



BRIEFING

COVID-19: Requests for exemptions to border restrictions for essential electricity sector workers

Date:	22 May 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	3401 19-20

Action sought		
	Action sought	Deadline
Hon Phil Twyford Minister for Economic Development Hon Dr Megan Woods Minister of Energy and Resources	Agree to make exemptions from temporary border restrictions for two essential workers.	25 May 2020
Hon Ian Lees-Galloway Minister of Immigration	Copy for information only.	N/A

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Phillippa Fox	General Manager Energy and Resources	s 9(2)(a)	✓
Rebecca Heerdegen	Policy Director, Business and Essential Services	s 9(2)(a)	
Andrew Marriott	Senior Policy Advisor	s 9(2)(a)	

The following departments/agencies have been consulted
None

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments



BRIEFING

COVID-19: Requests for exemptions to border restrictions for essential workers

Date:	22 May 2020	Priority:	High
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Purpose

This briefing seeks your agreement to exemptions to the temporary border controls for essential workers in the energy sector.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that on 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand and high-level parameters for case-by-case exemptions to these restrictions [CAB-20-MIN-0122 refers].
- Noted*
- b **Note** that officials have received the following requests from the energy sector to allow foreign workers to enter New Zealand to perform the following essential tasks:
- a. Support the provision of a range of digital services for a lifeline utility; and
 - b. Support the operation of supply chains at Port Taranaki, and enable timely delivery wind turbines for the significant Waipipi Wind Farm.
- Noted*
- c **Note** that these requests are supported by the Ministry of Business, Innovation and Employment, as the workers are critical to ensure continued security and resilience within the sector.
- Noted*
- d **Note** that on arrival in New Zealand, the workers and family will be required to undergo quarantine or managed isolation in an approved facility for a minimum of 14 days.
- Noted*
- e **Note** that all costs associated with the worker's (and family's) international and domestic travel, accommodation and support will be met by the sponsoring employers.
- Noted*
- f **Agree** to make an exemption to the COVID-19 border restrictions for the essential workers as detailed in Annex One.
- Agree / Disagree*
- g **Forward** this briefing to the Minister of Immigration for his information
- Agree / Disagree*



Rebecca Heerdegen

**Policy Director, Business and Essential
Services**

MBIE

22/05/2020



Phillippa Fox

**General Manager, Energy and Resource
Markets**

MBIE

21/05/2020

Hon Phil Twyford
Minister for Economic Development
..... / /

Hon Dr Megan Woods
Minister of Energy and Resources
..... / /

Proactively Released

Background

2. On 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand and high level parameters for case-by-case exemptions to these COVID-19 border restrictions [CAB-20-MIN-0122 refers].
3. On 21 April 2020, the COVID-19 Ministerial Group agreed to delegate further decision making on exemptions to border restrictions for essential workers to the Minister for Economic Development and the relevant portfolio Minister.

We recommend that exemptions to the travel restrictions for essential workers in the electricity sector are granted

4. Officials have received requests to enable essential workers (and family) in the energy sector to enter New Zealand to provide critical capability and for ensuring Trustpower can continue to deliver essential utility services, and for the Wapipi Wind Farm (currently under construction). Details of these workers are provided in Annex One. The essential nature of the work is discussed below.
5. Following a request from you, we have applied the following test to the application to determine whether the requested workers are essential:
 - a. *Whether individuals from overseas are critical for delivery of time critical projects or programmes that are of strategic economic importance (such as, providing significant spill-over benefits to the economy or major employment in a region, preserving significant international trade-related business)*
 - b. *Whether international expertise, technical requirements or a unique talent is critical for success*
 - c. *Whether it is possible to redeploy workers already in New Zealand (or fill the position within New Zealand)*
 - d. *Whether there are already people performing these roles*
 - e. *The length of time the workers are likely to be in New Zealand*
6. Following this, we have concluded the workers are essential.

Information considered in making these recommendations

Trustpower and Datacom have requested an exemption for workers required to support the delivery of essential digital platforms for Trustpower

7. Officials have received a request to enable an essential worker in the energy sector to return to New Zealand to support the development and continued operation of Trustpower's digital platforms for power, gas internet, phone, and mobile services.
8. The worker usually resides in New Zealand but was on holiday in Australia at the time of the border restrictions. The worker currently holds a 'work to residence' visa in New Zealand and therefore cannot return to New Zealand unless a border exemption is granted.
9. The worker is employed by Datacom, but is on long-term contract to provide services to Trustpower. The request came jointly from these organisations.

The worker holds an application-specific and technical skillset for supporting Trustpower

10. The worker plays a key role in the operation in Trustpower's integrated technical environment, which includes aspects such as cybersecurity. Trustpower advises that this technical environment supports the provision of electricity, gas, phone, mobile, and internet to

consumers, including payment services. The worker has specialised skillset and knowledge during his time in the role, which are not easily replicated during the border restriction period.

11. Trustpower has recorded a notable increase in workload for its digital services team due to COVID-19 and has identified risks with continued service delivery without full access to the essential worker.

Workers are not readily redeployable

12. Trustpower has one other worker performing a similar role. It is currently operating with limited technical capability, as three other workers with similar skillsets left earlier in the year. This further increases associated service delivery risks, especially as the workload increases as noted above.
13. Trustpower is planning on resuming recruitment process for permanent replacements for the other developers which have been delayed due to the COVID-19 restrictions. Trustpower advises that it takes approximately three months to onboard a new worker to perform a role similar to the essential worker due to technical complexity. This means that workers are not readily re-deployable to fill this role in the short-term.
14. Trustpower advises that there are a number of technical (e.g. connection slowness) and operational issues associated with the worker connecting remotely to Trustpower's systems from Australia.
15. This request is supported by the Ministry of Business, Innovation and Employment as the worker is deemed to be critical to the provision of a range of essential services.

We also support an exemption for the family member of the worker

16. s 9(2)(a)

17. We support an exemption for the family member of the worker, as it meets the criteria:

- a. The essential worker will be in New Zealand for a prolonged period of time
- b. Accompanying travellers are people who would normally be living with the essential worker, such as partner, children and/or other dependents
- c. Appropriate accommodation is available for them in New Zealand

The worker will be quarantined on arrival in New Zealand in accordance with established procedures

18. On arrival in Auckland the worker will be required to undergo quarantine or managed isolation in an approved facility for a minimum of 14 days. Datacom will coordinate domestic travel from Auckland to Tauranga and transport to their residence after the quarantine period.
19. All costs associated with the worker's international and domestic travel, including quarantine costs, are to be met by Datacom.

Eagle maritime surveyors have requested a border exemption for an essential worker to support turbine unloading

20. Officials have received a request to enable an essential worker in the energy and logistics sector to enter New Zealand to provide essential logistics support to the Waipipi windfarm project.
21. The worker is likely to be in New Zealand for approximately one month to support the unloading of wind turbine blades. The worker needs to enter New Zealand as soon as possible.

The worker is essential for supporting the transportation of wind turbine components

22. The Waipipi windfarm is currently under construction in South Taranaki. It is a significant project for the country and will provide approximately 133MW's of renewable electricity into the national grid.
23. The worker performs the role of cargo surveyor for delicate cargo. The unloading of wind turbine components is a delicate operation and requires special handling. This role is critical for ensuring that the turbines arrive in a safe manner for construction. This is also an important role for various contractual and insurance mechanisms.

Workers are not readily redeployable

24. The essential worker is part of a broader team of specialist transportation contractors who have been appointed to manage the transportation of the wind turbines to New Zealand. The wind turbines are due to arrive in New Zealand in several shipments from late May to Late June 2020.
25. We have been advised that there is limited time for the on-boarding on any new personnel to manage the cargo surveying role and therefore New Zealand based workers are not readily deployable in the time available. These skills are not readily available in New Zealand or deployable in the time before the wind turbine components arrive.
26. No family members are associated with this request.

The worker will be quarantined on arrival in New Zealand in accordance with established procedures

27. On arrival in Auckland the worker will be required to undergo quarantine or managed isolation in an approved facility for a minimum of 14 days. Eagle Maritime Surveyors will coordinate domestic travel from Auckland to Port Taranaki to support the unloading of the wind turbines.
28. All costs associated with the worker's international and domestic travel, including quarantine costs, are to be met by Eagle Maritime Surveyors.

Next steps

29. If the requests are approved, in accordance with Immigration Instructions, *H5: COVID-19 Support Restricted Temporary Entry Instructions*, the workers will be invited to apply for supported temporary visas or variations of conditions as essential workers.

Annexes

Annex One: List of essential workers and their family members

Annex One - List of essential workers and their family members

Trustpower/Datacom

NAME	DOB	NATIONALITY	PASSPORT NUMBER
s 9(2)(a)			

Eagle Maritime Surveyors

NAME	DOB	NATIONALITY	PASSPORT NUMBER
s 9(2)(a)			