

The Treasury

Budget 2021 Information Release

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- [36] 9(2)(h) - to maintain legal professional privilege
- [37] 9(2)(i) - to enable the Crown to carry out commercial activities without disadvantage or prejudice
- [38] 9(2)(j) - to enable the Crown to negotiate without disadvantage or prejudice
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- [40] Not in scope
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Treasury Report: Budget 2021 Multilateral with Border Agency Ministers

Date:	11 December 2020	Report No:	T2020/3762
		File Number:	DH-39-3

Action sought

	Action sought	Deadline
Hon Grant Robertson Minister of Finance	Note the talking points for your Budget 2021 multilateral discussion with Ministers of Customs, Transport, Immigration and Biosecurity.	Prior to meeting at 4.15pm on 14 December 2020
Hon Dr Megan Woods Associate Minister of Finance		

Contact for telephone discussion (if required)

Name	Position	Telephone	1st Contact
Katie Neate	Analyst, Justice, Security and Government Services	[39]	N/A (mob) ✓
Colin Hall	Manager, Justice, Security and Government Services	[35]	

Minister's Office actions (if required)

Return the signed report to Treasury.

Note any feedback on the quality of the report

Enclosure: No

Treasury Report: Budget 2021 Multilateral with Border Agency Ministers

Executive Summary

You are meeting with the Ministers of Customs, Transport, Immigration and Biosecurity (collectively, Border Ministers) at 4.15pm on 14 December 2020 to discuss their potential border-related Budget 2021 initiatives.

The most significant financial challenge facing the border and transport sector is a large reduction in third-party revenue due to reduced passenger numbers, which has ongoing implications for New Zealand's border services and their associated funding.

There are three main considerations regarding the funding implications:

- how to address the funding shortfall caused by border restrictions
- how to adjust levels of service at the border to reduce cost, and
- when and how to transition back to market-based solutions for the cost recovery of services.

Border Ministers have indicated through their letters their intention to seek cost pressure funding through Budget 2021 to address the funding shortfalls. Due to uncertainty around volumes of international travel in the coming years, we consider that only the first year of funding should be considered at Budget 2021.

We consider that the new Border Executive Board should drive the development of a strategy that will address workforce considerations and the transition back to the cost recovery of services.

Talking points to support your discussion with the Border Ministers are set out at Annex One. We recommend that you:

- acknowledge that Border Agencies are experiencing funding shortfalls and that options need to be considered to manage this, including potential funding through Budget 2021
- emphasise the importance of a Border Strategy, and
- request that agencies need to provide sufficient evidence, analysis, and options to enable Ministers to consider and make informed trade-offs through the Budget process and individual Cabinet report-backs.

Likely border-related Budget 2021 cost pressures and initiatives supporting the implementation of manifesto commitments can be found in Annex Two.

The border-related funding received by each agency over the past two Budgets and CRRF funding rounds can be found in Annex Three.

Recommended Action

We recommend you **note** the talking points attached to this report prior to your Budget 2021 multilateral discussion with Border Ministers at 4.15pm on Monday 14 December.

Colin Hall
Manager, Justice, Security and Government Services

Hon Grant Robertson
Minister of Finance

Hon Dr Megan Woods
Associate Minister of Finance

Treasury Report: Budget 2021 Multilateral with Border Agency Ministers

Purpose of Report

1. This report provides you with initial advice about the funding needs of border and transport sector agencies in Budget 2021 to inform:
 - discussions during your multilateral meeting with the Ministers of Customs, Transport, Immigration and Biosecurity (Border Ministers) on Monday 14th December at 4:15pm, and
 - your letters of invitation to the Border Ministers to submit Budget 2021 initiatives.

Background and Context

2. Border Agencies are funded through a mix of Crown and third-party revenue from fees and levies. Reduced passenger and goods flows following the outbreak of COVID-19 significantly and suddenly reduced Border Agencies' third-party revenue. Table 1 below sets out the extent to which third party revenue contributed to each Agency's total revenue pre-COVID-19.

Table 1. Agency reliance on revenue from cost recovery at the border prior to COVID-19

Agency	2019/20 Revenue from Fees and Levies projected prior to COVID-19 (\$m)	Percentage of Total Revenue from Fees and Levies	Types of Fees
Customs	141	62%	Border Clearance Levy (BCL) (passengers) Goods clearance fees (goods)
Immigration New Zealand (MBIE)	281	69% of Immigration NZ ~30% of MBIE	Immigration fees and levy (visas, etc)
Biosecurity New Zealand (MPI)	128	87%	BCL (passengers) Biosecurity System Entry Levy (goods)
CAA	44	89%	International Passenger Levy Participation levies (aircraft) Operations safety levies (flights) Fees (personnel, aircraft registration)
AvSec	144	99%	International passenger security levy
Maritime NZ	42	60%	Maritime Levy (vessels and passengers) Oil Pollution Levy (vessels and oil cargo carried) Safety system fees (transport operator) Seafarer certification fees (applicants) Ship registration (vessels)
Total	780		

- Cabinet provided capital injections totalling \$560 million (including \$201 million in tagged contingency), to ensure Customs, MBIE and MPI could meet their financial obligations in the 2019/20 and 2020/21 years¹. A Cabinet decision on whether these capital injections should be repaid, through recovery from future fee payers, will be sought in early 2021.

Table 2. Capital injections and contingencies provided to meet shortfall in departments' third-party revenue

Agency	Capital Injections (\$m)		Contingency (\$m)
	2019/20	2020/21	2020/21
Customs	30	42	42
MBIE	100	87	119
Biosecurity NZ (MPI)	60	40	40
Total	190	169	201

- Cabinet also provided the Transport Crown entities, Civil Aviation Authority (CAA), including Aviation Security Service (AvSec) and Maritime New Zealand, with non-repayable operating funding up until 30 June 2021 to meet shortfalls in cash flow and maintain entity solvency [CAB-20-MIN-0148 refers].

Table 3. Operating injections provided to meet shortfall in Crown Entities' third-party revenue

Crown Entity	Operating funding (\$m)	
	2019/20	2020/21
CAA	7	37
AvSec	22	131
Maritime New Zealand	6	34
Total	35	201

- Border Ministers were expected to report back to the Cabinet Business Committee on 16 December 2020 regarding financial sustainability and cost recovery [DEV-20-MIN-0147 refers]. These papers are now expected early 2021 and will seek agreement to principles to inform Budget 2021 initiatives for further funding to offset lost third-party revenue and will invite the Border Ministers to report back individually to Cabinet seeking decisions in the first half of 2020.

The Importance of a Border Strategy

- There is a need for a clear and coordinated strategy for addressing the challenges at the border common to the Border Agencies.
- Border Agencies have been working together for several months on common funding issues. A significant step towards increased inter-agency coordination is the founding of the Border Executive Board (BEB), an Interdepartmental Executive Board for the border.

¹ CAB-20-MIN-0148, CAB-20-MIN-0219.02, CAB-20-MIN-0328.03 and CAB-20-MIN-0328.07 refer.

8. While Border Agencies have worked well in developing a shared set of scenarios for understanding future conditions at the border, there is no shared strategy for addressing challenges common to these agencies. Two key areas the strategy should cover are workforce considerations and the return to full cost recovery.
9. The BEB was established with accountability for developing this border sector strategy. We expect it to progress and coordinate this work. This includes recognition of related report-backs and reviews, such as the International Air Freight Capacity scheme and the Aviation Strategy, acknowledged in the response letter to you from the Minister of Transport.
10. [33]

Key Funding Issues

11. Border restrictions and changes to international travel and goods flows have ongoing implications for New Zealand's border services and their associated funding.
12. Based on Border Agency forecasts, there will be a significant gap between expenditure and revenue. Border Ministers have indicated to you their intention to seek funding to cover shortfalls in revenue from the 2021/22 financial year and onwards through the Budget 2021 process. More detail on these requests is provided below.
13. [33]

Expected Budget 2021 initiatives to address funding shortfall

14. The gap between reduced revenue and expenses remains large. Drivers for this this vary across the Agencies, but include:
 - a high level of fixed costs
 - retention of near-full capability to ensure agencies can respond swiftly to a sharp uplift in activity at the border (for example, in support of Safe Travel Zones or in the event of a successful vaccine), and
 - an inverse relationship between revenue and level of activity, whereby regulatory activity has increased despite the reduction in revenue.
15. The projected gap, and therefore also the expected amount of funding to be sought by Border Ministers through Budget 2021, is set out at Table 4 below.

Table 4. Projected funding gap over the next three financial years

	Projected Funding Gap (\$m)			
	2021/22	2022/23	2023/24	Three-year total
Customs (BCL) ²	75	63	46	183
Biosecurity New Zealand (MPI)	65	48	35	148
Immigration New Zealand	170-200	<i>tbc</i> ³	<i>tbc</i>	170+
CAA	21	18	17	56
AvSec	107	97	92	297
Maritime NZ	12	7	5	244
Total	430- 480	233+	195+	858+

16. Treasury considers requests for funding to meet this gap constitute a critical cost pressure and will recommend to you that the Border Ministers be invited to submit cost pressure initiatives for Budget 2021. Not funding these pressures would result in significant disruption to border services.
17. We recommend that in the multilateral you make your expectations for Budget 2021 initiatives explicit to Ministers and have provided talking points in Annex One to support this discussion. Key expectations include:
- detailed information is provided on how this funding will be targeted to address particular issues and the outcomes that will be achieved, including value for money
 - how existing Crown funding has been spent to date is also provided, including impacts, outcomes, and assessment of whether spending represents value for the Crown
 - scaling options alongside analysis of what impacts different levels of scaling would have on outcomes, such as service delivery, regulatory functions, policy intent, staffing levels, and ability to scale up as the borders begin to re-open
 - a pathway for moving away from Crown funding and returning to market-based funding solutions for cost recovery services, and
 - continued work to find savings and reduce costs.
18. Budget Ministers will also have choices whether to provide funding on a year-by-year basis, or to provide funding for multiple years through Budget 2021. Given the large amount of uncertainty in the revenue projections, our view is that it may be appropriate to only consider funding for the 2021/22 financial year through Budget 2021.

² Customs goods activities are not currently indicating a deficit; expected revenue exceeds planned expenditure.

³ INZ is undertaking a future funding review which will include outyear forecasts.

⁴ Note that the projected funding shortfall for Maritime NZ can be managed through underspends from the existing operating injection, so no new funding will be sought through Budget 21. Agreement to roll forward these underspends to manage the projected funding shortfall will be sought through Budget 21.

19. Ministers could then revisit funding requirements on an annual basis through the Budget process, taking into consideration changes to border restrictions, developments in vaccine availability, and changes to the agencies' operating models. The uncertainty of funding may make it difficult for agencies to plan and more advice on this will be provided to you once Budget initiatives are submitted.
20. If you agree, we recommend setting this expectation with your colleagues to ensure the Border Agencies develop their Budget 2021 initiatives accordingly.
21. [33]

[37]

22. The Minister of Transport may also wish to discuss the potential Budget 2021 funding request for [33]

Adjusting Levels of Service at the Border to Reduce Expenditure

23. Border Agencies have made some effort to reduce expenditure; for example, redeployment to other COVID-19 government priority workstreams such as MIQ and the Maritime Border, improved use of technology to reduce costs, and more substantive changes such as INZ reducing some of the fixed costs associated with its offshore offices. Similarly, prior to COVID-19 Biosecurity NZ had a process underway to investigate 3D scanner technology which could reduce personnel costs over time, however, the process will likely take several months or even years to fully implement.
24. Ministers will need to consider service delivery models and cost recovery activities to reduce costs and/or increase third party revenue (such as changes to pricing/charging or cost structures) to reduce reliance on Crown funding in the medium-term. We expect decisions on cost recovery to be worked through in individual funding reviews in early 2021.
25. We recommend that agencies develop an overarching sector strategy and present Cabinet with options around levels of service delivery at the border, and options for what level of readiness agencies should maintain whilst demand for services remains low. An assessment of the costs, risks, and potential savings associated with a lower level of readiness should be made by agencies.

[33]

[37]

[33]

26. There are limits to how many staff can be meaningfully redeployed and for how long. Despite redeployments, agencies are also retaining numbers of contingency staff in case passenger volumes increase rapidly in the event that significant progress is made on Safe Travel Zones or an effective vaccine.
27. Treasury considers that agencies should continue to look for reprioritisation opportunities and to ensure that existing and future investment is high-value and supported by detailed policy development and clear cost benefit analysis. This should be incorporated into Budget 2021 initiatives. A fully evidenced case needs to be made to justify continued Crown intervention.
28. [33]

Returning to sustainable cost recovery

29. Ministers will present Cabinet with options for returning to sustainable cost recovery in early 2021, [33]
30. The path to sustainable cost recovery will depend on border re-opening scenarios, interaction with other sectors, and sensitivity analysis. It will be difficult to implement full cost recovery in the short term, and we expect that there will still be the need for Crown support into the medium term. Whilst the demand for international travel and trade remain suppressed, unless agencies' cost structures change, the shortfall between revenue and expenditure will continue.
31. The different timeframes agencies propose for this work reflect the differences in their service delivery and the way the border closure has and will continue to affect their revenue stream. For instance, INZ's revenue comes from visa applications rather than people and goods flows; as such, even increased people flow in the event of a Safe Travel Zone will have limited benefit to INZ's ability to return to cost recovery.
32. While the post-COVID-19 operating environment is still uncertain, it is likely that passenger and visa volumes will not return to pre-COVID levels for several years. In some instances, this will require agencies to change their service delivery model in order to effectively recover their costs.
33. [33]

Financial sustainability of CAA and Maritime NZ

34. [33]

- 35.

36. [33]

37.

Memorandum account deficits

38. Customs, MPI and MBIE use memorandum accounts to track the expenditure related to border activities against revenue collected from third parties. Generally, any deficits are recovered from future surpluses via the regular reviewing of fees, such that the account balances to zero.
39. As decreases in agency revenue have not necessarily been met by corresponding decreases in expenditure, deficits have continued to accumulate throughout 2020, due to lower numbers of fee payers, and fees being set below the cost of delivering services.

Table 5. Projected memorandum account balances at 30 June 2021

Memorandum accounts	Balance (\$m)
Customs - Border Clearance Levy (BCL)	-\$96
Biosecurity New Zealand (MPI)	-\$120
MBIE (INZ) - Visa and Electronic Travel Authority (ETA)	-\$273
Total	-\$466

40. To avoid making future levy-payers recover these unprecedented deficits, capital injections may be necessary to reduce these accumulated deficits. Existing approved capital injections to these agencies could be used for this purpose, were Cabinet to agree. This would mean the injections are not repayable to the Crown, with a corresponding impact on net core Crown debt.
41. Respective Border Ministers plan to bring specific proposals regarding the use of existing capital injections to reduce these accumulated deficits to Cabinet in early 2021.
42. It aligns with the principles of cost recovery to not make future levy payers recover the entirety of these deficits. However, given the scale of the potential debt impacts, there needs to be clear evidence of:
- the size of the deficits directly caused by the border closure
 - how pre-COVID deficits should be treated (i.e. whether those deficits should be recovered from future levy payers)
 - the ability of future users to pay, and
 - progress by and plans of agencies to transition to sustainable spending structures.

Annex One: Talking Points

General Budget 2021 talking points

- The approach to Budget 2021 will require greater discipline. Given the constrained fiscal environment, there will be a high bar for new spending and it is important that spending is prioritised effectively and focus is placed on achieving value for money.
- To maximise progress on the change we want to deliver, we need to shift focus and resources towards targeting the drivers of wellbeing that matter most to New Zealanders.
- New spending is not the only lever for achieving the Government's objectives. You should consider all the levers available to you before requesting new funding, including examining baseline expenditure, ensuring that your agencies are delivering on the significant investments we have already made, and progressing non-spending initiatives such as regulatory reforms.
- As agreed by Cabinet, the Priorities for Budget 2021 are:
 - continuing the COVID-19 response
 - delivering priority and time-sensitive manifesto commitments
 - supporting core public services through managing critical cost pressures and manifesto commitments, and
 - continuing to deliver on existing investments.
- In contrast to previous Budget processes, only Ministers who I have invited will be able to submit initiatives for consideration through Budget 2021. These initiatives will be limited to critical cost pressures and the highest priority manifesto commitments.
- In addition to the letter you recently sent me and Minister Woods, today is an opportunity for you to outline the cost pressures and manifesto commitments you expect to face in your respective portfolios over the next three years. We have three Budgets to meet our commitments, so I encourage you to make a strong case for why I should invite you to submit these for consideration through Budget 2021.

Border-specific talking points

- I understand that agencies are reporting back to Cabinet on agency financial viability and that funding requests for revenue shortfalls in the 2021/22 financial year (and outyears) will be sought through the Budget 2021 process.

Need for a coordinated border strategy

- I appreciate the work you have done to ensure join-up between agencies and want to see this continue. The new Border Executive Board is accountable for the border sector strategy and should be progressing and coordinating this work.
- [34]
- This work should be done in close cooperation with DPMC and MBIE as they develop an overarching COVID-19 strategy.

- [Minister of Transport]: I understand that you are intending on seeking \$400 million out-of-cycle to continue providing support for the aviation sector. Can you tell me how you are going about building a case for this?

Expectations for Budget 21 initiatives

- Should you be invited to submit Budget 2021 initiatives to address these cost pressures, my expectations are as follows:
 - detailed information will be provided on how this funding will be targeted to address particular issues and the outcomes that will be achieved, including value for money
 - detail on how existing Crown funding has been spent to date will also be provided, including impacts, outcomes, and assessment of whether spending represents value for the Crown
 - scaling options will be presented alongside analysis of what impacts different levels of scaling would have on outcomes, such as service delivery, regulatory functions, policy intent, staffing levels, and ability to scale up as the borders begin to re-open
 - a pathway will be presented for moving away from Crown funding and returning to market-based funding solutions for cost recovery services, and
 - continued work to find savings and reduce costs.
 - Funding is likely to be agreed for one year only. If you need more than one year of funding agreed, strong evidence and a compelling argument will be required as to why that is the case and what impact there would be if you are only granted one year of funding.
 - [33]
-
- [Minister of Transport]: I understand that you are seeking to [33]

[33]

[33]

Treatment of the memorandum account deficits

- It aligns with the principles of cost recovery to not make future levy payers recover the entirety of the memorandum account deficits. However, you should provide clear evidence and analysis before we make decisions on the treatment of these deficits. I expect this to be included in the report back next year.

Annex Two: Initiatives we understand may come up at Budget 2021.

Initiative	Cost pressure or manifesto?	Indicative costings \$m		Initial Comment
		Opex / 4 years	Capex / 10 years	
Customs				
Third-Party Revenue Shortfall 2021/22-2023/24	Cost pressure	[33]	-	Significant uncertainty around quantum of funding shortfall in outyears. Customs will report back in January with options for returning to sustainable cost recovery, though further right-sizing may be required. Two papers at CBC 16 December discuss these points.

[33]

[33]	Cost pressure	[33]		
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[33]

Biosecurity				
d Party Revenue Shortfall	Cost Pressure	50-60	-	[33]

[33]

Initiative	Cost pressure or manifesto?	Indicative costings \$m		Initial Comment
		Opex / 4 years	Capex / 10 years	
Investment in Biosecurity systems and technology at NZ Post	Cost pressure		10-20	
Kauri Dieback	Manifesto	32		
Mycoplasma bovis	Cost pressure	30-50		[33]
Meeting the demand for/impact of compensation costs across current biosecurity responses	Cost pressure			Not yet quantified. MPI has indicated they will initially seek to manage from baselines.
Immigration				
Third-party revenue shortfall	Cost pressure	170-200	-	
Transport				
[33]				
CAA, including AvSec, liquidity	Cost pressure	[33]	-	Represents two years of funding.
MNZ liquidity	Cost pressure		-	Represents two years of funding. No new funding will be sought. Seeking agreement to rollover underspends in existing MYA.
Capital for regulatory and aviation security infrastructure	Cost pressure	-	[33]	Seeks to replace already agreed Crown loans with capital injections, as revenue shortfalls mean that CAA is unable to draw down or service the loans.

Annex Three: Border-related initiatives funded through Budget 2019, Budget 2020 and the COVID-19 Response and Recovery Fund

Initiative	Funded through	\$m		Comment
		Opex / 4 years	Capex / 10 years	
Customs				
Capital Injection: Third-Party Revenue Shortfall 2020/21	CRRF	7	77	42m in contingency
Increase to Doubtful Debts Provision Due to COVID-19	CRRF	32	-	Non-cash appropriation
Capital Injection: Third-Party Revenue Shortfall 2019/20	CRRF	-	30	
COVID-19: Maritime Response	CRRF	50	1	10m in contingency
Enhancing Services to Combat Child Sexual Exploitation Across Our Cyber Border	Budget 2019	8	3	
Funding to Continue Protecting New Zealand from Imported Threats	Budget 2019	51	-	
Reprioritisation of Funding: Finding Savings Through the Cost Recovery Review	Budget 2019	(3)	-	
Biosecurity				
Capital Injection: Third-Party Revenue Shortfall 2020/21	CRRF	-	80	40m in contingency
Capital Injection: Third-Party Revenue Shortfall 2019/20	CRRF	60	-	
Increasing capability for Post Entry Quarantine services	Budget 2020	1	6	
Quansuite contingency	Budget 2019	-	7	In contingency
Immigration				
Resetting INZ's offshore footprint to reflect post-COVID-19 visa volumes	CRRF	25	-	In contingency (since drawn down)
Capital Injection: Third-Party Revenue Shortfall 2020/21	CRRF	206	-	119m in contingency

Initiative	Funded through	\$m		Comment
		Opex / 4 years	Capex / 10 years	
Capital Injection: Third-Party Revenue Shortfall 2019/20	CRRF	50	-	
Implementing the reforms to the Employer-Assisted Work Visa system	Budget 2020	40	33	Vote Labour Market opex funding only, total opex 47m
Addressing Non-Compliant Behaviour in the Immigration System	Budget 2019	31	2	
Maritime Mass Arrival Prevention: Enhancing New Zealand's Capability to Prevent People-Smuggling Ventures Departing for New Zealand	Budget 2019	27	1	
Transport				
Operating injection: Third party funding shortfalls for Civil Aviation Authority and Maritime New Zealand	CRRF	236		
Aviation Industry Relief Package	CRRF	570	-	
Joint Venture Airports – the Crown's Share of Capital Works Costs and Operating Losses as Specified Under the Deeds	Budget 2020	-	6.5	
Health and Safety at Work Activities – Maritime New Zealand	Budget 2020	20.9	-	
International Membership Charges to Support Safety in Maritime and Aviation	Budget 2020	0.6	-	
Civil Aviation Authority's Digital Regulatory Technology Platform Replacement	Budget 2020	-	12	Note that the Minister of Transport is seeking a capital injection through Budget 21 to replace this loan.
Maritime Non-Oil Incident Response: Enabling New Zealand to Effectively Respond to Non-Oil Pollution Incidents at Sea	Budget 2019	3	3	