

Section Procedures – international passenger arrivals caps

Context

Caps on international passenger arrivals at Australia's major international airports were put in place by the Australian Government in July 2020, following urgent requests from the States to assist with the management of international arrivals given pressures on their quarantine capacity.

Caps are set at levels which reflect the available quarantine capacity in each jurisdiction, as advised by the relevant state or territory.

The Department enacts the caps through the Air Navigation Regulation 2016, which allows approval of services subject to conditions, including with regard to the number of passengers carried (s 33), if it is in the public interest to do so (s 31).

Current caps on international passenger arrivals are at Attachment A.

Imposition of a timetable condition regarding passenger limits

In determining the overall limits on passenger arrivals to each port, the Department has regard to advice from states and territories regarding the total available quarantine capacity in each jurisdiction.

For most jurisdictions, these limits are determined on a weekly basis, however, New South Wales manages quarantine capacity based on daily arrivals, and South Australia considers arrivals for each scheduled service separately.

Except in exceptional circumstances, no less than three weeks ahead of the relevant arrivals period, the Department will write to airlines requesting confirmation of upcoming passenger schedules. Once confirmation of schedules is received, and total quarantine availability for each port have has advised by states and territories, passenger limits for each passenger service are determined.

Allocating passenger limits for each service

Allocation - principles

- Each service should receive the same capacity allocation across a week (all jurisdictions except Sydney) or day (Sydney).
- Unless advised otherwise, the minimum allocation provided should be 25 passengers. This follows advice from the industry peak body that 25 is an indicative minimum threshold for viability of a service in the current environment.
- No airline should receive allocations for more than two daily services to a given port.

Allocation - process

1. Each service for the upcoming period is entered into an Excel spreadsheet (working allocation spreadsheets are here [[..\Caps and exemptions](#)]).
 - a. Details of services are contained within the forward looking consolidated flights spreadsheet [[..\Timetable Summaries \(from Keydocs\)\Flight consolidation.xlsx](#)] which is updated daily by s47F .
 - b. The allocation should be checked by s47F prior to making allocations.

2. Passenger limits are determined by evenly distributing total available capacity amongst scheduled services (on a weekly basis for all ports except Sydney which has daily caps).
3. If equitable distribution of capacity leads to passenger numbers of less than 25/service, some services will receive an allocation of nil passengers. To determine which services will receive a nil allocation the following factors should be considered:
 - a. Overall frequency of services.
 - i. For Melbourne, maximum allocation is currently for four (4) services per week.
 - ii. For Sydney, maximum allocation is currently one (1) service per day.
 - b. If further reductions are required to meet overall capacity limits, geographic spread of departure ports should be maintained.
4. For provisional allocations into Adelaide, these must be discussed with SA Health.
5. Once provisional allocations are settled, the delegate should write to airlines no less than two weeks ahead of the commencement of the allocation period (except in exceptional circumstances), giving notice to airlines of the intention to impose a condition relating to passenger limits (recent general form of this notice is at [Attachment B](#)).
 - a. The notice must set out the basis for making the decision to impose a condition.
 - b. Airlines should be given a period of five (5) to seven (7) days to consider the provisional allocations and make a submission.
 - c. The form of this notice should be cleared by legal.
 - d. Provisional passenger allocations for each service should be in a schedule attached to the email.
6. Mail merge documents, and current contact lists are here [[..\..\Policy Issues\COVID19response\Capacity caps](#)]. Airlines should be advised by email from the delegate, copied to the International Aviation inbox and s47F for filing on airline files.
7. Provisional allocations should be filed in in the sub-container for the relevant period in file F21/212.
8. All submissions received in response to provisional allocation advice should be filed as above.
9. The process of adjusting capacity in light of submissions from airlines should consider:
 - a. Service cancellations and scheduling changes advised since provisional allocations were advised.
 - b. Whether requests for increases in capacity for specific services can be accommodated (due to freed up capacity from service cancellations or scheduling changes).
 - c. Whether requests for general increases in capacity can be accommodated (due to freed up capacity from service cancellations or scheduling changes). When considering these requests, priority should be given to any carriers who have received nil allocations.

- d. Once these factors are considered, any remaining capacity should be distributed amongst services.
 - e. In the event that, following submissions from airlines, a provisional allocation is to be reduced, the affected airline should be advised in writing as early as possible.
10. Once final allocations are settled, the delegate should write to airlines as soon as possible prior to the commencement of the allocation period, advising the decision to impose a condition relating to passenger limits (most recent general form is at [Attachment C](#)).
- a. The notice must set out the basis for making the decision to impose a condition.
 - b. The form of this notice should be cleared by legal.
 - c. Provisional passenger allocations for each service should be in a schedule attached to the email.
 - d. If an airline has made a submission in relation to the provisional allocation, this submission should be addressed in the advice to the airline.
 - i. If the request could not be accommodated (in part or in full) due to limited available quarantine capacity, this should be noted and the airline advised that the request will be reconsidered if additional capacity becomes available in light of scheduling changes or capacity handbacks from other airlines.
 - ii. Details of any outstanding requests for additional capacity should be noted on the relevant tab within the allocations spreadsheet.
11. Airlines should be advised by email from the delegate, copied to the International Aviation inbox and s47F for filing on airline files.
12. Final allocations should be filed in the sub-container for the relevant period in file F21/212.

NOTE: Charter services which are approved to carry passengers entering hotel quarantine on arrival must be counted within passenger arrivals caps and must be included in the allocations spreadsheet. Charter services carrying passengers with standing exemptions, or who are using approved alternate quarantine arrangements do not need to be included in passenger arrivals caps.

Written advice for industry

Written advice for industry should cover:

- current total arrivals caps for each port
- classes of exemptions for each jurisdiction
- the process for seeking approval to carry exempt passengers
- the process for seeking consideration of increases to passenger caps for urgent medical/compassionate cases
- processes for handing back capacity.

This advice should be updated following any changes to arrangements for international arrivals, and circulated to airlines and key agencies. The current advice for industry is here [[Advice for industry caps on international passenger arrivals](#)].

Allocation of capacity dedicated to the carriage of vulnerable Australians

Some ports have a portion of available quarantine capacity dedicated to the carriage of vulnerable Australians.

Vulnerable capacity allocation – principles

- Capacity dedicated to the return of vulnerable Australians should be prioritized for locations where there is a significant number of vulnerable Australians seeking to return home.
- Capacity may also be prioritized to locations where there are a large number of vulnerable Australians with limited options to return on commercial services.
- Where possible, capacity dedicated to the return of vulnerable Australians should be allocated between airlines as equitably as possible.

Vulnerable capacity allocation - process

1. Processes described in this section currently apply to capacity allocations dedicated to vulnerable Australians into Brisbane and Melbourne (see [Attachment A](#)).
2. Allocations of capacity dedicated to the carriage of vulnerable Australians should be determined in consultation with DFAT.
 - a. Locations in which there remain a significant backlog of Australians wishing to return to Australia and who are classified as vulnerable should be prioritised.
 - b. Where there are significant backlogs and there are limited options for Australians to return on scheduled commercial services, a portion of dedicated capacity for the carriage of vulnerable Australians may be allocated to DFAT-supported services.
3. Once the split of allocations dedicated to the carriage of vulnerable Australians has been discussed and agreed with DFAT, a recommendation should be made to the delegate, outlining the proposed distribution of vulnerable capacity, with a draft email approval from the delegate to send to the airline advising of the vulnerable capacity allocation. An example of the form of this email is at [Attachment E](#).
4. The delegate's email should be copied to s47F for filing on the relevant airline's file, and also filed in the sub-container for the port in file F21/218.
5. Once approved, the allocations spreadsheet should be updated [[..\Caps and exemptions](#)] with vulnerable allocations indicated by pale blue shading with the cell, and with a note indicating the number of vulnerable passengers allocated and the date of approval.

Scheduling changes – changes to arrival details, requests for additional services

Changes to capacity allocations (subsequent to final allocations being advised) may be required to accommodate scheduling decisions of airlines.

Scheduling changes (changes to arrival details, requests for additional services, switching between freight/passenger services) are processed by s47F, and approved by the delegate. Implications for passenger allocations will be processed by the section, and recommended to the delegate for approval.

Schedule changes – principles

- Schedule changes are to be accommodated where possible.
- Schedule changes should not be approved where there is insufficient quarantine capacity.
- Requests for additional services should not be automatically prioritized over request for additional capacity on existing services – delegates to use their judgement.

Schedule changes - process

1. In the case of changes to arrival details (e.g. shifting the date of arrival), preserve the previous passenger allocation if possible. With the exception of Sydney and Adelaide, if the new arrival date is within the same week, the existing passenger allocation should be shifted to the new date of arrival.
 - a. For **Adelaide arrivals**, allocations for changes to dates of arrival will need to be confirmed with SA Health prior to confirming the allocation for the new date.
 - b. For **Sydney arrivals**, allocations for any changes to dates of arrival need to be considered on a case-by-case basis, having regard to existing total allocations, due to the operation of a daily arrivals cap and available quarantine capacity.
 - c. Shifts in arrivals to a different allocation week will need to be considered on a case-by-case basis, having regard to existing total allocations and available quarantine capacity.
2. If, due to a change in arrival date, an airline is unable to retain their existing capacity allocation, the airline should be contacted to advise that this is the case, and to confirm whether they would like to proceed with the scheduling change.
3. In the case of a request for an additional service, whether a passenger allocation is approved will depend on existing total allocations and available quarantine capacity.
 - a. If a nil allocation is made, details of any outstanding requests for additional capacity should be noted on the relevant tab within the allocations spreadsheet.
4. Capacity allocations flowing from scheduling changes should be discussed with s47F
 The passenger allocation will form part of the delegate's approval for the scheduling change and will be filed by s47F in the relevant airline file.
5. Capacity changes should also be filed in the sub-container for the relevant period in file F21/212.
6. The allocations spreadsheet [[..\Caps and exemptions](#)] must be updated, noting 'canc'/'cargo'/the allocation within the relevant cell, with a comment explaining the change, the delegate who approved the change and the date.

Re-allocation of capacity

This covers re-allocation of capacity to other airlines where there schedule changes or capacity handbacks which free-up available quarantine capacity.

Re-allocation – principles:

- Available capacity should be reallocated as soon as possible. In light of passenger testing requirements, in most cases, airlines will require at least 48 hours' notice to translate additional capacity into passenger bookings.
- Reallocated capacity should be prioritized for those airlines which have received nil allocations within the relevant period.
- Last-minute reallocations should be provided to those airlines that have the highest likelihood of using it.

Re-allocation – process:

1. Revised allocations arising from capacity handbacks or scheduling changes must be updated in the allocations spreadsheet, with a comment noting the handback/'canc' and date.
2. In reallocating freed up capacity, priority should be given as follows.
 - a. Airlines with outstanding requests for additional capacity or which have received nil allocations within the relevant period.
 - b. Airlines/regions with known significant passenger backlogs (liaise with DFAT regarding passenger backlogs) and historically high utilisation figures.
3. Recommendations for capacity increases should be forwarded to the delegate for approval, with a brief explanation of the reason for the capacity change (e.g. due to capacity handback/scheduling change by [airline]) and the reason for the recommended increase (e.g. outstanding request for additional capacity, known passenger backlogs).
4. Once approved, advice on new capacity limits should be emailed to the airline by the delegate (example at [Attachment D](#)).
5. Once approved, the allocations spreadsheet [[..\Caps and exemptions](#)] must be updated, noting the new allocation within the relevant cell, with a comment explaining the change, the delegate who approved the change and the date.
6. Capacity revisions should be filed in the sub-container for the relevant period in file F21/212.
7. Where re-allocations have been large, or made at short notice, DFAT should be advised of the re-allocation so that posts can be engaged to assist airlines in identifying passengers who are vulnerable and may be able to travel at short notice.

Over-allocation

In order to maximise utilisation of quarantine capacity, National Cabinet has agreed to over-allocation of passenger caps by up to 10 per cent above the available quarantine capacity advised by states and territories.

Over-allocation - principles:

- Overallocation should be used to maximize utilization of quarantine capacity.
- Overallocation should only be used when it has been assessed as safe to do so without resulting in actual arrivals exceeding weekly or daily caps.

- The quantum of overallocation should be evidence-based.

Over-allocation - process:

1. When determining allocations, reallocations or airline requests for additional capacity (for either commercial or compassionate/medical reasons), it may be appropriate to consider whether capacity should be allocated above the stated daily or weekly quarantine capacity in a given port.
2. In determining whether to over-allocate passenger caps, the following must be considered.
 - a. Historical passenger cap utilisation, by port, based on ABF arrivals data and cap utilisation reports provided by individual airlines.
 - b. Other factors that may influence utilisation within a particular period, including, for example, national holidays or seasonal patterns.

Urgent or compassionate capacity requests

This process applies to requests to increase the passenger cap for urgent/compassionate reasons that are initiated by the airline. A standard response is available for requests made directly by passengers, directing them to contact their airline.

Urgent or compassionate requests – principles:

- Approvals are provided to increase passenger limits to facilitate compassionate/medical requests – we do not approve the carriage of the specific passengers.
- General requests from airlines to increase their capacity limit due to overbooking are considered separately, with compassionate/medical cases taking precedence.
- Requests must be either compassionate or medical and must have an urgent need to travel

Urgent or compassionate requests – process:

1. Enter general details of the request into the Compassionate Request spreadsheet – <G:\Aviation & Airports\Aviation Industry Policy\International\Regulation\Timetables\Caps and exemptions\Compassionate requests SEPT OCT.xlsx>
 - If a Booking No. is not provided, you can enter a name of airline officer who submitted the request together with a date/time of the request (e.g. s47F 11/09 4:15 pm). Any personal details provided in the request should not be recorded in the spreadsheet.
 - Make sure you are capturing the intended arrival date into Australia, which may differ from the departure date. Seek clarification from the airline if required.
2. Check the allocation spreadsheet – <G:\Aviation & Airports\Aviation Industry Policy\International\Regulation\Timetables\Caps and exemptions\Caps 1-31 Jan 2021\Projected arrivals - JAN 2021 FINAL.xlsx>
 - to identify whether sufficient capacity is available within the overall cap on the date of request.
 - If no capacity is available, try to identify the next available alternative date. If nothing is available for more than 1-2 weeks, the request may need to be denied.
3. Consider the information provided by the airline. If it appears the request could not be considered as for urgent or compassionate reasons, discuss it with the Delegate. If the

request can be approved, forward the original email to the Delegate and draft a response (Attachment F). Adjust the opening paragraph as appropriate if the request has been partially approved or varied to a different day.

4. Update the allocation spreadsheet to reflect the new passenger limit.
5. Move the request from the International Aviation inbox to the 'Other exemptions' folder
6. Record the Delegate's response to the airline (with initial request) in RM Workplace (File No. F21/217-01)

Carriage of passengers outside of passenger caps (exemptions)

There are several standing exemptions which allow passengers to be carried outside of passenger caps.

- Passenger caps do not include:
 - Air crew (including off-shift crew who are travelling as passengers on an aircraft to subsequently operate another international service or reposition at another location);
 - Infants (children less than two years of age);
 - Unaccompanied minors (under 18 years of age) (except for arrivals to Adelaide);
 - Foreign diplomats and their dependants;
 - Certain Australian Government officials and dependants who are exempt from mandatory quarantine at a government-operated facility – please contact Infrastructure for verification if you are intending to carry such passengers on a flight; and
 - Passengers transiting Australia to a third country - provided those passengers have the necessary transit exemptions AND remain airside for the duration of their transit (less than 8 hours).
- Maritime crew entering Australia for the purpose of joining an outbound vessel may be exempted from the passenger cap, depending on their port of entry.
 - Maritime crew arriving in **Brisbane** will not be counted within the cap. Airlines should still notify Infrastructure of the number of maritime crew passengers to be carried on each flight prior to departure.
 - Airlines proposing to carry maritime crew to other ports should contact Infrastructure at internationalaviation@infrastructure.gov.au

Other exemptions

Considered on a case-by-case basis

Seasonal workers, sporting events, AU diplomats, passengers with approval to home quarantine

Extradition requests

This flowchart of procedure for extradition requests for subjects of extradition returning into Australia is complementary to the Attorney-General's [Flowchart – Procedure for Outgoing Extradition Requests](#) and following the foreign country agreeing to surrender the subject of extradition. This flow chart clarify the process around the logistics of transporting the subject of extradition back to Australia. Extradition processes are governed by domestic legislation and international treaties.

Extradition: processes

1. **Details of extradition:** AGD informs the Department of Infrastructure, Transport, Regional Development and Communications (**DITRDC**) of proposed acceptance of extradition into Australia.
 - AGD should provide the following details: name, identity and number of persons travelling, port of entry, airline carrier, dates of departure and arrival.

2. **Engagement with state and territory:**
 - DITRDC contacts the relevant state or territory government to seek approval for the subject and escorting law enforcement agents (**Passengers**) to be exempt from the international passenger arrival caps, to ensure the Passengers will not reduce the availability of hotel quarantine places.

 - (a) If approved** by the state or territory government:
 - DITRDC to confirm with AGD that the Passengers are exempt from the international passenger arrival caps.
 - AGD to advise the airline carrying the Passengers to request the airline contact the appropriate delegate from DITRDC to request an exemption from the caps. Only airlines can request exemption from caps and delegates from DITRDC have the authority to approve travel outside the allocated caps. [refer to Step 3]

 - (b) If not approved** by the state or territory government:
 - PMC, AGD, DFAT, DITRDC to discuss potential over allocation of a state or territory's daily/weekly cap, taking into account: urgency of extradition, number of Passengers, potential to enter through another port of entry, alternative dates of travel.
 - Once an alternative has been agreed upon, step 2 is repeated.

3. **Decision:** DITRDC approves/ denies the airline's request for exemption of the caps and provides justification for its decision.

4. **Escort:** law enforcement agents escorts the subject back to Australia.

Caps on international passenger arrivals: current as of 3 May 2021

Port	General arrivals capacity	Capacity for vulnerable Australians
ADL	530 per week	-
BNE	1000 per week	300 per week
CNS	0 per week	-
MEL	880 per week	120 per week
PER	512 per week	-
SYD	430 per day	-

General form of provisional notice of condition

Dear [xx]

I refer to the Department's correspondence of Friday 13 November seeking confirmation of final operating schedules and inviting submissions for timetable variations for 1 January to 31 January 2021 to [the airline] approved timetable for the [Northern Winter 2020-21] period (the timetable).

I am now writing to provide an update on the proposed number of passengers to be allowed on flights operated to Australian airports between [period].

As a delegate of the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications for the purposes of s31 of the *Air Navigation Regulation 2016* (the ANR), I propose to vary the timetable to impose a further condition to the effect that:

- the number of passengers carried into Brisbane, Perth, Sydney, Melbourne and Adelaide on any scheduled international air service conducted by [airline] between 12:01am Friday 1 January 2021 and 11:59pm Sunday 31 January 2021 must not exceed the limits outlined in the attached proposed revised timetable, except where the Secretary or delegate has approved a higher limit.

This decision is proposed to take effect from 12:01am Friday 1 January 2021.

Please note that the following categories of passengers are not included in the limits for Brisbane, Perth, Sydney, Melbourne and Adelaide:

- air crew (including off-shift crew who are travelling as passengers on an aircraft to subsequently operate another international service or reposition at another location);
- infants (less than two years old) - with the exception of flights to Adelaide;
- unaccompanied minors (less than 18 years old) – with the exception of flights to Adelaide;
- foreign diplomats and their dependants;
- persons transiting Australia to a third country, provided those passengers have the necessary transit exemptions and remain airside for the duration of their transit (which must be less than 8 hours);
- Australian Government officials and dependants exempt from mandatory quarantine at a government-operated facility – with the exception of flights to Adelaide. Please contact the Department if you are intending to carry such passengers on a flight to validate that the passengers meet the exemption category.

Reasons

Under s31(1)(f) of the ANR, the Secretary (or delegate) may vary an approved timetable if it is in the public interest to do so.

In proposing to vary the timetable I took into account the following:

- The World Health Organisation (WHO) has declared a public health emergency of international concern in relation to COVID-19, and Australia is able and required to implement health measures in response under Article 43 of the *International Health Regulations (IHR)* and Article 14 of the *Convention on International Civil Aviation (Chicago Convention)* respectively.

- A significant source of COVID-19 occurrence in Australia is international arrivals. Accordingly, based on expert public health advice, strict quarantine measures are in force for all arrivals into Australia for the purpose of reducing and preventing the spread of COVID-19 into and within the Australian community as a consequence of air navigation into Australia.
- The provision, enforcement, support and administration of quarantine measures in relation to international arrivals requires significant public resources in respect of each international flight that comes into Australia.
- Officials in all States and Territories of Australia have advised that, without the proposed condition, the expected numbers of passengers arriving into the specified Australian airports would place unsustainable strain on the quarantine measures and accommodation resources that are in place for international arrivals, and would compromise the capacity of policing, health and other resources to deal with any COVID-19 pandemic outbreak in Australia.
- At the same time, some policing and health resources have needed to be redeployed to support measures (particularly testing and tracing) to address COVID-19 cases in some jurisdictions.
- In light of, and to address, these matters, State and Territory Governments have asked the Commonwealth Government to cap passenger arrivals via air navigation at the levels for the periods specified in the proposed condition, based on the number of incoming passenger arrivals they can effectively manage under their quarantine systems.
- Any restrictions need to apply in respect of all international passengers coming into Australia from overseas via air navigation, including on scheduled international air services and non-scheduled flights (eg urgent, unexpected or one-off flights).
- Any restrictions need to be applied in an equitable manner, taking into account the total available quarantine capacity at relevant airports on any given day and other relevant factors including an airline's frequency of operations over the period, and ensuring there is a small reserve of capacity to allow for a limited number of urgent, unexpected, one-off or special flights.
- The need to maximise the utilisation of daily available quarantine capacity and ensure any restrictions are not more restrictive of international traffic and not more invasive or intrusive to persons than reasonably available equivalent alternatives.

Taking these factors into account, my preliminary view is that it is in the public interest that the rate of international arrivals into Australia should be managed between 12:01am Friday 1 January 2021 and 11:59pm Sunday 31 January 2021 as set out in the proposed condition, as an essential and urgently required measure to assist in the minimisation of the occurrence of, and the prevention of the spread of, COVID-19 in the Australian community.

If you wish me to consider any submission before I make my decision, please provide this as soon as possible but no later than **10:00pm Monday 21 December 2020 (AEDT)**.

Passenger limits

The passenger limits outlined in the attached condition on the timetable are a conservative figure based on the current schedules provided to us by airlines. It is possible that these limits will increase as airlines revise their schedules, unutilised capacity is handed back and jurisdictions look to increase available quarantine capacity.

Compassionate and vulnerable passengers

In utilising any increases in passenger limits, I ask that you continue to seek to accommodate the carriage of those passengers facing particularly challenging circumstances on compassionate or medical grounds wherever possible.

Capacity utilisation and 'hand back'

I appreciate that, for some airlines, it may be difficult to fully utilise capacity on a given flight. If you do not require some of your allocated capacity, please 'hand back' the capacity as soon as possible by advising us of any unused capacity on a given flight.

Any surplus capacity returned in this way would be redistributed to other interested airlines operating on that week. An airline that handed back capacity in this way would receive priority for a request to access future surplus capacity (noting that the availability of such capacity on any given date may be limited).

Airlines should also continue to provide utilisation reports every Tuesday.

Regards,

[Airline] Timetable for [period] (inclusive)

Port	<u>Arrival date</u>	<u>Maximum inbound passengers</u>
ADELAIDE	1/01/2021	81
ADELAIDE	4/01/2021	82
ADELAIDE	5/01/2021	82
ADELAIDE	6/01/2021	0
BRISBANE	1/01/2021	47
BRISBANE	2/01/2021	47
BRISBANE	4/01/2021	40
MELBOURNE	1/01/2021	0
MELBOURNE	2/01/2021	25
MELBOURNE	31/01/2021	25
PERTH	30/01/2021	85
PERTH	31/01/2021	85
SYDNEY	1/01/2021	33
SYDNEY	2/01/2021	50

Notes:

- For days in which multiple services arrive into the same port, the allocation indicated is the total daily allocation, which may be distributed across multiple services arriving into this port on this day.
- For services to **Brisbane and Perth** airlines are able to increase their passenger limits on a particular day by **up to 10 seats**, provided that such an increase is matched by a reduction on other days to the same port during the same week (Sunday-Saturday).

General form of notice of condition

Dear [airline]

I refer to my correspondence of [date] informing you of the proposed variation to [airline's] approved timetable for the [Northern Winter 2020-21] period (the timetable), and inviting any submission you may wish to make in respect of the proposed variation.

As a delegate of the Secretary of the Department of Infrastructure, Transport, Regional Development and Communications for the purposes of s 31 of the *Air Navigation Regulation 2016* (the ANR), on 23 December 2020, I made a decision to vary the timetable to impose a further condition.

The further condition is that:

- the number of passengers carried into Brisbane, Perth, Sydney, Melbourne and Adelaide on any scheduled international air service conducted by [airline] between 12:01am Friday 1 January 2021 and 11:59pm Sunday 31 January 2021 must not exceed the limits outlined in the attached revised timetable, except where the Secretary or delegate has approved a higher limit.

This variation will take effect from 12:01am Friday 1 January 2021.

Please note that the following categories of passengers are not included in the limits for Brisbane, Perth, Sydney, Melbourne and Adelaide:

- air crew (including off-shift crew who are travelling as passengers on an aircraft to subsequently operate another international service or reposition at another location);
- infants (less than two years old) - with the exception of flights to Adelaide;
- unaccompanied minors (less than 18 years old) – with the exception of flights to Adelaide;
- foreign diplomats and their dependants;
- persons transiting Australia to a third country, provided those passengers have the necessary transit exemptions and remain airside for the duration of their transit (which must be less than 8 hours);
- Australian Government officials and dependants exempt from mandatory quarantine at a government-operated facility – with the exception of flights to Adelaide. Please contact the Department if you are intending to carry such passengers on a flight to validate that the passengers meet the exemption category.

Reasons

Under s 31(1)(f) of the ANR, the Secretary (or delegate) may vary an approved timetable if it is in the public interest to do so.

In making decision to vary the timetable I took into account the following:

- The World Health Organisation (WHO) has declared a public health emergency of international concern in relation to COVID-19, and Australia is able and required to implement health measures in response under Article 43 of the *International Health Regulations* (IHR) and Article 14 of the *Convention on International Civil Aviation* (Chicago Convention) respectively.

- A significant source of COVID-19 occurrence in Australia is international arrivals. Accordingly, based on expert public health advice, strict quarantine measures are in force for all arrivals into Australia for the purpose of reducing and preventing the spread of COVID-19 into and within the Australian community as a consequence of air navigation into Australia.
- The provision, enforcement, support and administration of quarantine measures in relation to international arrivals requires significant public resources in respect of each international flight that comes into Australia.
- Officials in all States and Territories of Australia have advised that, without the proposed condition, the expected numbers of passengers arriving into the specified Australian airports would place unsustainable strain on the quarantine measures and accommodation resources that are in place for international arrivals, and would compromise the capacity of policing, health and other resources to deal with any COVID-19 pandemic outbreak in Australia.
- At the same time, some policing and health resources have needed to be redeployed to support measures (particularly testing and tracing) to address COVID-19 cases in some jurisdictions.
- In light of, and to address, these matters, State and Territory Governments have asked the Commonwealth Government to cap passenger arrivals via air navigation at the levels for the periods specified in the proposed condition, based on the number of incoming passenger arrivals they can effectively manage under their quarantine systems.
- Any restrictions need to apply in respect of all international passengers coming into Australia from overseas via air navigation, including on scheduled international air services and non-scheduled flights (eg urgent, unexpected or one-off flights).
- Any restrictions need to be applied in an equitable manner, taking into account the total available quarantine capacity at relevant airports on any given day and other relevant factors including an airline's frequency of operations over the period, and ensuring there is a small reserve of capacity to allow for a limited number of urgent, unexpected, one-off or special flights.
- The need to maximise the utilisation of daily available quarantine capacity and ensure any restrictions are not more restrictive of international traffic and not more invasive or intrusive to persons than reasonably available equivalent alternatives.

Taking these factors into account, I decided that it is in the public interest that the rate of international arrivals into Australia should be managed between 12:01am Friday 1 January 2021 and 11:59pm Sunday 31 January 2021, as an essential and urgently required measure to assist in the minimisation of the occurrence of, and the prevention of the spread of, COVID-19 in the Australian community.

My decision takes effect from 12:01am Friday 1 January 2021 (Australian Eastern Standard Time).

Passenger limits

The passenger limits outlined in the attached condition on the timetable are a conservative figure based on the current schedules provided to us by airlines. It is possible that these limits will increase as airlines revise their schedules, unutilised capacity is handed back and jurisdictions look to increase available quarantine capacity.

Compassionate and vulnerable passengers

In utilising any increases in passenger limits, I ask that you continue to seek to accommodate the carriage of those passengers facing particularly challenging circumstances on compassionate or medical grounds wherever possible.

Capacity utilisation and 'hand back'

I appreciate that, for some airlines, it may be difficult to fully utilise capacity on a given flight. If you do not require some of your allocated capacity, please 'hand back' the capacity as soon as possible by advising us of any unused capacity on a given flight.

Any surplus capacity returned in this way would be redistributed to other interested airlines operating on that week. An airline that handed back capacity in this way would receive priority for a request to access future surplus capacity (noting that the availability of such capacity on any given date may be limited).

Airlines should also continue to provide utilisation reports every Tuesday.

Review of decision

You may make an application to the Administrative Appeals Tribunal for review of this decision.

Regards,

[include attachment with final passenger allocations]

Example of advice to airline of capacity re-allocation

Dear [airline contact]

Due to scheduling changes by another airline, I am pleased to be able to provide [the airline] with additional capacity for some services arriving into Brisbane, Sydney and Melbourne. Accordingly, I have approved, under the Air Navigation Regulation 2016, the following capacity increases:

Arrival Port	Arrival Date	Total inbound passengers
BNE	21/1/21	30 (increase of 30)
BNE	28/1/21	35 (increase of 35)
SYD	23/1/21	35 (increase of 5)
SYD	25/1/21	45 (increase of 20)
MEL	21/1/21	31 (increase of 15)
MEL	26/1/21	62 (increase of 45)

I trust that this additional capacity will be of assistance, particularly to accommodate vulnerable Australians and in light of recent capacity reductions.

Regards

Example of advice to airlines advising of allocations for the carriage of vulnerable Australians

Dear [airline contact]

With the assistance of the Queensland State Government, we are able to temporarily increase international arrivals into Brisbane to accommodate the return of vulnerable Australians.

As a result of these arrangements, under the *Air Navigation Regulation 2016*, we are pleased to approve **the following increase in the [name of airline] caps on international passenger arrivals to accommodate the return of vulnerable Australians.**

<u>Arrival Port</u>	<u>Arrival Date</u>	<u>Total inbound passengers</u>
BNE	4/1/21	100 (increase of 60)

We note that [the airline] has a number of services scheduled to arrive into Brisbane in the week of 3 to 9 January 2021 – you are welcome to split distribute additional passenger capacity dedicated to vulnerable Australians between scheduled services into Brisbane in this period (inclusive) as you see fit.

We ask that you work with the Australian Department of Foreign Affairs (DFAT) to identify vulnerable passengers who are being facilitated by the Australian Government to travel under these arrangements.

We appreciate your cooperation in giving effect to these arrangements.

Please do not hesitate to contact me if there are any questions.

Regards,

Example of email to delegate for compassionate/medical requests

[For each request, indicate what would be updated daily/weekly limits and provide email address to reply]

this will bring us to 2966 pax allocated for the week 6-12 December

Dear [airline contact]

I have approved, under the *Air Navigation Regulation 2016*, an increase in [the airline] passenger limit for the flight arriving in **Brisbane** on **25 September** in order to accommodate the below request:

<u>Arrival Port</u>	<u>Arrival Date</u>	Total Inbound Passengers (Maximum)
BNE	25/09/2020	26 (increase of 1)

Approval for a later date:

Dear [airline contact]

Based on the available quarantine capacity in Queensland, the earliest we can accommodate this request is 20 September. I have therefore approved, under the *Air Navigation Regulation 2016*, an increase in [the airline] passenger limit for the flight arriving in Brisbane on 20 September:

<u>Arrival Port</u>	<u>Arrival Date</u>	Total Inbound Passengers (Maximum)
BNE	20/09/2020	34 (increase of 1)

Approval for some passengers/flights within request:

Hi [airline contact]

Based on the available quarantine capacity in Sydney, I have approved under the *Air Navigation Regulation 2016* for additional passengers to be carried on [name of airline] flights arriving in Sydney on 19 & 23 September to accommodate some of the below compassionate requests as follows:

<u>Arrival port</u>	<u>Arrival date</u>	Total inbound passengers (maximum)
SYD	19/09/2020	43 (increase of 1)

SYD	23/09/2020	38 (increase of 6)
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We will continue to consider other requests and offer additional capacity where possible.

Approval for some flights within request:

Hi [airline contact]

I have approved, under the *Air Navigation Regulation 2016*, an increase in [name of airline] passenger limit for the flight arriving in Sydney on 23 September:

<u>Arrival</u> port	<u>Arrival</u> date	Total inbound passengers (maximum)
SYD	23/09/2020	38 (increase by 6)

Your requests regarding flights arriving 2/10 and 14/10 remain under consideration, and I will provide a response as soon as possible