

18 November 2021

M Murphy

By email: fyi-request-17311-86853e39@requests.fyi.org.nz
Ref: H202115127

Tēnā koe M Murphy

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health (the Ministry) on 23 October 2021 for:

information on how movement across Alert Level boundaries - gained via this exemption - but partially utilised for personal reasons (to take leave or holiday days outside of their Alert Level of residence) is being managed by the Ministry of Health.
a) If this has not been identified as a risk factor by the Ministry of Health please advise.
b) If it has been, please provide all advice or communication from Ministry of Health about appropriate management to the organisations listed in Section 53.

Exemptions under section 53 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the Order), are for business or work reasons and not personal travel. Please note that business travel applications are generally assessed by the Ministry of Business, Innovation and Employment (MBIE) through their Business Travel Register. Enforcement is a matter for the Police, who monitor movement across Alert Level boundaries and take action against people shown to have travelled for reasons not consistent with their approval.

2. My request is for internal documentation, policies and procedures and parameters around level of discretion allowed to decision makers. There have been documented discrepancies published in the media (ie. high profile New Zealanders receiving exemptions for personal travel while requests for the same purpose by others have not been granted). I want to understand what measures are in place to ensure fairness and equity.

Is your response that no Policies and Procedures exist outside the publicly available guidance you have directed me to?

If so, is decision makers discretion then absolute?

One document was found in scope of your request. An excerpt of *Travel Exemptions Within and Across Alert Levels* is attached to this letter as Document 1, provided under section 16(e) of the Act.

All applications for a personal travel exemption to cross an Alert Level boundary are assessed against the criteria set out in Section 54 of the Order. Each application is decided

on its individual circumstances, and therefore, assessed on a case-by-case basis. That will lead to varying outcomes for applicants, depending on whether their circumstances match the criteria, not whether they are “high profile”.

Information regarding travel across the boundary for business reasons is held by MBIE. Please contact MBIE (www.mbie.govt.nz/about/contact-us/) about any business-related travel exemptions across the alert level boundary.

*3. I would like to receive the information I have requested on this point. I believe transparency and equity in relation to this point is highly relevant and find it hard to believe that this would not be able to be extracted reasonably easily.
"Please provide a breakdown (broad and in brief) of reasons for approval for the 3947 approved exemptions for travel across an Alert Level boundary. (as of Ministry of Health website update 8am 22 October 2021)."*

As at 8am 12 November 2021, 6,791 applications for personal travel exemptions (across a regional Alert Level boundary) had been approved. The below table provides reasons and the number of exemptions. Please note that others applying under these categories will have been declined, because their circumstances did not match the criteria.

| Reason for exemption | Number of exemptions approved |
|--|--------------------------------------|
| Attendance at a tangihanga/funeral for an immediate whānau or family member | 3,054 |
| Farewelling a terminally ill close whānau or family member | 1,491 |
| Another reason to travel | 490 |
| Providing care or support to a vulnerable person (and no-one else can do so) | 366 |
| Providing care and support for someone else's mental wellbeing | 332 |
| To get personal mental wellbeing support | 331 |
| To help or take over caring for a child (not as part of a shared caregiving arrangement) | 194 |
| Attendance at the tangihanga/funeral of an extended whānau or family member | 130 |
| To accompany tūpāpaku or a deceased person | 130 |

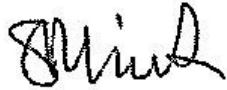
*3a. Please elaborate on your reply to this question (in "" below). Under what circumstances is employment information relevant to an application for personal exemptions?
Is there any preferential treatment beyond what an ordinary citizen could expect given to requests for personal exemptions to employees of New Zealand Public Service Departments or State services organisations outside the core public service (ie. NZ Defence Force, NZ Police etc.)*

There is no preferential treatment given to requests for personal travel exemptions to employees of Public Service or State Service organisations.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Shona Meyrick'.

Shona Meyrick
GM COVID-19 Border and Managed Isolation
COVID-19 Health System Response

Travel Exemptions Within and Across Alert Levels

1. Purpose

This document sets out the operational policy for personal travel within and across Alert Level restrictions. The document contains detailed guidelines for determining eligibility for personal exemptions to travel within or across Alert Level restrictions for a reason that is not permitted under the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021.

Operational policy design is intended to express policies in practice and the high-level business process developed to support these. It provides the policy context for additional design and implementation outputs such as detailed business processes, standard operating procedures, training material and communications collateral.

This document has been developed in consultation with Health Legal, System Strategy & Policy, Māori Health and Pacific Health. Their endorsement of the document is recognised by a representative signing the audit trail.

2. Background

Aotearoa New Zealand (NZ) has an established 4-level COVID-19 Alert System. The Alert System is generally activated at the first sign of a COVID-19 outbreak, to prevent transmission and eliminate the presence of the virus in the community. The different levels have varying degrees of restrictions and regulations according to the current level of risk, with restrictions increasing from Level 1 to 4.

Travel within different Alert Levels

As Alert Levels increase, restrictions increase. At no point will a restriction in force at a lower Alert Level not apply in a higher Alert Level.

| | |
|---|---|
| <p>Alert Level 1 (Prepare)</p> <ul style="list-style-type: none"> International border restrictions apply. Travel is otherwise not restricted. | <p>Alert Level 2 (Reduce)</p> <ul style="list-style-type: none"> Anyone with cold, flu or COVID-19 symptoms, waiting the results of a COVID-19 test, or self-isolating, is restricted from travel. Travel is otherwise not restricted. |
| <p>Alert Level 3 (Restrict)</p> <ul style="list-style-type: none"> Travel is restricted, movement is only allowed for permitted reasons in a person's local area. | <p>Alert Level 4 (Lockdown)</p> <ul style="list-style-type: none"> Travel is only permitted for essential movement in a person's local area, such as getting food or medicine. |

6. Base eligibility for travel exemptions

To be eligible for an exemption to travel across the Alert Level boundary for a reason that is not permitted under the Order, an application must:

- Be for an essential and urgent reason for travel

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- Have an acceptable public health risk
 - Consider the economic, social, and health benefits

Essential and urgent reason for travel

An exemption will only be given to someone to travel within or across an Alert Level for a non-permitted reason if their reason for travel is absolutely essential and cannot be delayed. For example, if there is a temporary risk to the applicant, or their dependant's, health or safety that can only be addressed by the travel they have requested.

Where financial ramifications associated with not travelling are the only reason for travel, this is not considered an essential reason to be approved for an exemption.

All applicants wanting to travel across an Alert Level boundary must have first considered if there is someone who can do what it is they want to travel for instead. For example, if someone applies to travel across the Alert Level boundary to care for their sick mother, this aspect of the exemption will not be considered if the mother knows someone living within their Alert Level area who can care for them instead.

Acceptable public health risk

Under the new Alert Level 3 to 2 boundary, the threshold for exemption to be granted for travel from Alert Level 3 into Alert Level 2 is extremely high and it is possible that many applicants may not meet this.

Whether an application for a travel exemption has an acceptable public health risk is determined on a case-by-case basis, depending on what Alert Level the applicant wants to travel within, into, through, or out of, and the reason.

Alert Levels 3 and 4 are only used when there has been, or is a high risk of, community transmission of COVID-19. If the outbreak of COVID-19 is localised to one region, that region is likely to be at Alert Level 3 or 4 and travel out of these regions will be highly restricted to ensure transmission is limited to that region. Travel within Alert Levels 3 or 4 will also be highly restricted so that the community transmission of COVID-19 can be eradicated as quickly as possible.

Generally, non-permitted travel from a lower Alert Level into a higher Alert Level (e.g. Alert Level 2 into Alert Level 4) is more likely to be considered for approval if the applicant will remain in the higher Alert Level area until restrictions are eased. This is because travelling into the higher Alert level exposes them to the greater risk of exposure to COVID-19 in that area and the risk of them returning to a lower Alert Level becomes the same as letting someone who has always been in the higher Alert Level into a lower Alert Level.

Note anyone who has been asked to get a COVID-19 test, is awaiting the result of a COVID-19 test, has been asked to self-isolate, was at a location of interest in the past 14 days, is a close contact of a confirmed case, or has symptoms of COVID-19 will not be given an exemption to travel. Public health guidance advises that these people should stay home.

Economic, social or health benefits

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Social benefits will only contribute to eligibility for an exemption when there is evidence that it is essential the travel be allowed to occur for a person to access the basic social determinants of health. Social determinants of health include, but are not limited to, adequate food and suitable housing for example. It is important to consider whether these could in fact be accessed where the applicant is currently located. For this reason, applicants must provide evidence they have exhausted other options, for example, proof they have sought emergency accommodation and there is none available in their area.

Health benefits will contribute to eligibility for an exemption when the travel is essential to preserve someone's health, safety or life. Travel being beneficial to someone's health is not sufficient to justify travel, the travel must be needed to mitigate a serious risk to the person, or their dependant's health.

Applications solely for economic purposes will be declined. Where there is an application for a non-economic reason, but there is mention of an economic impact, the economic impact will not factor into decision-making.

Loss of income is not considered as an essential reason for travel, within or across Alert Levels, as there are likely to be subsidies in place to support people unable to work during Alert Level changes. Where an applicant can provide evidence that they are not eligible for any subsidy and there is a significant loss of income, this may contribute to eligibility for an exemption.

All exemption decisions must be in line with the intent of the Order which is to minimise travel as much as possible.

Encouraging vaccination

Any applicants granted an exemption to travel across the boundary are strongly encouraged to receive their vaccination, or at least their first dose of the Pfizer vaccine, before travelling.

7. Exemptions to cross the Alert Level 3/2 Boundary

The permitted reasons for travel (in [Section 5](#)) are limited and people may have other reasons they want to travel across the boundary. The reasons for travel may be similar to the permitted reasons or for any other circumstance.

There is a high threshold for someone to be granted a travel exemption across an Alert Level 3/2 boundary because of the high public health risks in the Alert Level 3 area, and the risk of transmission into the Alert Level 2 area where it could spread rapidly in the area with fewer restrictions. To qualify for an exemption, applicants must demonstrate exceptional circumstances and provide evidence to support these.

This section describes non-permitted reasons for travel that people may apply for an exemption for.

The first three reasons will generally be considered for an exemption, if set criteria can be met:

1. Attending a tangihanga or funeral for a close family member
2. Visiting a close family member who is dying

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3. Accompanying a tūpāpaku or deceased person

The remainder of the travel reasons are based on common application reasons from past Alert Level boundaries, and the considerations are a guide only:

- To provide or receive mental health care or support
- To be with a close whānau or family member when they give birth
- To take your child to a shared caregiver's home
- To provide care or support to a vulnerable person
- To care for pets or animals (this would be submitted under "other" reasons for travel)
- To go home, when travelling from Alert Level 3 to Alert Level 2
- To make an in-person appointment at an Embassy or Consulate (e.g. to renew a passport)
- To help someone to travel across the boundary for a reason outlined in this section
- Other

This is not an exhaustive list of reasons someone may apply for an exemption to travel across the boundary. Where the considerations in this section are not relevant, the base eligibility in Section 6 should be used to determine if an applicant should be given a travel exemption.

Before considering the individual circumstances of the application, the base eligibility ([Section 6](#)) of essential and urgent reason for travel, and an acceptable public health risk must be met.

The travel reasons in this section are examples of the common reasons for application in previous Alert Level boundaries. Just because a travel reason is covered in this section does not mean an application for one of these reasons should be approved. Most applications for an exemption Most applications for an exemption are unlikely to meet the threshold for approval as most essential reasons for travel are already permitted.