

**Version
as at 26 November 2022**



COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021

(LI 2021/46)

COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 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).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 22nd day of March 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 consultation with the Minister of Health and after being satisfied that—
 - (i) the prescribed charges relate to managed isolation or quarantine facility (MIQF) costs; and

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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Schedule

New Part 3 inserted in Schedule 1

Regulations

1 Title

These regulations are the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021.

2 Commencement

- (1) These regulations, other than Part 2, come into force on 25 March 2021.

(2) Part 2 comes into force on 1 June 2021.

3 Principal regulations

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

Part 1

Amendments that come into force on 25 March 2021

4 Regulation 3 amended (Interpretation)

In regulation 3, insert as subclause (2):

(2) In these regulations, a country or a territory is a **quarantine-free travel zone** if all persons, or any class of persons, travelling from that country or territory are exempt from the requirement (if any) under a COVID-19 order for persons to be isolated or quarantined on (or as soon as practicable after) arrival in New Zealand.

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

Replace regulation 6(2)(c) with:

(c) the person is a temporary entry class visa holder:

6 Regulation 7 amended (Amount of charges: general)

(1) Replace regulation 7(1) and (2) with:

(1) The charge for the first or only person in a room is—
(a) \$5,520, if the person is a temporary entry class visa holder; or
(b) \$3,100, in any other case.

(2) The charge for a fellow resident of the first person is,—
(a) for an adult,—
(i) \$2,990, if the person is a temporary entry class visa holder; or
(ii) \$950, in any other case;
(b) for a child who is aged 3 years or older at the time they enter the MIQF,—
(i) \$1,610, if the person is a temporary entry class visa holder; or
(ii) \$475, in any other case.

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

(8A) However, the charge is the lesser amount specified in subclause (1), (2)(a), or (2)(b) (as applicable) for a person who—
(a) is a critical health worker referred to in regulation 6(2)(d)(i) or their fellow resident who is their spouse, partner, or child; or

- (b) is a fellow resident, and is the spouse, partner, guardian, or child of, a New Zealand citizen or residence class visa holder; or
- (c) is a member of—
 - (i) the crew of a ship or an aircraft described in item 2, 4, 6, 7, or 8 of Schedule 3 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010;
 - (ii) the crew of a cargo ship within the meaning of clause 4 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020;
 - (iii) a positioning crew within the meaning of regulation 4(1) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010; or
- (d) has entered New Zealand as a member of a marine crew in accordance with immigration instructions.

7 Regulation 8 amended (Persons exempt from charges)

(1) Replace regulation 8(f)(iii) with:

- (iii) is returning to the Cook Islands, Niue, or Tokelau (as the case may be) for 90 days or more, or, within 90 days of that return, is travelling outside the Cook Islands, Niue, or Tokelau (as the case may be) only as follows:
 - (A) travel directly from the Cook Islands, Niue, or Tokelau (as the case may be) to a quarantine-free travel zone; and
 - (B) return directly to the Cook Islands, Niue, or Tokelau (as the case may be) from a quarantine-free travel zone;

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

- (n) a person described in regulation 6(2)(b)(i) or (ii) who—
 - (i) within 90 days of arriving in New Zealand, travels outside New Zealand only as follows:
 - (A) travel directly from New Zealand to a quarantine-free travel zone; and
 - (B) return directly to New Zealand from a quarantine-free travel zone; and
 - (ii) is in New Zealand on the 90th day (of their first arrival).

8 Regulation 9 amended (Chief executive may waive charges in cases of undue financial hardship)

After regulation 9(2)(d), insert:

- (e) the person's reasons for travel.

9 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.

Part 2

Amendments that come into force on 1 June 2021

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

In regulation 6(2)(b), replace “90” with “180”.

11 Regulation 8 amended (Persons exempt from charges)

- (1) In regulation 8(f)(iii), replace “90” with “180”.
- (2) In regulation 8(n)(i), replace “90” with “180”.
- (3) In regulation 8(n)(ii), replace “90th” with “180th”.

12 Schedule 1 amended

In Schedule 1, after clause 6, insert:

7 Effect of amendments to specified regulations

If a person’s stay at an MIQF began before 12.01 am on 1 June 2021, the person’s stay is not affected by the amendments made by Part 2 of the amendment regulations.

Schedule

New Part 3 inserted in Schedule 1

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Part 3

Provisions relating to COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021

5 Interpretation

In this Part, **amendment regulations** means the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2021.

6 Temporary entry class visa holders

The amendments made by the amendment regulations to regulations 6(2)(c) and 7(1) and (2) in respect of persons who are temporary entry class visa holders do not apply to their stay at an MIQF if it began before 12.01 am on 25 March 2021.

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 amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020, come into force on 25 March 2021, except for *Part 2*. *Part 2* comes into force on 1 June 2021.

Increased charges

Regulation 7 is amended to increase the managed isolation and quarantine charge for temporary entry class visa holders. A person who holds a temporary entry class visa will be charged—

- \$5,520, if they are the first or only person in the room; or
- \$2,990, if they are an adult who is a fellow resident of the first person; or
- \$1,610, if they are a child aged 3 years or older who is a fellow resident of the first person.

The increased fees do not affect critical workers, members of crew of specified ships and aircraft, and members of a positioning crew. Members of a marine crew who

enter New Zealand in accordance with immigration instructions will not be affected. A fellow resident, and spouse, partner, guardian, or child of a New Zealand citizen or residence class visa holder will also not be affected.

Definition of specified person

A New Zealand citizen or resident or an Australian citizen or resident who resides in New Zealand (**a specified person**) who visits New Zealand for less than 90 days must currently pay a managed isolation and quarantine charge. On and from 1 June 2021, a visit by that person for less than 180 days will attract a managed isolation and quarantine charge (*see* amendments to regulation 6).

Exemption from charges

A new exemption from the obligation to pay managed isolation and quarantine charges is added. *New regulation 8(n)* provides that specified persons are exempt if, after arriving in New Zealand, they travel only to a quarantine-free travel zone within the first 90 days and are in New Zealand on the 90th day.

The current exemption in regulation 8(f) relates to New Zealand citizens who are ordinarily resident in the Cook Islands, Niue, or Tokelau and who visit New Zealand for less than 90 days and then return to the Cook Islands, Niue, or Tokelau. This provision is amended to allow the exemption to apply if, within 90 days of their return to the Cook Islands, Niue, or Tokelau, they travel only to a quarantine-free travel zone and return to the Cook Islands, Niue, or Tokelau.

On 1 June 2021, the period of time to which the exemptions relate will be increased from 90 to 180 days in regulation 8(f) and *new regulation 8(n)*.

Other matters

Regulation 9 is amended to allow the chief executive to take into account the reasons for a person's travel when considering a waiver on the grounds of undue financial hardship.

Transitional provisions are added to Schedule 1 to preserve the position of a person whose stay at an MIQF began before specified amendments came into force.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 23 March 2021.

Notes**1 General**

This is a consolidation of the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 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