



BRIEFING

COVID-19: Request for exemptions from border restrictions: screen productions

Date:	11 June 2020	Priority:	High
Security classification:	Sensitive	Tracking number:	3601 19-20

Action sought		
	Action sought	Deadline
Hon Phil Twyford Minister for Economic Development	Agree to make an exemption from temporary border restrictions for essential workers for two screen productions (GSR Productions and Skydance Media), as well as one amendment to an existing approval for Avatar.	12 June 2020

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Robyn Henderson	Policy Director	s 9(2)(a)	✓
Taylor Murfitt	Policy Advisor		

The following departments/agencies have been consulted
NZFC

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments



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Purpose

This briefing presents recommendations on applications for exemptions to the temporary border controls for essential workers in the screen sector, relating to two international productions, as well as an amendment to the existing approval for Avatar. We are recommending that you approve these exemptions, which totals 35 people.

Recommendations

The Ministry of Business, Innovation and Employment (MBIE) request that you:

- a **Note** that on 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand [CAB-20-MIN-0122 refers].
- b **Note** that Cabinet also agreed high level parameters for case-by-case exemptions to COVID-19 border restrictions, including essential workers identified by the group of Ministers with Power to Act on COVID-19 matters.
- c **Note** that on 21 April 2020, the Group of Ministers with Power to Act on COVID-19 matters delegated decision-making on exceptions for individual 'other essential workers' to the Minister for Economic Development and relevant portfolio Ministers, but retained its authority to determine request for exceptions for classes of workers.
- d **Note** that officials have recently received requests from international screen productions for essential workers to enter New Zealand.
- e **Note** that the numbers of individuals that each are wanting to bring in are:
 - i. Lord of the Rings (GSR Productions Ltd) – 23 individuals (including 4 immediate family members)
 - ii. The Greatest Beer Run Ever (Skydance Media) – 11 individuals
- f **Note** that a production previously granted approval to enter New Zealand (Avatar) has requested an exemption for one further individual.
- g **Note** that the requests from the productions noted in Recommendation e above are supported by MBIE, as the individuals identified are critical to the projects they are involved in, and the projects entail significant economic expenditure.
- h **Note** that GSR Productions and The Greatest Beer Run Ever are likely to apply for exemptions for further individuals as they confirm their casting (up to 20 for The Greatest Beer Run Ever, and over 100 for GSR Productions).
- i **Agree** to, under the authority delegated to you by the group of Ministers with Power to Act on COVID-19 matters, make an exemption to the COVID-19 border restrictions for individuals associated with the productions in Recommendations e and f above.

Agree / Disagree

- j **Note** that, on arrival in New Zealand, all individuals will be required to undergo quarantine or managed isolation in an approved facility for a minimum of 14 days.
- k **Note** that all costs associated with the isolation will be met by the companies.

Robyn Henderson
Policy Director
Labour, Science and Enterprise, MBIE

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Hon Phil Twyford
Minister for Economic Development

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Background

1. On 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand to all but New Zealand Citizens, residence class visa holders, and their dependents.
2. Cabinet also agreed high level parameters for case-by-case exemptions to COVID-19 border restrictions, which includes essential workers identified by the group of Ministers with Power to Act.
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.

Assessment of applications for exemptions to the travel restrictions for essential workers in the screen productions

4. Officials have received requests to enable essential workers (and family in some instances) in the screen production sector to enter New Zealand to provide critical capability for the productions of *The Lord of the Rings* and *The Greatest Beer Run Ever*. 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 applications 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*
 - 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 specified workers for these productions meet the test above, with the details of this advice following below.

Information considered in making these recommendations

GSR Productions has requested an exemption for workers required to restart their production in New Zealand (MBIE recommends APPROVE)

7. Officials have received a request to enable 111 individuals to enter New Zealand to support the recommencement of the Amazon TV series based on *The Lord of the Rings*. This production had been filming in Auckland prior to COVID-19 and then halted production. Most of the overseas cast and crew returned home in March, and this has meant the New Zealanders working on the production are not able to return to work. This production has a total estimated QNZPE of s 9(2)(b)(ii) [REDACTED]. The expected spend in New Zealand over the rest of 2020 is \$95 million, employing between 1200 and 1500 New Zealanders in fulltime roles, with additional numbers in part-time roles.
8. This advice relates to 23 individuals that are looking to arrive in New Zealand this month (ideally for the production, on 21 June). Following this, we will provide advice for further workers to enter New Zealand in stages from late June, with other waves arriving between July and October. All will be required to stay in New Zealand until at least June 2021.

9. The cast included in the application are those that have already performed in the series to date and are therefore required for continuity. All of the crew included have been working on this production over the past 6 to 12 months and have been assessed as still required due to their specialist skills. The application states that some crew have been replaced with New Zealanders.
10. The application includes some immediate family members of cast and crew. Given that these are all people who would normally be living with the essential worker, and the duration of the production, MBIE recommends that they are included in the exemption.
11. Given the scale of this production, and the numbers of New Zealanders that it employs, MBIE recommends that the application for border exemptions be approved.

Skydance Media has requested an exemption for workers required to restart their production in New Zealand (MBIE recommends APPROVE)

12. Officials have received a request to enable 11 individuals to enter New Zealand to support the commencement of their production of *The Greatest Beer Run Ever*, directed by Peter Farrelly. This production will create 300 jobs in various departments on the project as well as 3000 background acting roles. The QNZPE is \$25 million, and filming is to take place around Auckland and Wellington.
13. The 11 individuals in this request are due to arrive in New Zealand in stages from late June, in July, August and October. They will be required to stay in New Zealand for between three to five months.
14. The application includes different crew roles (e.g. Directors, Producer, Director of Photography). Some New Zealand cast have been selected for the production, but it is anticipated that some A-list cast may be from overseas – a further application may be made at this point.
15. The letter to the Ministry states that the production will be hiring a local New Zealand Casting Director in order to cast roughly forty five New Zealand actors and stunt players. There will be a need to bring in a few high profile cast members from the United States. This casting process has just started and it is anticipated that twenty cast members will need to travel closer to the filming dates in September, at which point, an additional border exemption application will be submitted.
16. Given the scale of this production, and the numbers of New Zealanders that it employs, MBIE recommends that the application for border exemptions be approved.

Amendment to previous exemption approval for Avatar

17. On 9 May 2020, you approved an exemption for 41 individuals working on the Avatar sequels. This production has subsequently advised that only 35 individuals will be travelling to New Zealand due to personal reasons for the remaining six people.
18. However, this production has requested that one further individual be granted an exemption. This person is the Financial Controller, who has been in this role for over 6 years and was with the production during the course of filming in New Zealand last year. The application states that he is the key person between the production and Disney/Fox on the budget.
19. This person started working full-time on the Avatar sequels in 2015 and is responsible for overseeing the combined multiple budgets for the sequels, which span nearly five years. There is a shortage of experienced Production Accountants in New Zealand, and the production (and NZFC) do not consider this role can be replaced by a New Zealander, nor undertaken from the United States.
20. MBIE recommends that this exemption be approved.

Assessment of whether New Zealanders could carry out the roles included in this recommendation

21. Immigration Instructions for screen workers include provision for each production to apply for a Letter of Non Objection from the Screen Industry Guild, for each individual role applying for a work visa. The Guild has confirmed that it will (continue to) apply close scrutiny to these visa applications (or changes to conditions on existing visas).
22. The Ministry has assessed each application based on the information provided in their letters. This step in the immigration process acts as a verification of the ability to fulfil the particular role with a New Zealander.

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

23. On arrival in New Zealand, the workers will be required to undergo quarantine or managed isolation in an approved facility for a minimum of 14 days.
24. All costs associated with the workers' international and domestic travel, including quarantine costs, are to be met by the relevant productions. However, where a production can demonstrate that their contracted individuals have been able to work during their managed-isolation, they will be able to claim for these costs as QNZPE under the New Zealand Screen Production Grant criteria.

Next steps

25. 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

Avatar – one additional exemption

s 9(2)(a)



Refer attachment for details of GSR Productions (*The Lord of the Rings*) and SkyDance Media (*The Greatest Beer Run Ever*) productions.