



COVERSHEET

Minister	Hon Chris Hipkins	Portfolio	COVID-19 Response
Title of Cabinet paper	COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction	Date to be published	29 June 2021

List of documents that have been proactively released

Date	Title	Author
May 2021	COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction	Office of the Minister for COVID-19 Response
19 April 2021	CAB-21-MIN-0140 Additional Item: Proposal to retrospectively validate by legislation how Australian Nationals have been charged for MIQ	Cabinet Office
13 May 2021	LEG-21-MIN-0057 COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction	Cabinet Office

Information redacted

YES / NO (please select)

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Some information has been withheld for the reason of Free and frank opinions.



Cabinet

Minute of Decision

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Additional Item: Proposal to Retrospectively Validate by Legislation how Australian Nationals have been Charged for MIQ

Portfolio COVID-19 Response

On 19 April 2021, Cabinet:

- 1 **noted** that officials and Crown Law have identified a technical issue which may have resulted in some Australian temporary entry class visa holders (including critical workers and critical health workers) being charged an MIQ fee for which it could be argued there is no lawful authority to charge;
- 2 **noted** that because of New Zealand's special relationship with Australia, all Australian citizens are generally converted to a resident visa when they are granted entry to New Zealand, regardless of the visa or border exception they travelled to New Zealand on, and this has implications for their liability for MIQ fees.
- 3 **noted** that the Minister for COVID-19 Response considers that the way Australians have been charged is reflective of Cabinet's policy intent to recuperate some of the costs of MIQ from temporary entry class visa holders, including critical workers and critical health workers;
- 4 **noted** that the alternative is that MBIE identifies and refunds all incorrectly charged individuals, Free and frank opinions and would be inconsistent with Cabinet's policy intent;
- 5 **agreed** to retrospectively validate the collection of charges from Australian temporary entry class visa holders, including those who travelled to New Zealand on a border exception as either a critical health worker or other critical worker, prescribed and collected under the COVID-19 Public Health Response Act 2020;
- 6 **agreed** to amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 to clarify that MIQ charges should apply on the basis of the visa or border exception a person travels to New Zealand on, rather than the visa they are granted on entry (if that is different);
- 7 **invited** the Minister for COVID-19 Response to issue drafting instructions to the Parliamentary Counsel Office to give effect to the proposals in paragraphs 5 and 6;
- 8 **agreed** that the legislation be introduced and enacted on Budget night;

- 9 **authorised** the Minister for COVID-19 Response to make decisions on any minor or technical matters that may arise during the drafting process.

Michael Webster
Secretary of the Cabinet