Version
as at 26 November 2022

COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 4) 2021

(SL 2021/394)

COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 4) 2021: revoked, on 26 November 2022, pursuant to section 34 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 29th day of November 2021

Present:
Her Excellency the Governor-General in Council

These regulations are made under sections 32F and 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 after being satisfied that—

(i) the prescribed charges relate to managed isolation or quarantine facility (**MIQF**) costs; and

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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

(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 4) 2021.

2 Commencement

These regulations come into force on 1 January 2022.

3 Principal regulations

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

4 Regulation 3 amended (Interpretation)

(1) In regulation 3(1), revoke the definitions of **family member**, **partner**, and **spouse**.

(2) In regulation 3(1), insert in their appropriate alphabetical order:

family member, of any person (**person A**), means another person who—

(a) has a biological or legal relationship with person A; or

(b) is a member of person A's whānau or other culturally recognised family group

family travel group means a group of persons who are a family travel group under regulation 7B

managed isolation allocation system means a managed isolation allocation system operated by or on behalf of the New Zealand Government

(3) In regulation 3(1), definition of **excepted person**,—

(a) paragraph (a), delete "or prescribed by regulation 8"; and

(b) after paragraph (a), insert:

(aa) a person who is exempt from the charges under regulation 8 or 8A; and

(4) In regulation 3(1), definition of **supporting agency**, replace "spouse, partner, or child" with "family member".

5 Regulation 6 amended (Persons in respect of whom charges are payable)

In regulation 6(1), replace "prescribed by regulation 8" with "exempt under regulation 8 or 8A".

6 Regulation 7 amended (Amount of charges: general)

(1) After regulation 7(8), insert:

(8AAA) If, under subclause (8), there are 2 or more adults, or 2 or more children, who might be the first person in a room,—

(a) if 1 or more of them would be charged under subclause (1)(b), the **first person** in the room is 1 of those who would be charged under subclause (1)(b); or

(b) if all of them would be charged under subclause (1)(a), the **first person** in the room is any 1 of them.

(2) In regulation 7(8A)(a), replace "their spouse, partner, or child" with "a family member".

(3) In regulation 7(8A)(b), replace "the spouse, partner, guardian, or child" with "a family member".

(4) Replace regulation 7(9) with:

(9) This regulation does not apply in relation to—

(a) an other critical worker referred to in regulation 6(2)(d)(ii) or any family member of that worker (for which regulation 7A provides); or

(b) a family travel group to whom regulation 7B applies.

7 Regulation 7A amended (Amount of charges: other critical worker and any spouse, partner, or child of other critical worker)

(1) In the heading to regulation 7A, replace "**spouse, partner, or child**" with "**family member**".

(2) In regulation 7A(1)(b), replace "spouse, partner, or child" with "family member".

(3) Replace regulation 7A(6) with:

(6) The following persons are liable to pay any charges in respect of an other critical worker and any family member of the other critical worker:

(a) if the other critical worker has a supporting agency, the supporting agency:

(b) if the other critical worker is a Recognised Seasonal Employer worker under the immigration instructions, the other critical worker's relevant industry body for the purposes of the immigration instructions.

(4) In regulation 7A(7), after "agency", insert "or relevant industry body".

8 New regulation 7B inserted (Amount of charges: family travel groups)

After regulation 7A, insert:

7B Amount of charges: family travel groups

(1) This regulation applies in relation to a group (a **family travel group**) of no more than 12 persons all of whom—

(a) are family members of 1 or more other persons in the group; and

(b) are registered in the managed isolation allocation system as part of the same travel group.

(2) The charge for the first person in a family travel group is —

(a) $2,760, if the person is a temporary entry class visa holder; or

(b) $1,610, in any other case.

(3) The charge for each other person in the same family travel group is,—

(a) for an adult,—

(i) $1,495, if the person is a temporary entry class visa holder; or

(ii) $460, in any other case:

(b) for a child who is aged 3 years or older at the time they enter the MIQF,—

(i) $805, if the person is a temporary entry class visa holder; or

(ii) $230, in any other case.

(4) However, the charge is the lesser amount specified in subclause (2) or (3)(a) or (b) (as applicable) for a person who—

(a) is a critical health worker referred to in regulation 6(2)(d)(i); or

(b) is a member of the same family travel group as a critical health worker referred to in regulation 6(2)(d)(i); or

(c) is a member of the same family travel group as a New Zealand citizen or residence class visa holder.

(5) A charge is not payable in respect of a child in a family travel group who is aged under 3 years at the time they enter the MIQF.

(6) The chief executive may determine that a lesser charge is payable in respect of a person who stays in an MIQF for less than 7 days. The lesser charge must be calculated on a pro rata basis (rounded up to a number of whole days).

(7) All adults in the same family travel group are jointly and severally liable to pay any charges that apply in respect of themselves and all other members of that family travel group.

(8) If a child is in a family travel group in which there are no adults, the child's guardians are jointly and severally liable for the charges payable in respect of the child.

(9) Charges are inclusive of GST.

(10) In this regulation, the **first person** in a family travel group is—

(a) an adult in respect of whom charges are payable under this regulation; or

(b) if there is no adult of the kind described in paragraph (a), a child.

(11) If, under subclause (10), there are 2 or more adults, or 2 or more children, who might be the first person in the family travel group,—

(a) if 1 or more of them would be charged under subclause (2)(b), the **first person** in the family travel group is 1 of those who would be charged under subclause (2)(b); or

(b) if all of them would be charged under subclause (2)(a), the **first person** in the family travel group is any 1 of them.

9 Regulation 8 amended (Persons exempt from charges)

(1) Replace regulation 8(a)(ii) with:

(ii) the excepted person is only an excepted person because—

(A) they are under 3 years of age; or

(B) they are a caregiver who is exempt under regulation 8(g):

(2) After regulation 8(a), insert:

(aa) a person (**person A**) who is a member of the same family travel group as an excepted person, unless—

(i) person A is a person described in regulation 6(2)(d); or

(ii) the excepted person is only an excepted person because—

(A) they are under 3 years of age; or

(B) they are a caregiver who is exempt under regulation 8(g):

(3) Replace regulation 8(b) and (c) with:

(b) a person who has entered New Zealand after, or as part of, a medical air transfer, medical referral, or medical evacuation:

(c) a person who has travelled to New Zealand to receive medical treatment under the New Zealand Medical Treatment Scheme or Samoa Health Partnership Programme (both administered by the Ministry of Foreign Affairs and Trade):

(4) Replace regulation 8(f) and (g) with:

(f) a New Zealand citizen who—

(i) left the Cook Islands, Niue, Tokelau, or New Zealand (as the case may be) before 11 August 2020 and was, at the time they left, ordinarily resident in the Cook Islands, Niue, or Tokelau; and

(ii) has travelled to New Zealand from another country for the purpose of returning to the Cook Islands, Niue, or Tokelau; and

(iii) is visiting New Zealand for less than 180 days; and

(iv) is returning to the Cook Islands, Niue, or Tokelau (as the case may be) and will remain in the Cook Islands, Niue, or Tokelau (as the case may be) until the 180th day after their arrival in New Zealand described in subparagraph (ii):

(g) a caregiver who has elected to enter an MIQF to care for a person who is required to stay at the MIQF:

(5) Revoke regulation 8(i).

(6) In regulation 8(m), replace "Australia" with "a place outside New Zealand".

(7) After regulation 8(m), insert:

(ma) a person who is entering New Zealand after being extradited from a place outside New Zealand:

10 New regulation 8A inserted (Exemptions granted by Minister)

After regulation 8, insert:

8A Exemptions granted by Minister

(1) The Minister may exempt, in whole or in part, a class of persons from the charges if the Minister is satisfied that—

(a) the persons in the class are entering New Zealand—

(i) for the purpose of assisting with the response to an emergency (as defined in section 4 of the Civil Defence Emergency Management Act 2002) or a similar kind of event of national significance; or

(ii) as part of, or for the purpose of assisting with, an international humanitarian relief event; and

(b) the exemption (together with any conditions) is not inconsistent with the purpose of the Act; and

(c) the extent of the exemption is not broader than is reasonably necessary to address the matters giving rise to the exemption.

(2) For the purposes of subclause (1)(a), a business or entertainment event is not an event of national significance.

(3) The Minister may impose conditions on the exemption as they consider necessary.

(4) An exemption granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this regulation		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

11 Regulation 10A amended (Minister may waive charges when exemption from requirement to stay at MIQF is suspended)

Replace regulation 10A(4) with:

(4) A waiver granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this regulation		
Publication	The maker must: • notify it in the *Gazette* • publish it on a publicly accessible Internet site maintained by, or on behalf of, the New Zealand Government	LA19 ss 73, 74(1)(a), Sch 1 cl 14

Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

12 Regulation 10B amended (Minister may waive charges for persons arriving from Australia)

Replace regulation 10B(4) with:

(4) A waiver granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this regulation		
Publication	The maker must: • notify it in the *Gazette* • publish it on a publicly accessible Internet site maintained by, or on behalf of, the New Zealand Government	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

13 Regulation 11 amended (When charges payable: general)

(1) In regulation 11(1), replace "On or after the date on which a liable person leaves an MIQF, the chief executive must issue the person" with "The chief executive must issue a liable person".

(2) After regulation 11(1), insert:

(1AAA) The chief executive may issue the invoice or notice at any time after the person enters an MIQF.

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

(1) In the heading to regulation 11A, replace "**spouse, partner, or child**" with "**family member**".

(2) In regulation 11A(2)(a), replace "spouse, partner, or child" with "family member".

15 Schedule 1 amended

In Schedule 1,—

(a) insert the Part set out in the Schedule of these regulations as the last Part; and

(b) make all necessary consequential amendments.

Schedule
New Part 5 inserted in Schedule 1

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Part 5
Provisions relating to COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 4) 2021

10 Interpretation

In this Part, **amendment regulations** means the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 4) 2021.

11 Persons who entered MIQF before 1 January 2022

The amendments made by the amendment regulations do not apply in respect of a person's stay at an MIQF if that stay began before 12.01 am on 1 January 2022.

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 1 January 2022, 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 changes made by these regulations apply to anyone whose stay in an MIQF begins on or after 1 January 2022.

Amendments relating to families

The regulations make 2 amendments that affect how the principal regulations apply to families.

The principal regulations currently define a person's family members as their spouse, partner, guardian, or child only. This is expanded to include any person who shares a

biological or legal relationship with the person or who is a member of the person's whānau or other culturally recognised family group.

Charges are currently calculated on a per room basis. This is changed so that for a family of up to 12 people who book through the managed isolation allocation system as a single travel group, the charges will be calculated for the whole group regardless of the number of rooms they occupy.

Exemptions

These regulations make some changes to the list of persons who are exempt from charges to include:

- a caregiver who enters an MIQF to care for a person who is required to be in the MIQF (such as a child or a person who is elderly or has a disability), whether or not that person is exempt from charges:
- a person arriving on a medical referral or medical evacuation:
- a person arriving for medical treatment under the New Zealand Medical Treatment Scheme or Samoa Health Partnership Programme:
- a person who has been deported or extradited to New Zealand from another country:

The exemption for New Zealand citizens who are returning to the Cook Islands, Niue, or Tokelau is updated to mirror that for those returning to New Zealand.

These regulations create a new power for the Minister to grant exemptions, but only to classes of persons who arrive to assist with the response to an emergency, or other nationally significant event, or in connection with an international humanitarian relief event. An exemption will be secondary legislation so will be notified in the *Gazette*, published on a publicly accessible website, presented to Parliament, and be disallowable.

Other minor and technical changes

These regulations also make a number of minor and technical amendments as follows:

- to allow MBIE to issue invoices to persons liable to pay charges while they are still in an MIQF rather than needing to wait until they leave:
- to clarify that for the purposes of calculating the per room charges, the first person in a room is the adult who would be charged the least:
- to provide that for critical workers who are Recognised Seasonal Employer workers, their relevant industry body will be liable for the charges:
- to remove the exemption for persons attending the Christchurch mosques attacker's sentencing as it is no longer needed:
- to update regulations 10A and 10B as a consequence of the commencement of the Legislation Act 2019.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 2 December 2021.

Notes

1 General

This is a consolidation of the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations (No 4) 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66): section 34

Wellington, New Zealand:
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