



BRIEFING

For lodging: LEG paper to commence fees provisions in the COVID-19 Amendment Act

Date:	2 February 2022	Priority:	High
Security classification:		Tracking number:	2122-2554

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for the COVID-19 Response	Agree to lodge the attached draft LEG paper: <i>COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 and COVID-19 Public Health Response Amendment Act 2021 Commencement Order 2022</i> , for consideration by the Cabinet Legislation Committee on 10 February 2021 and Cabinet on 14 February 2021.	3 February 2022

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Privacy of natural persons	Policy Manager, MIQ	Privacy of natural persons	✓
	Principal Policy Advisor, MIQ		

The following departments/agencies have been consulted

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 Withdrawn |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

For lodging: LEG paper to commence fees provisions in the COVID-19 Amendment Act

Date:	2 February 2022	Priority:	High
Security classification:		Tracking number:	2122-2554

Purpose

This briefing provides the final Cabinet paper: *COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 and COVID-19 Public Health Response Amendment Act 2021 Commencement Order 2022* for lodging for consideration at LEG on 10 February 2022 and Cabinet on 14 February 2022.

Recommended action

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

- a **Note** that Ministerial consultation on the draft LEG paper, Amendment Regulations and Commencement Order did not result in any feedback or changes required to the paper.
Noted
- b **Note** that other than drafting refinements, the only change to the LEG paper addresses a minor issue PCO identified with the drafting of an existing provision in the Regulations which seeks to ensure that exemptions from MIQ fees for certain New Zealanders continue to apply in the context of quarantine-free travel.
Noted
- c **Agree** to lodge the final LEG paper for consideration at LEG on 10 February 2022 and Cabinet on 14 February 2022.
Agree / Disagree
- d **Agree** to proactively release this briefing with appropriate withholdings consistent with the Official Information Act 1982.
Agree / Disagree

Privacy of natural persons

Policy Manager
MIQ, MBIE

02 / 02 / 2022

Hon Chris Hipkins
Minister for COVID-19 Response

..... / /

Background

1. The COVID-19 Public Health Response Amendment Act (No 2) 2021 (the Amendment Act) includes one still to be enacted section relating to Managed Isolation and Quarantine (MIQ) charges (section 18), which does the following:
 - reverses the starting point for MIQ charges, meaning everyone who enters MIQ is liable to pay fees by default, unless they are exempt in the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (the Regulations);
 - shifts the MIQ fees exemptions for diplomats and their families from the Act into Regulations so all exemptions can be found in one place.
2. Pending Cabinet agreement, section 18 is due to come into force on 17 February 2022, by Order in Council, to align with the introduction of Amendment Regulations consistent with the above changes.
3. This briefing seeks your agreement to lodge the final LEG paper (**Annex One**) for consideration by LEG on 10 February 2022 and Cabinet on 14 February 2022.

Changes to the draft LEG paper post- Ministerial consultation

4. Your office has undertaken Ministerial consultation on the draft LEG paper and associated instruments. No feedback was received as part of this consultation process that required any changes to the Cabinet package.
5. Other than standard drafting refinements, the only change to the LEG paper from the version provided for Ministerial consultation addresses a minor issue the Parliamentary Counsel Office (PCO) identified with the drafting of an existing provision (reg 8(n)) in the Regulations. The regulation in question was introduced in March 2021 [CAB-21-MIN-0016 refers] and seeks to ensure that exemptions from MIQ fees for certain New Zealanders continue to apply in the context of quarantine-free travel (QFT). This relates to people who travel to QFT zones within 180 days of arriving in New Zealand
6. The Amendment Regulations contain a change additional to the version that was part of ministerial consultation. We are satisfied that this change makes it clear that the exemption agreed to by Cabinet applies to people who return to New Zealand after having last departed before 11 August 2020 (as per Cabinet's approval).
7. Although our website comms reflect the policy intent, as currently drafted, the Regulations could inadvertently exempt a broader range of travellers than intended.

Next steps

8. The table below summarises next steps:

Action	Date
Package lodged with Cabinet Office	3 February 2022
LEG meeting	10 February 2022
Cabinet & Executive Council	14 February 2022
Publication of Regulations, Commencement Order in New Zealand Gazette and Legislative Instruments series	17 February 2022
Commencement	17 February 2022

Annexes

Annex One: Final LEG paper: *COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 and COVID-19 Public Health Response Amendment Act 2021 Commencement Order 2022*

**Annex One: Final LEG paper: COVID-19 Public Health Response
(Managed Isolation and Quarantine Charges) Amendment Regulations
2022 and COVID-19 Public Health Response Amendment Act 2021
Commencement Order 2022**

Available on MBIE's document library @ [https://
www.mbie.govt.nz/dmsdocument/20019-
amendments-to-the-covid-19-public-health-
response-managed-isolation-and-quarantine-
charges-regulations-2020-february-2022-
proactiverelease-pdf](https://www.mbie.govt.nz/dmsdocument/20019-amendments-to-the-covid-19-public-health-response-managed-isolation-and-quarantine-charges-regulations-2020-february-2022-proactiverelease-pdf)