



COVERSHEET

Minister	Hon Chris Hipkins	Portfolio	COVID-19 Response
Title of Cabinet paper	Amendments to the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020	Date to be published	21 April 2022

List of documents that have been proactively released		
Date	Title	Author
February 2022	Amendments to the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020	Office of the Minister for COVID-19 Response
10 February 2022	LEG-22-MIN-0001 Amendments to the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020	Cabinet Office

Information redacted **NO**

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Cabinet Legislation Committee

Minute of Decision

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Amendments to the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020

Portfolio COVID-19 Response

On 10 February 2022, the Cabinet Legislation Committee:

- 1 **noted** that on 15 September 2021, the Cabinet Business Committee (CBC):
 - 1.1 agreed to amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 so that New Zealand citizens and residents who left New Zealand before 11 August 2020 and who are visiting for more than 180 days are added to the list of groups who are exempt from Managed Isolation and Quarantine Charges (MIQ) charges, so that current fee liability settings are maintained when the liability starting point is reversed (so that people are liable for MIQ charges unless exempt) as part of the of the changes proposed in the COVID-19 Public Health Response Amendment Bill;
 - 1.2 noted that, in order to ensure that the current charges liability settings for foreign diplomats and their families are maintained after the exemption from MIQ fees for diplomats is removed from the COVID-19 Public Health Response Act 2020 as part of the COVID-19 Public Health Response Amendment Bill, the Regulations will need to be amended to include this exemption;
- [CBC-21-MIN-0104]
- 2 **noted** that the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 will give effect to the decisions referred to in paragraph 1 above;
- 3 **noted** that the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 address a minor issue with the drafting of an existing provision in the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020, which seeks to ensure that exemptions from MIQ fees for certain New Zealanders continue to apply in the context of quarantine-free travel;
- 4 **noted** that a waiver of the 28-day rule is sought:
 - 4.1 so that the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 and the COVID-19 Public Health Response Amendment Act 2021 Commencement Order 2022 can come into force as soon as possible;

- 4.2 on the grounds that as the border begins to open, we need to ensure that our fees settings apply (with appropriate exemptions) to everyone, including visa classes not envisaged when the regime was introduced in August 2020. The new liability starting point needs to be in place before the border reopening gains traction;
- 4.3 on the grounds that these are technical changes that will not alter who is currently liable to pay for MIQ or how much is charged;
- 5 **agreed** to waive the 28-day rule so that the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 and the COVID-19 Public Health Response Amendment Act 2021 Commencement Order 2022 come into force on 17 February 2022;
- 6 **noted** that sections 32B and 32C of the of the COVID-19 Public Health Response Act 2020 require that, before making regulations which set charges for MIQ, the responsible Minister must be satisfied of the following matters:
- 6.1 the charges concerned relate to managed isolation or quarantine facility (MIQF) costs (including direct and indirect costs); and
- 6.2 the prescribed charges recover from any class of persons no more than an estimate of the actual and reasonable MIQF costs incurred in relation to that class (including both direct and indirect costs); and
- 6.3 there is appropriate provision to grant relief from the payment of the prescribed charges in circumstances where payment of the charges would cause undue financial hardship; and
- 6.4 the prescribed charges do not limit or are justified limits on the rights and freedoms in the New Zealand Bill of Rights Act 1990.
- 7 **noted** the advice of the Minister for COVID-19 Response, that the requirements in paragraph 6 have been met;
- 8 **authorised** the submission to the Executive Council of the:
- 8.1 COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 [PCO 24377/5.0];
- 8.2 COVID-19 Public Health Response Amendment Act 2021 Commencement Order 2022 [PCO 24378/4.0].

Rebecca Davies
Committee Secretary

Present:
Hon Chris Hipkins (Chair)
Hon David Parker
Hon Kris Faafoi
Hon Jan Tinetti
Hon Dr David Clark
Kieran McAnulty, MP

Officials present from:
Officials Committee for LEG