

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 21 January 2021 4:20 PM
To: s47F; Aeropolitical Relief
Cc: Wolfe, Jim; s22(1)(a)(ii) International Aviation; s22(1)(a)(ii)
Subject: Qatar Airways Northern Winter 2020-21 timetable variation – notice of condition 1 Feb – 14 Feb [SEC=OFFICIAL]
Attachments: Qatar Airways - 1 Feb - 14 Feb.docx

OFFICIAL

Dear s47F

I refer to Qatar Airways' 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 1 February and 14 February 2021.

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), 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 a scheduled international air service conducted by Qatar Airways arriving between 12:01am Monday 1 February 2021 and 11:59pm Sunday 14 February 2021 (local time at the port of arrival) must not exceed the limits outlined in the attached proposed revised timetable, except where the Secretary or delegate has approved a higher limit.

This variation is proposed to take effect from 12:01am Monday 1 February 2021 (AEDT).

For the purposes of the proposed condition, the following persons will not count towards the passenger limits:

- air crew (including off-shift crew who are travelling as passengers on an aircraft to subsequently operate another international service);
- 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.

Should the condition be made, please contact the Department if you are intending to carry passengers falling into the last dot point on a flight, to validate that the passengers meet the exemption category.

Reasons for condition

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 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 in Australia.
- There has been a significant increase in the number of COVID-19 cases being identified globally and within quarantine facilities in Australia.
- The two known variant strains of COVID-19 with higher transmissibility have now been identified in a number of countries around the world. These variant strains carry a higher risk of leading to a severe community outbreak.
- 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.
- The Australian Government's Chief Medical Officer has advised it is necessary to manage the number of COVID-19 cases entering Australia by air navigation and in hotel quarantine, including cases of the new variants, to reduce the risk of COVID-19 seeding and causing outbreaks in the Australian community.
- Further, relevant officials in Victoria and South Australia have advised that, without the proposed conditions, the expected numbers of passengers arriving into Melbourne and Adelaide 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 those States.
- 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 safely and 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 (e.g. 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 Monday 1 February 2021 and 11:59pm Sunday 14 February 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 Wednesday 27 January 2021 (AEDT)**.

Flexibility into Brisbane and Perth

For services to **Brisbane and Perth** airlines may be able to flexibly utilise their capacity across a week by increasing their passenger limits on a particular day, provided that such an increase is matched by a reduction on other days to the same port during the same week (Monday-Sunday). If you would like to explore this possibility, please provide a proposal to the Department.

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.

Please send your requests and reports to [redacted] [@infrastructure.gov.au](mailto:[redacted]@infrastructure.gov.au)

Kind regards,

s22(1)(a)(ii) [redacted]

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Qatar Airways Timetable for 1 – 14 February 2021 (inclusive)

<u>Arrival port</u>	<u>Arrival date</u>	<u>Maximum total inbound passengers</u>
ADL	3/02/2021	70
ADL	5/02/2021	70
ADL	7/02/2021	70
ADL	10/02/2021	82
ADL	12/02/2021	81
ADL	14/02/2021	82
BNE	1/02/2021	25
BNE	2/02/2021	*
BNE	3/02/2021	25
BNE	4/02/2021	*
BNE	5/02/2021	25
BNE	6/02/2021	*
BNE	8/02/2021	25
BNE	9/02/2021	*
BNE	10/02/2021	25
BNE	11/02/2021	*
BNE	12/02/2021	25
BNE	13/02/2021	*
MEL	1/02/2021	25
MEL	2/02/2021	30
MEL	3/02/2021	0
MEL	4/02/2021	25
MEL	5/02/2021	0
MEL	6/02/2021	25
MEL	7/02/2021	30
MEL	8/02/2021	25
MEL	9/02/2021	25
MEL	10/02/2021	0
MEL	11/02/2021	25
MEL	12/02/2021	0
MEL	13/02/2021	25
MEL	14/02/2021	25
PER	2/02/2021	32
PER	4/02/2021	32
PER	6/02/2021	32
PER	7/02/2021	32
PER	9/02/2021	32
PER	11/02/2021	32

PER	13/02/2021	32
PER	14/02/2021	32
SYD	1/02/2021	0
SYD	2/02/2021	25
SYD	3/02/2021	25
SYD	4/02/2021	25
SYD	5/02/2021	25
SYD	6/02/2021	25
SYD	7/02/2021	0
SYD	8/02/2021	0
SYD	9/02/2021	25
SYD	10/02/2021	25
SYD	11/02/2021	25
SYD	12/02/2021	25
SYD	13/02/2021	25
SYD	14/02/2021	0

* For fifth freedom services between Auckland and Brisbane, these services are transit only and no passengers may be discharged in Brisbane.

Notes:

- For services to **Brisbane and Perth** airlines may be able to flexibly utilise their capacity across a week by increasing their passenger limits on a particular day, provided that such an increase is matched by a reduction on other days to the same port during the same week (Monday-Sunday). If you would like to explore this possibility, please provide a proposal to the Department.

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 28 January 2021 4:42 PM
To: s47F Aeropolitical Relief
Cc: Wolfe, Jim; s22(1)(a)(ii) International Aviation; s22(1)(a)(ii)
Subject: Qatar Airways Northern Winter 2020-21 timetable variation – notice of condition 1 Feb – 14 Feb [SEC=OFFICIAL]
Attachments: Qatar Airways - 1 Feb - 14 Feb Final.docx

OFFICIAL

Dear s47F

I refer to my email of Thursday 21 January 2021 informing you of the proposed variation to Qatar Airways' 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 28 January 2021, I made a decision to vary the timetable to impose a further condition to the effect that:

- the number of passengers carried into Brisbane, Perth, Sydney, Melbourne or Adelaide on any scheduled international air service conducted by Qatar Airways arriving between 12:01am Monday 1 February 2021 and 11:59pm Sunday 14 February 2021 (local time at the port of arrival) must not exceed the number specified in the attached revised timetable, except where the Secretary or delegate has approved a higher limit.

This variation takes effect from 12:01am Monday 1 February 2021 (AEDT).

For the purposes of the condition, the following persons will not count towards the passenger limits:

- air crew (including off-shift crew who are travelling as passengers on an aircraft to subsequently operate another international service);
- 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.

Please contact the Department if you are intending to carry passengers falling into the last dot point on a flight, to validate that the passengers meet the exemption category.

Reasons for condition

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 deciding 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 in Australia.
- There has been a significant increase in the number of COVID-19 cases being identified globally and within quarantine facilities in Australia.
- The two known variant strains of COVID-19 with higher transmissibility have now been identified in a number of countries around the world. These variant strains carry a higher risk of leading to a severe community outbreak.
- 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.
- The Australian Government's Chief Medical Officer has advised it is necessary to manage the number of COVID-19 cases entering Australia by air navigation and in hotel quarantine, including cases of the new variants, to reduce the risk of COVID-19 seeding and causing outbreaks in the Australian community.
- Further, relevant officials in Victoria and South Australia have advised that, without the proposed conditions, the expected numbers of passengers arriving into Melbourne and Adelaide 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 those States.
- 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 safely and 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 (e.g. 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 Monday 1 February 2021 and 11:59pm Sunday 14 February 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 Monday 1 February 2021 (AEDT).

Qatar Airways' submission regarding capacity allocation

I note, and have considered, Qatar Airways' submission regarding the proposed capacity allocation for services into Brisbane, Perth and Sydney, concerns regarding a capacity reduction compared to allocations from 15 January, and the request for weekly capacity management in all ports to assist in managing requirements around COVID-19 testing for passengers.

In determining capacity allocations for individual services, I have had regard to the overall available quarantine capacity in each jurisdiction in the applicable period, scheduled airline operations, and service frequency of all airlines operating in each jurisdiction. Regarding Qatar Airways' concerns of further capacity reductions compared

to the period 15 to 31 January, I note that this period was longer than the current allocation period (1 to 14 February) and that, over a two week period, Qatar Airways' capacity allocations (excluding additional capacity allocated which was dedicated to the carriage of vulnerable Australians) are comparable.

Regarding the request that additional capacity due to service cancellations by other carriers be assigned to Qatar Airways, I note that all carriers that were carrying inbound passengers to Australian ports prior to 15 January 2021, continue to service these ports. However, in the event that additional capacity becomes available due to service cancellations or capacity handbacks from other airlines, I will consider this request further at that time.

In terms of passenger testing, I wish first to thank Qatar Airways for their efforts in managing the transition to mandatory COVID-19 passenger testing for inbound travellers to Australia. I understand that testing requirements may mean that booked passengers may be unable to board due to insufficient documentation or the return of a positive COVID-19 test. Should this occur, please contact the Department regarding the consequences for cap use and allocations. I note that, for Brisbane, Perth, and Melbourne, cap redistribution within the relevant allocation week should, in most circumstances, be able to be accommodated. Due to cap and quarantine management arrangements in Sydney and Adelaide, however, any changes will need to be considered by the Department on a case by case basis.

Flexibility into Brisbane and Perth

For services to **Brisbane and Perth** airlines may be able to flexibly utilise their capacity across a week by increasing their passenger limits on a particular day, provided that such an increase is matched by a reduction on other days to the same port during the same week (Monday-Sunday). If you would like to explore this possibility, please provide a proposal to the Department.

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.

Please send your requests and reports to [REDACTED] [@infrastructure.gov.au](mailto:[REDACTED]@infrastructure.gov.au)

Kind regards,

s22(1)(a)

s22(1)(a)(ii)

Director
Repatriation and
International Review |
COVID International |
International, Technology
and Services
Department of
Infrastructure, Transport,
Regional Development and
Communications

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ACT 2601



The department proudly acknowledges the Traditional Owners and Custodians of Australia, and their continuing connections to the land, waters and communities. We pay our respects to them and to their Elders past, present and emerging.

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Released under the freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Qatar Airways Timetable for 1 – 14 February 2021 (inclusive)

<u>Arrival port</u>	<u>Arrival date</u>	<u>Maximum total inbound passengers</u>
ADL	3/02/2021	70
ADL	5/02/2021	70
ADL	7/02/2021	70
ADL	10/02/2021	82
ADL	12/02/2021	81
ADL	14/02/2021	82
BNE	1/02/2021	60^
BNE	2/02/2021	*
BNE	3/02/2021	25
BNE	4/02/2021	*
BNE	5/02/2021	25
BNE	6/02/2021	*
BNE	8/02/2021	70
BNE	9/02/2021	*
BNE	10/02/2021	25
BNE	11/02/2021	*
BNE	12/02/2021	25
BNE	13/02/2021	*
MEL	1/02/2021	75^^
MEL	2/02/2021	30
MEL	3/02/2021	0
MEL	4/02/2021	25
MEL	5/02/2021	0
MEL	6/02/2021	25
MEL	7/02/2021	30
MEL	8/02/2021	70^^
MEL	9/02/2021	25
MEL	10/02/2021	0
MEL	11/02/2021	25
MEL	12/02/2021	0
MEL	13/02/2021	25
MEL	14/02/2021	25
PER	2/02/2021	32
PER	4/02/2021	32
PER	6/02/2021	32
PER	7/02/2021	32
PER	9/02/2021	32
PER	11/02/2021	32

PER	13/02/2021	32
PER	14/02/2021	32
SYD	1/02/2021	0
SYD	2/02/2021	25
SYD	3/02/2021	25
SYD	4/02/2021	25
SYD	5/02/2021	25
SYD	6/02/2021	25
SYD	7/02/2021	0
SYD	8/02/2021	0
SYD	9/02/2021	25
SYD	10/02/2021	25
SYD	11/02/2021	25
SYD	12/02/2021	25
SYD	13/02/2021	25
SYD	14/02/2021	0

* For fifth freedom services between Auckland and Brisbane, these services are transit only and no passengers may be discharged in Brisbane.

^ Increase of caps by 35 (01/02/2021) and 45 (08/02/2021) dedicated to accommodate the return of vulnerable Australians. Qatar Airways is welcome to distribute between scheduled services into **Brisbane** in a given week (Mon-Sun) as appropriate.

^^ Increase of caps by 50 (01/02/2021) and 45 (08/02/2021) dedicated to accommodate the return of vulnerable Australians. Qatar Airways is welcome to distribute between scheduled services into **Melbourne** in a given week (Mon-Sun) as appropriate.

Notes:

- For services to **Brisbane and Perth** airlines may be able to flexibly utilise their capacity across a week by increasing their passenger limits on a particular day, provided that such an increase is matched by a reduction on other days to the same port during the same week (Monday-Sunday). If you would like to explore this possibility, please provide a proposal to the Department.