



Cabinet

Minute of Decision

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

Portfolio COVID-19 Response

On 21 November 2022, following reference from the Cabinet Legislation Committee, Cabinet:

- 1 **noted** that the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Bill (the Bill) currently holds a category 2 priority on the 2022 Legislation Programme (must be passed in 2022);
- 2 **noted** that the Bill ensures that the legislative powers to support the management of COVID-19 will remain available beyond the current expiry of the COVID-19 Public Health Response Act 2020 (the Act) in May 2023, as agreed by Cabinet on 17 October 2022 [CAB-22-MIN-0446];
- 3 **noted** that amendments to the Act proposed by the Bill intend to ensure that the legislation that empowers our COVID-19 response is proportionate, streamlined, and as simple as possible;

Additional policy decisions

- 4 **agreed** that the power for the Minister for COVID-19 Response to make Orders that impose requirements on airlines or ship operators does not include the ability to prevent a craft from entering New Zealand if the associated airline or ship operator has not complied with the requirement to prevent passengers from boarding if the passengers have not complied with pre-departure requirements;
- 5 **agreed** that it is more proportionate to address non-compliance with the requirement for airlines or ship operators to prevent passengers from boarding if the passenger has not complied with pre-departure requirements using the existing offence and penalty provisions in the Act;
- 6 **agreed** that the provisions of the Bill that reduce maximum penalty levels come into force on a date to be established by Order in Council, which the Minister for COVID-19 Response intends to be no later than 15 December 2022;
- 7 **agreed** to include a provision in the Bill to enable the Minister for COVID-19 Response to make Orders to regulate COVID-19 testing;
- 8 **agreed** to repeal Schedule 5 and Section 145 of the Residential Tenancies Act 1986 as a consequential amendment to the removal of the power to impose lockdowns;

- 9 **agreed** to include appropriately qualified and trained workers engaged or employed by Te Whatu Ora Health New Zealand and Manatū Hauora amongst those that can be authorised to exercise enforcement powers under the Act;
- 10 **agreed** to remove the requirement for Parliament to resolve periodically that the Act remain in force;
- 11 **agreed** to include a “sunset clause” in the Bill two years from the date of Royal assent;

Introduction of the Amendment Bill

- 12 **approved** the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Bill [PCO 25071/13.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 13 **agreed** that the Bill be introduced on 22 November 2022;
- 14 **agreed** that the Bill be enacted by 30 November 2022.

Rachel Hayward
Secretary of the Cabinet

PROACTIVELY RELEASED