



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## Trans-Tasman “Bubble” in Q1 2021!

New Zealand Prime Minister Jacinda Ardern announced that her Cabinet had “agreed in principle” to a trans-Tasman “travel bubble” being opened during the first quarter of next year, as this edition of *Semaphore* was about to publish.

In her final post-Cabinet press conference of 2020 on Monday December 14, Ms Ardern indicated the commencement of quarantine-free travel between the two countries was dependent on all relevant arrangements being finalised.

Logistical issues such as the segregation of staff from travellers and ensuring there were contingency plans for a future outbreak in Australia – which could potentially strand “thousands” of travelling Kiwis – were among matters of priority to be worked through.

Additionally, Australia’s Cabinet still needed to sign off on the concept, and its implementation was very much dependent on the COVID-19 situation not changing in either country, said Ms Ardern.

### ***Risk-Aversion Strategy***

Differences in Australia and New Zealand’s risk-aversion strategy to COVID-19 had previously kept the bubble at bay.

The core issue has been that Australia and New Zealand are tackling the pandemic with different strategies. Australia is pursuing a suppression strategy, which involves locking down hotspots where cases reach a certain threshold, but New Zealand’s elimination strategy does not allow for the same risk tolerance.

In mid-November, as South Australia experienced a new pandemic outbreak, Ms Ardern conceded there was very little chance of a trans-Tasman bubble becoming operational by Christmas.

“What’s happening in South Australia only further reinforces the importance of having a good understanding of how Australia intends to manage their internal borders when there are outbreaks,” Ms Ardern said at that time.

“If they have an outbreak but they are instituting strong border controls, then it’s manageable. But if they have a tolerance level for community transmission that’s higher than ours, then it is problematic.

“What this underscores is why it’s so important that New Zealand has not rushed into this.”

The other issue has been that Australia’s commonwealth system of government means that different states have different policies in dealing with COVID-19, whereas New Zealand has one national strategy, consistent across all regions.

So, for example, while New South Wales and the Northern Territory have opened their borders to travelling Kiwis without the need to quarantine for a fortnight, those same passengers have no special rights when they return. No-one entering New Zealand escapes the mandatory isolation period.

This difference between states in Australia led to problems when travellers to New South Wales and the Northern Territory took internal flights to other states – catching them unaware and effectively opening those borders to New Zealanders too.

These inconsistencies led Ms Ardern to state back then she did not “have the necessary protections” to give an assurance about a full Christmas reopening across the Tasman.

Subsequently, Queensland also opened its borders to New Zealanders, following the lead of New South Wales and the Northern Territory.

Meanwhile, New Zealand and the Cook Islands have also recently agreed to put measures in place to safely recommence two-way, quarantine-free travel in the first quarter of 2021.

The arrangement recognises the special ties between the two nations, with free movement between the countries also deemed integral to the islands’ recovery from the pandemic.

New Zealand’s hard-line approach to COVID-19 elimination has meant a cautious approach to opening up to other Pacific countries.

In the recent Speech from the Throne, the Government announced that for those countries where the virus is successfully managed, it will look for opportunities for freer travel. However, while opportunities would be taken to advance these zones where possible, safety would remain the top priority.

Other Pacific nations are also being very cautious in their strategy. In mid-November American Samoa ordered the vessel Fesco Askold to leave harbour and stay at anchorage after three crew members tested positive for COVID-19.

The country was pandemic-free and so the vessel was temporarily banished. When it returned to port, the cargo exchanges normally done by local stevedores were handled by the vessel’s crew. Containers were placed in an area of the dock where they were decontaminated by the Island Safety and Sanitation company.

The three infected crew were isolated in their cabins while the vessel was in port and their temperatures were taken at least once daily.

American Samoa Director of Health, Motusa Tuileama Nua assured the public that all precautions had been taken to prevent any spread of COVID-19 from the infected crew members.

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