

Ministry for Primary Industries
Manatū Ahu Matua



25 May 2020

MPI reference: B20-0269

MBIE reference: 3473 19-20

COVID-19: Request for exemption to border restrictions for two essential workers in the primary sector s 9(2)(a)

Purpose:

This briefing seeks your agreement for an exemption to temporary COVID-19 border restrictions to enable two essential workers in the primary industries to enter New Zealand.

| Minister | Action Required: | Minister's Deadline |
|--|---|---------------------|
| Minister of Agriculture Minister for Economic Development | Agree to grant an exemption to temporary border restrictions for two essential workers to commission the computer system s 9(2)(a) | As soon as possible |
| Minister of Immigration | Copy for information only. | N/A |

Contact for telephone discussion (if required)

| | Name | Position | Work | Mobile |
|----------------------|--------------|---|-----------|-----------|
| Responsible Director | Naomi Parker | Director Food, Skills, and Science Policy | s 9(2)(a) | s 9(2)(a) |
| Principal Author | s 9(2)(a) | Policy Analyst, Food, Skills and Science Policy | | |

Key Messages

1. Currently New Zealand's borders are tightly restricted to all persons from other countries (including people transiting New Zealand). The only people able to enter are New Zealand citizens and permanent residents, air and some marine crew as well as case-by-case exceptions for specific categories (including essential workers as defined under Level 4, the dependents and families of people ordinarily residing in New Zealand and others on humanitarian grounds).
2. On 21 April, the COVID-19 Ministerial Group agreed to delegate decision making on exemptions to border restrictions for essential workers to the Minister for Economic Development and the relevant portfolio Minister.
3. Officials have received a request for a travel exemption s 9(2)(a) to enable s 9(2)(a) to travel to New Zealand to complete the installation and testing of specialist computer systems s 9(2)(a).
4. The technicians are highly skilled, qualified and experienced in commissioning the proprietary software s 9(2)(a). No technicians with experience setting up the proprietary software are available in New Zealand.
5. s 9(2)(a) is the sole supplier of s 9(2)(a) for Countdown supermarkets in New Zealand and supplies the supermarkets with approximately 30 containers of s 9(2)(a) per week. Their expanded facility has capacity for an additional 20 containers per week enabling the company to service increased demand.
6. s 9(2)(a) has made a significant investment in the new facilities and will be unable to realise the benefit of its investment if the specialist technicians cannot complete commissioning of the operating system. Extra staff have been engaged to service the additional capacity s 9(2)(a) and eight of the firm's 28 staff may be let go if the technicians cannot complete the commissioning before mid-June.
7. The two technicians are critical to complete the commissioning of the expanded facility. The project is time critical and until these essential workers can commission the equipment, the supply of s 9(2)(a) to Countdown supermarkets nationwide will not meet projected demand.
8. This request is supported by the Ministry of Primary Industries (MPI) and the Ministry of Business, Innovation, and Employment (MBIE) as these workers are critical to ensuring the continuity of an essential service.

Recommendations

9. The Ministry for Primary Industries and the Ministry of Business, Innovation and Employment recommend that you:

- a) **Note** that officials have received a request from a company in the food sector to enable two foreign workers to enter New Zealand to perform the essential task of commissioning computer systems for s 9(2)(a) supplying a major supermarket chain.

Noted

- b) **Note** that these workers are highly skilled, qualified and experienced, and are not able to be replaced by others who are already in New Zealand because there are no technicians here with experience setting up the proprietary software.

Noted

- c) **Note** that the workers, upon arrival in New Zealand, will undertake mandatory isolation or quarantine for a period of 14 days.


Noted

- d) **Note** that this request is supported by the Ministry for Primary Industries and the Ministry of Business, Innovation and Employment, as the workers are critical to the delivery of an essential service.

Noted


- e) **Agree** to grant an exemption to the COVID-19 border restrictions for these essential workers as detailed in Appendix One.

Agreed / Not Agreed


Naomi Parker
Director
Food, Skills and Science Policy
Policy and Trade
Ministry for Primary Industries

Hon Damian O'Connor
Minister of Agriculture

/ / 2020


Rebecca Heerdegen
Director
Business and Essential Services
Ministry of Business, Innovation & Employment

Hon Phil Twyford
Minister for Economic Development

/ / 2020

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Background

Border restrictions

10. 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].
11. On 21 April 2020, the COVID-19 Ministerial Group agreed to delegate decision making on exemptions to border restrictions for essential workers to the Minister for Economic Development and the relevant portfolio Minister.

The request

12. Officials have received a request to enable two essential workers s 9(2)(a) to enter New Zealand to provide critical capability for Sku Limited by commissioning proprietary computer systems necessary to operate s 9(2)(a) s 9(2)(a). Personal information about the technicians is attached as **Appendix One**.
13. s 9(2)(a) supermarkets throughout New Zealand. They supply the supermarkets with approximately 30 containers of s 9(2)(a) every week.
14. s 9(2)(a) to handle the projected volume s 9(2)(a) for the beginning of April, and also to enable the company to service new business. The s 9(2)(a) have capacity for an additional 20 containers per week. Installation of the rooms was completed in January, however the computer system that regulates the environment s 9(2)(a) still needs to be commissioned.
15. s 9(2)(a) hired extra staff to accommodate the increased volume they anticipate handling once s 9(2)(a) are operational. s 9(2)(a) is finding it increasingly difficult to retain staff and respond to supply demands. The company projects it may have to make redundant eight of their 28 staff if the two workers cannot come to New Zealand to commission the operating system.
16. Two specialist technicians are required to commission the computer software. No-one in New Zealand has the experience necessary to set up the proprietary software; which is why it is necessary to source this expertise from overseas. The operating system is set up so that if errors are made while commissioning the software, the systems for the whole worksite will shut down.
17. This is a one-off commissioning task and the workers will not replace existing staff. Systems of this type typically employ exclusive proprietary software that require the installation to be completed by staff employed by or under licensed contract to the owners. They cannot be installed by other inexperienced and untrained personnel.
18. The company intends to bring the workers s 9(2)(a) directly into Auckland International Airport and will comply with mandatory isolation and/or quarantine

measures in place at the time of arrival.

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19. The request is for two workers, and does not include partners or dependents of the essential workers.
20. The work is expected to take one to two weeks, not including the 14 day mandatory isolation/quarantine period.

Next steps

21. If the request is 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.

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Appendix One: List of essential workers

s 9(2)(a)

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