

Briefing

COVID-19 Public Health Response Amendment Bill for Ministerial consultation

Date due to MO: 6 August 2021 **Action required by:** 9 August 2021

Security level: IN CONFIDENCE **Health Report number:** 20211660

To: Hon Chris Hipkins, Minister for COVID-19 Response

Contact for telephone discussion

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Minister's office to complete:

- | | | |
|-----------------------------------------------|------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <input type="checkbox"/> Noted |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn | |

Comment:

COVID-19 Public Health Response Amendment Bill for Ministerial consultation

Security level: IN CONFIDENCE **Date:** 6 August 2021

To: Hon Chris Hipkins, Minister for COVID-19 Response

Purpose of report

1. This briefing recommends that you consult your Ministerial colleagues on the attached draft COVID-19 Public Health Response Amendment Bill (the Bill) and paper for Cabinet acting as the Cabinet Legislation Committee (the LEG paper), proposed for consideration and approval on 23 August 2021, and subsequent introduction to the House.

Summary

Background

2. Enacted in May 2020, the COVID-19 Public Health Response Act 2020 (the Act) established a framework to respond to COVID-19 in New Zealand. It was amended in August 2020 to enable cost recovery for managed isolation and quarantine (MIQ) and in December 2020 to provide pragmatic ministerial administration and faster removal of alert levels.

Contents of the Bill

3. The attached draft Bill (**Appendix One**) aims to ensure the Act better supports the Government's response to the COVID-19 pandemic and the Elimination Strategy.
4. The draft Bill incorporates the policy decisions made on 12 May 2021 by the Cabinet Social Wellbeing Committee to support the public health response to COVID-19 (SWC-21-MIN-0067 refers), including:
 - a. improved flexibility for the making of COVID-19 Orders
 - b. effective management of laboratory testing
 - c. strengthening of the infringement regime
 - d. improved delegated decision-making
 - e. supporting the effective operation of MIQ
 - f. other technical amendments.
5. The draft Bill also incorporates the following decisions that you subsequently approved:
 - a. increasing criminal offence penalties and the partial revocation of the Cabinet recommendation to use Order in Council to repeal the Act (HR20211686 refers)

- b. further measures to manage testing capacity and delivery (HR20211433 refers)
- c. shifting the MIQ charges exemptions for diplomats and their families from the Act into the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (MBIE briefing 2122-0093 refers)
- d. creating a power for the Chief Executive of MBIE to withhold items that are, or where there are reasonable grounds to believe they are, in breach of MIQ Rules (MBIE briefing 2122-0093 refers)
- e. updating the MIQ allocation provisions to better reflect the decision-making process for group allocations (MBIE briefing 2021-4244)
- f. broadening of scope of enforcement officers who may stop vehicles and assist the New Zealand Police at roadblocks or checkpoints (SWC-21-MIN-0100.01 refers).

Peer review and minor amendments still to be incorporated

- 6. The Bill is still undergoing peer review and proof reading at the Ministry of Health, MBIE and by the Parliamentary Counsel Office. This may result in the incorporation of minor amendments before the Bill is lodged for Cabinet. Any such changes are not expected to affect the substantive policy of the Bill.
- 7. One required amendment has been identified that is worthy of note at this stage. This will see clause 18 (amending section 32E relating to prescribed MIQ charges payable) commence by order in council to ensure that the current MIQ regulations are not rendered invalid by the Bill before replacement regulations are ready.

Further work on fees and fines

- 8. You have directed the Department of Prime Minister and Cabinet to undertake further work on options for increasing the maximum fees and fines already set out in the Bill. You have also directed that this should be included after the Bill's introduction to the House, by way of a Supplementary Order Paper (SOP).
- 9. The attached LEG paper notes that this work is being undertaken and that an SOP is anticipated once the Bill has been introduced.

Consultation

- 10. The draft Bill and LEG paper have been attached (**Appendices One and Two**) for consultation with your Ministerial colleagues. The Bill is still subject to final peer review and proof-reading processes by the Parliamentary Counsel Office, the Ministry of Health and MIQ and minor amendments still to be incorporated.
- 11. It is recommended that you consult with your relevant Ministerial colleagues on the attached draft Bill and LEG paper between 9 August – 16 August 2021 (inclusive).
- 12. To ensure that the Bill can be introduced to the House on 23 August 2021, officials will be unable to incorporate feedback received after 17 August 2021.

Next steps

- 13. The Bill is proposed to be considered by Cabinet (acting as the Cabinet Legislation Committee) on Monday 23 August 2021 and introduced to the House on the same day.

14. It is proposed that the Bill is referred to the Health Select Committee from 30 August to 21 October 2021. **Appendix Three** outlines a proposed timetable for the Bill's passage through the House.
15. Following consultation with your Ministerial colleagues and finalising of the Bill, you will receive a package of documents related to the Bill. This will include talking points for Cabinet, a first reading speech, questions and answers, key messages, and the finalised Bill and LEG paper.

Recommendations

We recommend you:

- a) **Agree** to consult your Ministerial colleagues on the attached draft COVID-19 Public Health Response Amendment Bill and Cabinet paper entitled 'COVID-19 Public Health Response Amendment Bill: Approval for Introduction'. **Yes/No**
- b) **Note** that ministerial consultation will need to be completed by 16 August 2021 to seek approval for introduction from Cabinet (acting as the Cabinet Legislation Committee) on 23 August 2021. **Noted**



Steve Waldegrave
**Group Manager COVID-19 Policy, System
Strategy and Policy**

Date:

Hon Chris Hipkins
Minister for COVID-19 Response

Date:

ENDS.

Appendix One: Draft COVID-19 Public Health Response Amendment Bill

This final version of this is publicly available at:
<https://www.legislation.govt.nz/bill/government/2020/0003/latest/LMS430896.html> and
<https://www.legislation.govt.nz/bill/government/2021/0068/latest/LMS552303.html>

PROACTIVELY RELEASED

Appendix Two: Draft LEG paper 'COVID-19 Public Health Response Amendment Bill: Approval for Introduction'

This final version of this is publicly available at: https://www.health.govt.nz/system/files/documents/information-release/cab_paper_covid-19_public_health_response_amendment_bill_-_further_policy_approvals_and_approval_for_introduction.pdf

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Appendix One

CAB approval for introduction of Bill	Date
CAB (acting as LEG) consideration and approval to introduce	23 August 2021
Introduce Bill and release media statement	23 August
First reading speech	26 August
Select Committee consideration	30 August to 21 October
Second reading	Week of 25 September
Committee of the Whole House	Week of 25 September
Third reading	Week of 25 September
Royal assent	First week of November
Commencement	November 2021

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Appendix Three: Proposed timeline for the COVID-19 Public Health Amendment Bill

Stage	Proposed date (2021)
Cabinet (acting as LEG) consideration and approval to introduce to the House	23 August
Introduction to the House	23 August
First reading and referral to Select Committee	26 August
Select Committee (reporting back 26 October)	30 August – 21 October
Second reading	Week of 25 October
Committee of the whole House	Week of 25 October
Third reading	Week of 25 October
Royal assent	First week of November
Commencement	First week of November