

27 April 2021

Ref: DOIA 2021-1970

Glen Boyes

fyi-request-14199-19bdf510@requests.fyi.org.nz

Dear Glenn

Thank you for your email of 25 March 2021 to the Ministry of Business, Innovation and Employment (the Ministry) requesting, under the Official Information Act 1982 (the Act), information on:

The notion of force majeure may no longer be invoked from the moment that options are available to comply with the provisions of the MLC, 2006, although more difficult or cumbersome, and urges ratifying States which have not yet done so, to adopt all necessary measures without delay to restore the protection of seafarers' rights and comply to the fullest extent with their obligations under the MLC, 2006."

<https://safety4sea.com/ilo-governments-breach-seafarers-rights-and-disobey-mlc-provisions/>

https://www.ilo.org/global/standards/maritime-labour-convention/WCMS_764384/lang-en/index.htm

<https://www.ics-shipping.org/press-release/concerns-of-rise-in-number-of-seafarers-impacted-by-crew-change-due-to-new-covid-variants/>

With NZ being a signatory to these conventions then please answer my original request. Why NZ seafarers are NOT classed as Key Workers and why NO allocation has been provided to secure a MIQ Voucher at short notice. I have already outlined the "simple" solution previously.

New Zealand is a signatory to the Maritime Labour Convention (MLC). With regard to seafarer repatriation, New Zealand's obligations under the MLC relate to seafarers on merchant ships that fly the New Zealand flag, and to facilitating repatriation of seafarers on foreign ships visiting New Zealand.

The Ministry operates a maritime allocation, which enables maritime crew transfers to occur within New Zealand.

New Zealand seafarers that work overseas are not distinguished by their employment category. There are many New Zealanders that work overseas, and may share frustrations in securing vouchers on the Managed Isolation Allocation System (MIAS).

If New Zealand seafarers are in emergency situations, they are able to apply for an emergency allocation, which can be accessed at short notice.

In the case of emergency allocations, the Head of Managed Isolation and Quarantine (MIQ) Operations and Deputy Chief Executive of MIQ can allocate a MIAS voucher where this has been requested and the criteria for allocation of an emergency voucher is met. More information on emergency allocations can be found here: www.miq.govt.nz/travel-to-new-zealand/secure-your-place-in-managed-isolation/emergency-allocation-requests/.

I trust you find the information helpful. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to be 'KI' or similar initials, written in a cursive style.

Kara Isaac
General Manager Policy
Managed Isolation and Quarantine