



BRIEFING

Proactive release of Cabinet material: COVID-19 Public Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021

Date:	27 April 2021	Priority:	Low
Security classification:	In Confidence	Tracking number:	2021-3286

Action sought		
Minister	Action sought	Deadline
Minister for COVID-19 Response	Agree to the release of the Cabinet paper Agree to the release of the supporting documents Agree to the proposed redactions	7 May 2021

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

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input checked="" type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
		<input type="checkbox"/> Other:			

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 Withdrawn |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:



BRIEFING

Proactive release of Cabinet paper:

Date:	27 April 2021	Priority:	Low
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Purpose

This briefing seeks your agreement to proactively release the Cabinet material related to decisions to increase the Managed Isolation and Quarantine (MIQ) charges for temporary entry class visa holders and to extend the minimum period of time that returning New Zealanders must be in the country to not be liable to pay MIQ charges.

Recommended action

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

- a **Agree** to the release of the proposed Cabinet material (attached)

Agree / Disagree

Kara Isaac
GM
MIQ Policy

27 / 4 / 21

Hon Chris Hipkins
Minister for COVID-19 Response

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Background

1. In February 2021, Cabinet agreed to increase the MIQ fee for temporary entry visa class holders so that they are liable for the MIQ fees of:
 - \$4,800 (GST exclusive) for the first or only person in the room;
 - \$2,600 (GST exclusive) for an additional adult in the same room; and
 - \$1,400 (GST exclusive) for an additional child (aged 3-17 years) in the same room.
2. In March 2021, Cabinet agreed to carve out in the Regulations air crew and maritime crew to not pay the higher MIQ fee and retain liability for the standard fee of \$2,696 + GST. These changes came into effect on 25 March 2021.
3. Cabinet had also agreed, in principle, to extend the minimum time that returning New Zealand citizens and permanent residents are required to remain in the country to be exempt from MIQ fees from 90 days to 180 days. You and the Attorney-General agreed to this change, after receiving advice from MBIE. This is noted in the paper you took to the Legislative Cabinet Committee (LEG) on 18 March 2021. That change is coming into effect on 1 June 2021.

Proactive release - proposals

4. MBIE has prepared the relevant Cabinet materials for proactive release. These are:
 - a) the Cabinet paper *Managed Isolation and Quarantine charges for temporary entry class visa holders and extension of charging for MIQ for returning New Zealanders*, and associated minute;
 - b) the LEG paper *COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021*, and associated minute; and
 - c) the Supplementary Analysis Report (the SAR).
5. We have reviewed the materials and propose redactions in accordance with the following provisions in the Official Information Act 1982.
 - a) Maintain the constitutional conventions for the time being which protect, the Confidentiality of communications by or with the Sovereign or her representative [section 9(2)(f)(i)]
 - b) Maintain the constitutional conventions for the time being which protect, collective and individual ministerial responsibility: [section 9(2)(f)(ii)]
 - c) Maintain the constitutional conventions for the time being which protect, the confidentiality of advice tendered by Ministers of the Crown and officials; [section 9(2)(f)(iv)]
 - d) Maintain Legal professional privilege [section 9(2)(h)]

Risks with releasing the material

6. All decisions have now been communicated publicly. However, the SAR contains information on the unintended consequences from developing the Regulations at pace. It also notes the data gaps that have limited ability to provide a fuller impact analysis of the proposed changes. This may generate media interest.
7. In its assessment, the Treasury Quality Assurance Panel provides that the analysis was limited due to a lack of data held on Managed Isolation and Quarantine Facilities to date and consultation due to time constraints and the sensitive nature of the proposals. It did not

consider the lack of consultation to be a significant detriment to the decision-making process (page 7).

8. The SAR also notes that we had not engaged with Māori on the proposed changes to the Regulations and this may give rise to issues or concerns that the Crown is not meeting its responsibilities under the Treaty of Waitangi (page 16).

Recommendation

9. MBIE recommends the proactive release of the Cabinet material (listed above) with redactions made as appropriate.
10. MBIE requires at least 3-5 working days to publish Cabinet material to mbie.govt.nz, following completion of a due diligence process and having obtained your approval to the material's proactive release. If you would like the material released on a specific date (for example, to coincide with an announcement) we will ensure to work to meet your timeframes.

Consultation

11. MBIE Communications have been notified of the proposed release of information.

Annexes

Annex 1: Cabinet paper: Managed Isolation and Quarantine charges for temporary entry class visa holders and extension of charging for MIQ for returning New Zealanders

Annex 2: Cabinet minute: Managed Isolation and Quarantine Charges for Temporary Entry Class Visa Holders [CAB-21-MIN-0016]

Annex 3: Supplementary Analysis Report: Amendments to the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020

Annex 4: Cabinet Legislative Committee paper: COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021

Annex 5: Cabinet minute: COVID-19 Public Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021 [LEG-21-MIN-0028]