




**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

**LABOUR AND
IMMIGRATION
POLICY**



Consultation on the Electronic Travel Authority

Submission document – **BARNZ Response**

Submitter information

Please tell us if you are submitting as a:
<input type="checkbox"/> Private Individual <input type="checkbox"/> Visa waiver traveller <input type="checkbox"/> New Zealand visa holder <input type="checkbox"/> New Zealand citizen or permanent resident <input type="checkbox"/> Other: Click here to enter text.
<input type="checkbox"/> Individual industry stakeholder <input type="checkbox"/> Airline <input type="checkbox"/> Cruise <input type="checkbox"/> Travel/Tourism <input type="checkbox"/> Other: Click here to enter text.
<input checked="" type="checkbox"/> Industry Association <input checked="" type="checkbox"/> Airline <input type="checkbox"/> Cruise <input type="checkbox"/> Travel/Tourism <input type="checkbox"/> Other: Click here to enter text.
<input type="checkbox"/> Other Please describe: Click here to enter text.
If you would like to provide your contact details please fill in the below. MBIE may contact you if we need further clarification on any of your answers.
<p>Name: Ian Ferguson Organisation: Board of Airline Representatives New Zealand Inc Email address: ian@barnz.org.nz</p> <p>Please indicate below if you do not wish your name/contact details to be posted on MBIE's website or as part of any summary of submissions which MBIE may publish.</p> <p><input type="checkbox"/> Do not publish my name/contact details.</p>

Consultation questions

1. The scope of the ETA

1.1 Do you agree with the introduction of an ETA requirement for visa-free travellers?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes, except for its application to air crew <input type="checkbox"/> No
<p><i>Please provide the main reason for your answer:</i></p> <p>We consider that the rationale for an ETA appears sound, provided it can deliver efficiencies through the immigration system (eg by reducing the need to stop passengers at the border). It is also an acceptable mechanism for applying other charges such as the visitor levy. However, we oppose the application of the ETA to crew, at least in the manner proposed in the consultation paper.</p>

1.2 What impact do you think an ETA requirement would have on the proposed groups of ETA-required travellers or your industry?

For travellers, we believe the need to apply for an ETA would be a modest barrier to visiting New Zealand – it is an additional cost and process. However, provided the application form is online and easy to complete, we do not see this as a major problem.

However, the proposal to require crew to apply and pay for an ETA creates significant practical and operational problems for the reasons explained in our main submission.

1.3 Do you consider we have identified the right groups of people to be ETA-required?

- ☐ Yes
☒ No

Please explain your answer below. If you do not agree, are there any changes you would propose?

We disagree with the proposal to require crew to apply for an ETA, as the option is presented in the consultation paper. This will create practical and operational problems for airlines without delivering material benefits for immigration services. See our main submission for more detail.

We also consider that the exemption for Australian citizens should be extended to Australian permanent residents, as this will avoid complications at check-in.

2. The application and validity periods of the ETA

2.1 How long do you think an ETA should be valid for?

- ☐ 1 year
☐ 2 years (current proposal)
☐ 3 years
☒ Other 4-5 years for air crew

Please explain your answer below:

If the ETA is to apply to air crew, the time period should be as long as possible to minimise the cost and administrative burden discussed in our main submission. We consider 4-5 years for air crew would still create some challenges for airlines but would be more workable than the current proposal. We understand that crew visas issued by the USA last for around 5 years, so there is precedent for this kind of timeframe.

2.2 Do you think an ETA should expire when a passport expires?

- ☐ Yes
☒ No

Please explain your answer below:

Provided the visitors' personal details (ie their name) have not changed, we see no particular reason for the ETA to expire alongside the passport.

2.3 When do you think ETA-required travellers should be required to obtain their ETA?

- ☐ no earlier than 3 months before intended travel
☐ no earlier than 6 months before intended travel
☐ no earlier than 12 months before intended travel

☒ **Other** We believe that passengers, particularly air crew, should be able to obtain their ETA at any time and then travel on the ETA at any time until its expiry

Please explain your answer below. If you are in the travel industry, do you have data on traveller booking to support your submission? We are interested to know how early the majority of travellers book their travel.

Because travellers will have paid for an ETA (and the accompanying international visitor levy) at the time of application, and its standard length is two years, we consider that passengers should have the right to travel on the ETA at any time in that two year period irrespective of when the passenger first uses it to visit New Zealand. There does not seem to be any reason why these two situations should be treated differently:

- Passenger A travels to New Zealand 18 months after applying for an ETA, as their first visit since the application
- Passenger B travels to New Zealand 18 months after applying for an ETA, but had also visited New Zealand 1 month after the application.

In both cases the information provided through the ETA is 18 months old. The only difference is that Passenger B has visited New Zealand within the previous 18 months. We don't understand why Passenger A should be forced to re-apply for an ETA but Passenger B should not.

In relation to crew, see discussion in the main submission regarding the practical difficulties of ensuring all air crew assigned to an aircraft that flies to New Zealand have the necessary authorisation to enter New Zealand. To be able to manage rostering efficiently, many crew may need to apply for an ETA in case they are rostered onto a New Zealand flight – the ETA should not therefore have a requirement for crew to obtain it a certain amount of time before travelling as this would exacerbate the practical challenges involved.

3. The information collected by the ETA

3.1 Do you agree with the proposed information to be collected by the ETA from travellers?

- ☐ Yes
☒ No

Please explain your answer below. If you do not agree, are there any changes you would propose?

For air crew, for the reasons discussed above and in our main submission, travel details may not always be known at the time the ETA is applied for. Air crew that are applying for an ETA on the basis that they might need one in future would not be able to provide information about dates of travel.

4. The functions of the ETA

4.1 Do you agree with the proposed functions of the ETA?

- ☒ Yes
☐ No

Please explain your answer below. If you do not agree, are there any changes you would propose?

4.2 What information do you think could be useful and appropriate for an ETA to provide to travellers?

It may be possible to provide travellers with information regarding New Zealand biosecurity requirements before they travel – ideally in their preferred language. However, it will be important not to overload travellers with unwanted information.

4.3 What are your views on which agencies should receive information collected, and what limits should be placed on sharing and its use?

The passenger information should be limited to those government agencies that require the information for inbound passenger screening. Standard data protection and privacy requirements should apply. However, if there is scope for the data to be used by airlines or airports to facilitate passenger flows through New Zealand airports, there may be a case to share it more widely – if there is an opportunity to use the data in this way, it should be consulted on once a clear proposal is available.

5. The cost of the ETA

5.1 What impacts, if any, do you think a charge of \$9 would have on ETA-required travellers or your industry?

As applied to travellers, the charge may have a modest negative impact.
As applied to crew, the charge and, more importantly, the process challenges would create practical challenges for airlines that could make some routes to New Zealand less viable. It would be better to follow the Australian precedent and have a separate crew ETA that does not carry a charge – see details in the main submission.

The charge should only be used for cost-recovery and not used to subsidise other activities. If \$9 turns out to be too high and brings in more revenue than needed, the charge should be reduced.

5.2 Are there any other costs that you think Government should recover from ETA-required travellers?

- ☐ Yes
☒ Potentially Yes
☐ No

If the government is determined to recover 100% of Immigration New Zealand's border processing costs from travellers (as proposed in the Immigration fees consultation), the ETA would be a more equitable tool to achieve this than adding the cost to the Border Clearance Levy

– as it would target the cost better at those passengers that create the costs. See our main submission and the response to questions asked in the immigration changes consultation paper for more detail.

6. ETA opportunities and risks

6.1 Do you see opportunities from the ETA for your industry or for travellers, now or in the future?

- ☐ Yes
☐ No
☒ Unsure

Please explain your answer below:

There may be some opportunities. However, it seems to us that information that would be provided through an ETA is already provided by passengers in several other ways (eg APP and PNR), so we question whether the ETA would be as helpful in supporting improvements to passenger flow and passenger services as the consultation paper suggests, because the data should already be available. However, there may be opportunities we have not considered.

Also, we would expect that if the ETA goes ahead some other information provision requirements should be reduced, to avoid duplicate reporting requirements, which may partially offset the costs of the new system

6.2 Is there anything that you think should be designed into the ETA now even if it cannot be deployed immediately?

n/a

6.3 What are the key risks to you, travellers, or your industry that you consider could arise from the introduction of an ETA?

The requirement for crew to apply for and pay for an ETA would create substantial practical and cost challenges for airlines. See our main submission for more detail. The application of the ETA to Australian permanent residents may also attract public criticism in Australia.

Also, there is a significant risk that many visitors will be unaware that they will need to apply for an ETA, which would cause confusion and delays at check-in and may prevent some legitimate travellers from coming here at all.

6.4 Do you have any suggestions on how the government could best design or implement the ETA (if introduced), to mitigate these risks?

Do not apply the ETA to crew, or have a separate ETA for crew which lasts longer (4-5 years) and does not apply a charge.

Alternatively, as discussed in our main submission, we would like to work with MBIE to test if there are other mechanisms that can be used to provide the information that is wanted by Immigration NZ. Key parts of the ETA declaration relate to whether travellers have criminal records and the reason for their travel to New Zealand. The reason that air crew travel to New

Zealand will be obvious: to work as crew. On the criminal record declaration, airlines generally have a policy that persons with criminal records are not recruited as air crew. So, for example, airlines may be able to provide a declaration to Immigration NZ that none of their crew have criminal records. We would be happy to discuss options like these with MBIE in more detail.

In terms of making sure passengers are aware of the ETA requirements, we understand that MBIE is already thinking about the marketing campaign that will be needed. We support efforts to make sure travellers are aware of the ETA requirement. We suggest that a lengthy timeframe, perhaps 1 year, is used before ETAs are required, to give time for the message to get through to travellers around the world.

MBIE also needs to have a strong communications plan in place to make sure airlines, travel agents and the rest of the industry have a clear understanding of the requirements and when they will come into place.

7. The cumulative impacts

7.1 Do you have any comments on the potential cumulative impacts of the fees and levies, Electronic Travel Authority and International Visitor Conservation and Tourism Levy proposals under consultation on visa-free travellers or your industry?

It is not just these fees that need to be considered. Currently, an airline ticket includes aviation security, customs and biosecurity charges and we have been advised that both aviation security and biosecurity charges are likely to increase in the foreseeable future – due to new scanning technology and increased interventions. The costs proposed in this consultation material need to be seen alongside the other charges that already exist rather than in isolation.

We believe there is a risk that these charges could cumulatively reach a level that sees a material dampening of demand from the travelling public. We encourage the government to monitor the situation and be mindful of the value tourists deliver in GST spend and other revenues each year – it would be very disappointing if we applied so many taxes and charges that this tourism revenue declined and made New Zealand worse off overall.

8. Other comments

Do you have any other comments on the ETA proposal?

As MBIE is reviewing the requirements for crew entry into New Zealand, we feel this is a good opportunity to resolve an outstanding problem in relation to 'positioning crew' – ie crew that are brought in to New Zealand as passengers in order to work as crew on an outgoing flight.

The current requirements in New Zealand (which treats positioning crew as if they are any other passenger) are unnecessarily onerous, create costs for airlines and are out of step with the process in Australia.

The Australian requirements for positioning crew are that the crew member must hold:

- a. A valid passport
- b. A Crew Travel Authority (CTA)

- c. A letter from the employer airline certifying that the person is an aircrew member, stating the purpose of the travel and the arrangements for the person to leave Australia.

We request that the government look to develop similar arrangements for positioning crew entering New Zealand. This could fit well with the creation of a crew-specific ETA. We would be happy to work with MBIE further on this improvement.