

Version
as at 26 November 2022



COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 (SL 2022/17)

COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022: 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 14th day of February 2022

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

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 2022.

2 Commencement

These regulations come into force on 17 February 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), definition of **excepted person**, revoke paragraph (a).
- (2) In regulation 3(1), insert in its appropriate alphabetical order:

specified person means a person who is—

- (a) a New Zealand citizen or residence class visa holder; or
- (b) an Australian citizen, or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia, and was ordinarily resident in New Zealand on the date on which they entered New Zealand

5 Cross-heading above regulation 5 replaced

Replace the cross-heading above regulation 5 with:

Amount of charges

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

Revoke regulation 6.

7 Regulation 7 amended (Amount of charges: general)

- (1) In regulation 7(8A)(a), replace “is a critical health worker referred to in regulation 6(2)(d)(i)” with “arrived in New Zealand on a border exception as a critical health worker in accordance with immigration instructions”.
- (2) In regulation 7(9)(a), replace “an other critical worker referred to in regulation 6(2)(d)(ii)” with “a person who arrived in New Zealand on a border exception as an other critical worker in accordance with immigration instructions”.

8 Regulation 7A amended (Amount of charges: other critical worker and any family member of other critical worker)

Replace regulation 7A(1)(a) with:

- (a) a person who arrived in New Zealand on a border exception as an other critical worker in accordance with immigration instructions; and

9 Regulation 7B amended (Amount of charges: family travel groups)

Replace regulation 7B(4)(a) and (b) with:

- (a) arrived in New Zealand on a border exception as a critical health worker in accordance with immigration instructions; or
- (b) is a member of the same family travel group as a person referred to in paragraph (a); or

10 Regulation 8 amended (Persons exempt from charges)

- (1) In regulation 8, replace “In addition to the persons specified in section 32E(2)(a) to (e) of the Act, the” with “The”.

- (2) In regulation 8(a)(i), replace “described in regulation 6(2)(d)” with “who arrived in New Zealand on a border exception as either a critical health worker or other critical worker in accordance with immigration instructions”.
- (3) Replace regulation 8(aa)(i) with:
- (i) person A is a person who arrived in New Zealand on a border exception as a critical health worker or other critical worker in accordance with immigration instructions; or
- (4) Replace regulation 8(n) with:
- (n) a specified person who—
 - (i) arrives in New Zealand after having last departed New Zealand before 12.01 am on 11 August 2020; and
 - (ii) within 180 days of arriving in New Zealand, travels outside New Zealand only—
 - (A) directly from New Zealand to a quarantine-free travel zone; and
 - (B) directly to New Zealand from a quarantine-free travel zone; and
 - (iii) is in New Zealand on the 180th day after their first arrival:
 - (o) a person who is, for the time being, accorded privileges and immunities under—
 - (i) the Vienna Convention on Diplomatic Relations in accordance with the Diplomatic Privileges and Immunities Act 1968; or
 - (ii) the Vienna Convention on Consular Relations in accordance with the Consular Privileges and Immunities Act 1971:
 - (p) a person who is officially recognised as accompanying family of a person described in paragraph (o):
 - (q) a person who is an official of a government entity and is travelling to New Zealand to conduct business with—
 - (i) New Zealand Ministers of the Crown; or
 - (ii) a ministry or department of the New Zealand Government:
 - (r) a person who is a holder of a diplomatic or other official passport and is entering or transiting through New Zealand—
 - (i) en route to, or returning from, a diplomatic posting in a country other than New Zealand; or
 - (ii) for the purpose of assisting with the operations of the embassy or consulate (in New Zealand or elsewhere) of the country for which the person holds a passport on which the person is travelling:

- (s) a person who is an official of a government entity and is entering or transiting through New Zealand en route to, or returning from, a third country—
 - (i) where the purpose of the visit to the third country was or is to conduct official government-to-government business; and
 - (ii) the person is able to provide evidence to verify that purpose:
- (t) a specified person who—
 - (i) last departed New Zealand before 12.01 am on 11 August 2020; and
 - (ii) is visiting New Zealand for a period of at least 180 days.

11 Regulation 10 amended (Chief executive may waive charges in other special circumstances)

Replace regulation 10(2)(a) with:

- (a) where a specified person—
 - (i) departed New Zealand on or after 12.01 am on 11 August 2020; and
 - (ii) left New Zealand for the purposes of accompanying back to New Zealand an excepted person who has a condition or disability that means they are unable to travel alone; or

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 17 February 2022, amend the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (the **principal regulations**).

These regulations accompany section 18 of the COVID-19 Public Health Response Amendment Act 2021, which also comes into force on 17 February 2022.

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

The effect of these amendments is to reverse the starting point for determining liability for MIQF charges. With these amendments, rather than prescribing the categories of people who are required to pay the charges, the principal regulations will instead assume that people are liable for MIQF charges unless exempt.

The amendments also revise the exemption from charges for certain people who travel to quarantine-free travel zones within 180 days of arriving in New Zealand, to ensure it applies only to people who return to New Zealand after having last departed before 11 August 2020 (*see new regulation 8(n)*). Otherwise, the amendments do not change who is liable to MIQF charges.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 16 February 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Amendment Regulations 2022 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