

Briefing

Updated COVID-19 Public Health Response Amendment Bill for Ministerial consultation

Date due to MO: 3 September 2021 **Action required by:** 3 September 2021

Security level: IN CONFIDENCE **Health Report number:** 20211985

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

Contact for telephone discussion

Name	Position	Telephone
Steve Waldegrave	Group Manager Covid-19 Policy, System Strategy and Policy	s 9(2)(a)
Maree Roberts	Deputy Director-General, System Strategy and Policy	s 9(2)(a)

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 Withdrawn | |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:

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Security level: IN CONFIDENCE **Date:** 3 September 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 Cabinet paper, which incorporates changes you have requested to the maximum level of fees and fines.

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 the maximum level of certain fees and fines (DPMC briefing 2021/22-83 refers)

- b. increasing criminal offence penalties and the partial revocation of the Cabinet recommendation to use Order in Council to repeal the Act (HR20211586 refers)
 - c. further measures to manage testing capacity and delivery (HR20211433 refers)
 - d. 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)
 - e. 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)
 - f. updating the MIQ allocation provisions to better reflect the decision-making process for group allocations (MBIE briefing 2021-4244)
 - g. 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).
6. Cabinet has authorised you to make most of these policy decisions during the drafting process for the Bill. However, an additional policy approval is required to increase the maximum level of certain fees and fines, as well as to rescind the previous decision to provide for a repeal mechanism through the use of an Order in Council.

Level of maximum fees and fines for bodies corporate

7. The Bill also includes increased maximum fees and fines for bodies corporate that are aligned to the maximum fees and fines you have approved for individuals (DPMC briefing 2021/22-83 refers).

Consultation

8. It is recommended that you consult with your relevant Ministerial colleagues on the attached draft Bill and Cabinet paper (**Appendices One and Two**) between 3 September and 8 September (inclusive).
9. To ensure that the Bill can be introduced to the House on 20 September (subject to Cabinet approval), officials will be unable to incorporate feedback received after 8 September 2021.

Next steps

10. It is expected that the Bill and paper will be lodged on 10 September and considered by Cabinet or a Cabinet committee in the week of 13 September. Your office is engaging with the Cabinet Office to confirm the most appropriate option for Cabinet to consider the Bill.
11. This would allow for the Bill to be introduced on 20 September, and for the Health Select Committee to report back on the Bill by mid-November. **Appendix Three** outlines the expected timeline for the Bill's passage through Cabinet and the House.
12. 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 paper.

13. A supplementary Regulatory Impact Statement (RIS) for the Bill is currently being prepared by DPMC. Once this work is complete (expected early in the week of 6 September), the paper will be updated to reflect the RIS.

Recommendations

I 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 8 September 2021 to seek approval for introduction from Cabinet or a Cabinet committee in the week of 13 September 2021. **Noted**
- c) **Note** that your office is liaising with the Cabinet Office to confirm the most appropriate option for Cabinet to consider the Bill, and that this is expected to occur in the week of 13 September, with papers to be lodged on 10 September. **Noted**



Maree Roberts

**Deputy Director-General, System
Strategy and Policy**

Date: 03/09/2021



Hon Chris Hipkins

Minister for COVID-19 Response

Date: 4/9/21

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 paper 'COVID-19 Public Health Response Amendment Bill: Further Policy Approvals and Approval for Introduction'

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

PROACTIVELY RELEASED

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

Stage	Proposed date (2021)
Ministerial consultation	3 September to 8 September
Lodgement of Bill and Cabinet paper	10 September
Cabinet or Cabinet committee ¹ consideration of the Bill and paper	Week of 13 September (date to be confirmed following discussion with Cabinet Office)
Introduce Bill	20 September
First reading speech	23 September
Select Committee consideration	27 September to 18 November
Second reading	Week of 22 November
Committee of the Whole House	Week of 22 November
Third reading	Week of 22 November
Royal assent	Last week of November
Commencement	November 2021

¹ To be confirmed. Either Cabinet (acting as LEG) or a Cabinet committee with appropriate authority.