



## BRIEFING

### Draft LEG paper: COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction

<b>Date:</b>	28 April 2021	<b>Priority:</b>	High
<b>Security classification:</b>		<b>Tracking number:</b>	2021-3376

Action sought		
	Action sought	Deadline
Hon Chris Hipkins <b>Minister for COVID-19 Response</b>	Provide feedback to MBIE on the attached draft LEG paper: <i>COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction</i>	30 April 2021
	Lodge the final Cabinet paper for consideration by Cabinet Legislation Committee (LEG) on 13 May 2021	6 May 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Kara Isaac	General Manager, MIQ Policy	Privacy of natural persons		✓
Privacy of natural persons	Policy Manager, System and Strategy, MIQ	Privacy of natural persons		
	Policy Advisor	Privacy of natural persons		

The following departments/agencies have been consulted
Immigration New Zealand, The Treasury, Ministry of Foreign Affairs and Trade (MFAT), Crown Law Office, Parliamentary Council Office.

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments



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### Purpose

This briefing provides you with the draft Cabinet Legislative Committee (LEG) paper: *COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction*. Following incorporation of your feedback, MBIE seeks your agreement to lodge the final LEG paper by 6 May 2021 for consideration by LEG on 13 May 2021.

### Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Note** that on 19 April 2021, Cabinet agreed to address a technical issue with the application of MIQ charges for some Australians by introducing Budget night legislation to retrospectively validate the charges and amending the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (the Regulations) to ensure they reflect Cabinet's policy intent going forward [CAB-21-MIN-0140 refers].
- Noted*
- b **Agree** to lodge the final Cabinet paper on 6 May 2021 for consideration by Cabinet Legislation Committee (LEG) on 13 May 2021.

(Agree / Disagree)

Kara Isaac  
General Manager, MIQ Policy  
MBIE

28 / 4 / 21

Hon Chris Hipkins  
Minister for COVID-19 Response

30 / 4 / 21

## Background

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1. On 19 April 2021, Cabinet agreed to address a technical issue with the application of MIQ fees for some Australians by introducing legislation to retrospectively validate the charges [CAB-21-MIN-0140 refers].
2. This issue may have resulted in some Australian temporary entry class visa holders (including critical works and critical health works) being charged an MIQ for which it could be argued there is no lawful authority to charge.
3. This matter would be inconsistent with Cabinet's intent that Australians who were ordinarily resident in New Zealand have the same liability as New Zealanders [i.e. fees for MIQ apply if they last departed New Zealand after the fees were introduced or returned for less than 90 days (180 days after 1 June 2021)].
4. All other Australians were therefore expected to be liable for fees under provisions in the Regulations related to temporary entry class visa holders, including critical workers and critical health workers. However, because of New Zealand's special relationship with Australia, all Australians are generally converted to a resident visa when they are granted entry to New Zealand. This is regardless of whether they entered on a temporary entry visa.
5. Cabinet agreed that legislation is introduced and enacted on Budget night.

## Draft Cabinet paper

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6. Attached is a draft paper for the Cabinet Legislative Committee (LEG): *COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction* (refer **Annex One**).
7. The draft LEG paper proposes that legislation is introduced to clarify that it was Cabinet's intent that Australians be charged in accordance with the visa or border exception they travel on, in the same way as other nationals, and validate how Australians have been charged to date. It also proposes to amend the Regulations to ensure that they reflect Cabinet's policy intent going forward. The paper recommends that this change is introduced as part of The Treasury's Budget night Legislative Package and that the Regulation is amended through a schedule to the Bill.

## Next steps

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8. To ensure that the Bill is introduced and enacted on Budget Night, the table below outlines the next steps:

Action	Date
Provide MBIE with feedback on draft LEG paper	30 April 2021
Circulate draft paper for Ministerial consultation	3 May 2021 – 4 May 2021
MBIE to provide you with final LEG paper	5 May 2021
Lodge paper for consideration by Cabinet Legislation Committee	6 May 2021
Cabinet Legislation Committee	13 May 2021

Cabinet	17 May 2021
Legislation introduced and passed	20 May 2021 (Budget night)
Gazette, Legislation and Regulation come into force	21 May 2021 (subject to Cabinet waiving 28 day rule)

## **Annexes**

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**Annex One:** *COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Bill: Approval for Introduction*

**Annex One: Draft LEG paper – COVID-19 Public Health Response  
(Validation of Australians) Amendment Bill: Approval for Introduction**