



COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 2) 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 9th day of August 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 33A of the COVID-19 Public Health Response Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for COVID-19 Response made after being satisfied that—
 - (i) the prescribed charges relate to managed isolation or quarantine facility (MIQF) costs; and
 - (ii) 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
 - (iii) 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
 - (iv) the prescribed charges do not limit or are justified limits on the rights and freedoms in the New Zealand Bill of Rights Act 1990.

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Regulations

1 Title

These regulations are the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 2) 2021.

2 Commencement

These regulations come into force on 10 August 2021.

3 Principal regulations

These regulations amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020.

4 New regulations 10A and 10B inserted

After regulation 10, insert:

10A Relevant Minister may waive charges when exemption from requirement to stay at MIQF is suspended

- (1) This regulation applies if—
 - (a) a class of persons is exempted by or under a COVID-19 order from a requirement to stay at an MIQF; and
 - (b) the exemption is removed by or under a COVID-19 order by any means that has the effect of reinstating the requirement for that class of persons to stay at an MIQF (including, for example, by making the exemption subject to a condition that the class of persons cannot comply with).
- (2) The relevant Minister may waive, in whole or in part, the payment of charges payable by that class of persons if that Minister is satisfied that—

- (a) the removal of the exemption is likely to be temporary; and
 - (b) the waiver is appropriate.
- (3) The relevant Minister may impose conditions on the waiver as they consider necessary.
- (4) The waiver must—
- (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
 - (b) be notified in the *Gazette*.

10B Relevant Minister may waive charges for persons arriving from Australia

- (1) This regulation applies to any class of persons, excluding transit passengers, who arrive in New Zealand from Australia and are required to stay at an MIQF.
- (2) The relevant Minister may waive, in whole or in part, the payment of charges payable by that class of persons if that Minister is satisfied that the waiver is appropriate.
- (3) The relevant Minister may impose conditions on the waiver as they consider necessary.
- (4) The waiver must—
- (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
 - (b) be notified in the *Gazette*.
- (5) In subclause (1), **transit passenger** means a person who arrives in Australia from another country while in transit to New Zealand, not intending to enter or remain in Australia.

5 Regulation 11 amended (When charges payable: general)

After regulation 11(1), insert:

- (1A) The chief executive need not issue an invoice or a notice if the amount of charges the person is liable to pay is zero.

6 Regulation 11A amended (When charges payable: other critical worker and any spouse, partner, or child of other critical worker)

After regulation 11A(1), insert:

- (1A) The chief executive need not issue an invoice or a notice if the amount of charges the person is liable to pay is zero.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 10 August 2021, amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (the **principal regulations**).

The principal regulations are made under the COVID-19 Public Health Response Act 2020 (the **Act**). They prescribe charges to recover the costs of a person's stay in a managed isolation or quarantine facility (an **MIQF**).

The main effect of the amendments is to authorise the relevant Minister (defined in section 5(1) of the Act as the Minister responsible for the administration of the Act's cost recovery provisions) to waive the prescribed charges for a class of persons in 2 situations. The first situation is that—

- a class of persons is exempted by or under a COVID-19 order (as defined in section 5(1) of the Act) from the requirement that they stay at an MIQF after arriving in New Zealand:
- the exemption is removed by or under a COVID-19 order:
- the relevant Minister is satisfied that the removal is likely to be temporary:
- that Minister is satisfied that the waiver is appropriate.

The second situation is that—

- a class of persons, excluding transit passengers, arrives in New Zealand from Australia:
- the relevant Minister is satisfied that the waiver is appropriate.

These regulations also make amendments to clarify that the chief executive of the Ministry of Business, Innovation, and Employment is not required to issue an invoice for MIQF charges if the amount payable is zero.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 9 August 2021.

These regulations are administered by the Ministry of Business, Innovation, and Employment.