

COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Bill

Legislative Statement

Purpose

The purpose of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Bill (the Bill) is:

- to extend the term of the COVID-19 Public Health Response Act 2020 (the Act)
- to limit and reduce the powers in the Act to ensure that the continued COVID-19 powers are proportionate, streamlined, and as simple as possible.

The Bill will enable the ongoing management of COVID-19 by continuing the legislative framework, and those powers needed to implement public health measures to support the COVID-19 response, consistent with the overall purpose of the Act.

Policies included in the Bill

The Bill—

- amends the repeal date so that the Act will continue to apply until 2 years after the commencement of the Bill
- removes the requirement for the House of Representatives to periodically resolve that the Act remain in force
- removes the power for the Director-General of Health to make COVID-19 orders
- limits the power for the Minister for COVID-19 Response to make COVID-19 orders to only include the following public health measures:

in the community

- self-isolation (for cases, household contacts, close contacts)
- masks

for travellers to New Zealand

- mask use on inbound flights to New Zealand
- pre-departure and/or post arrival testing requirements
- requirement for airline or ship operators to take reasonable steps to ensure passengers comply with pre-departure travel requirements
- requirement not to board a flight to New Zealand while exhibiting COVID-19 symptoms or if under a public health order in another country or if currently positive for COVID-19
- self-isolation and self-quarantine for people arriving from at risk countries (or potentially from anywhere)

- provision of travel history and contact information to support contact tracing
- limits enforcement powers by-
 - removing the power for warrantless entry to private dwellings and marae, the power to close roads and public places and stop vehicles, and the power to direct a person to produce evidence of compliance with a specified measure
 - specifying the types of enforcement officers that can be authorised by the Director-General of Health consistent with authorisations used to date
- reduces the maximum penalties for infringement offences and criminal offences
- delays commencement of new penalty levels in order to allow time to amend penalties in the COVID-19 Public Health Response (Infringement Offences) Regulations 2021, and thereby ensure that penalties in those regulations remain consistent with the maximum infringement offence penalties in the Act
- repeals section 145 and Schedule 5 of the Residential Tenancies Act 1986, used to activate tenancy termination restrictions during lockdowns, because lockdowns will not be enabled by the Act
- removes all provisions relating to MIQFs, but includes a transitional provision to preserve the ability to recover existing MIQF debts.

The Bill retains important safeguards of the Act, such as the prerequisites for the making of COVID-19 orders, and the requirement that all COVID-19 orders be consistent with the New Zealand Bill of Rights Act 1990.