – approved COVID-19 communications are provided to passengers at booking, or shortly afterwards
 - vi. *COVID-19 safety messages* – approved COVID-19 safety messages are delivered by air crew before landing at a New Zealand airport
 - vii. *Collateral* – systems are in place to distribute the *Unite Against COVID-19* flyer to passengers before arrival in New Zealand
 - viii. *Aircraft cleaning protocols* – the airline has cleaning protocols that comply with approved processes set out in the *Infection Prevention and Control (IPC) Guidance for the Air Border for Green Zones*.
22. These are the same requirements other QFT-designated airlines (Air New Zealand, Qantas, Jetstar, and Air Chathams) also adhere to.

Legal requirements for amending the Air Border Order

23. To make or amend an Order under section 11 of the COVID-19 Public Health Response Act 2020 (the COVID-19 Act) you must:

- i. receive advice from the Director-General of Health about
 - i. the risks of the outbreak or spread of COVID-19
 - ii. the nature and extent of measures that are appropriate to address those risks
- ii. have regard to any decision by the Government on how to respond to those risks and avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (including taking into account any social, economic or other factors)
- iii. be satisfied that the proposed Order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA)
- iv. consult with the Prime Minister, the Minister of Justice, the Minister of Health and any other Ministers you think necessary
- v. be satisfied that the Order is appropriate to achieve the purpose of the COVID-19 Act.

New Zealand Bill of Rights Act 1990

- 24. s 9(2)(h) [Redacted]
- 25. s 9(2)(h) [Redacted]
- 26. s 9(2)(h) [Redacted]
- 27. s 9(2)(h) [Redacted]
- 28. s 9(2)(h) [Redacted]

Equity

29. One-way QFT to New Zealand from Vanuatu, Tonga, Samoa, Tokelau will have a positive impact on communities in those countries and Pasifika communities in New Zealand. It will support key people-to-people connections and improve access to essential services. This includes medical care in New Zealand with those entering New Zealand being eligible for health care. It will also provide economic benefit to New Zealand communities by improving access to recognised-seasonal (RSE) workers from the Pacific.
30. One-way QFT will ensure Tokelauans can access New Zealand as soon possible, to facilitate medical transfers, family reunion (over 7,000 Tokelauans live in New Zealand), access to tertiary education, and for other humanitarian and economic reasons.

Next steps

31. Subject to your agreement, the Ministry will issue drafting instructions to the Parliamentary Counsel Office to give effect to the designation of Vanuatu, Tonga, Samoa, and Tokelau as QFT places and Air Vanuatu as a QFT carrier.
32. To commence one-way QFT with each country as soon as practicable, we will seek your approval to bring into effect each designation as we are satisfied the necessary health and regulatory requirements are met for one-way QFT.
33. When conditions are met to progress a designation, we will provide you with the draft Air Border Order amendment for your consultation with Ministers followed by final advice to sign the amendment to bring it into effect.

ENDS