

# **Law Reform (Epidemic Preparedness) Bill**

Government Bill

As reported from the Government Administration  
Committee

## **Commentary**

### **Recommendation**

The Government Administration Committee has examined the Law Reform (Epidemic Preparedness) Bill and recommends that it be passed with the amendments shown.

### **Introduction**

The bill will ensure that, should there be a human outbreak of avian influenza, or of a similar disease capable of becoming an epidemic, the Crown has powers available to it to ensure a proper response. The bill seeks to address some of the gaps in the Crown's statutory powers under the Health Act 1956. It also revokes certain provisions in the Health (Quarantine) Regulations 1983 and inserts those provisions into the Health Act 1956. The bill also seeks to amend a number of other enactments dealing with matters that may be disrupted by, or may be involved in dealing specifically with the consequences of, an epidemic.

In summary, the bill seeks to provide for the issue of a formal notice (epidemic notice), and while that notice is in force, allows certain powers to be used where reasonably necessary in the circumstances. The powers relate to the management of the health effects of the epidemic on the population, and the consequential impact of the epidemic on people and business.

### **Issue of epidemic notice**

Clause 5 of the bill as introduced empowers the Prime Minister to issue a notice in the *Gazette*, on the written recommendation from the Director-General of Health, declaring that he or she is satisfied that the effects of an outbreak of an infectious disease are likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand. We recommend a number of changes to this provision, which are detailed below.

### **Inclusion of Minister of Health**

We recommend an amendment to clause 5 to allow the epidemic notice to be issued by the Prime Minister with the agreement of the Minister of Health, on the written recommendation of the Director-General of Health. This will ensure that another Minister is involved and reflects the accountability of the Director-General in the decision to issue an epidemic notice.

### **House of Representatives to be notified**

We also recommend the inclusion of a provision ensuring that in addition to notifying the epidemic notice in the *Gazette*, the Prime Minister is required to notify the House of Representatives as soon as reasonably practicable that an epidemic notice has been issued or extended.

### **Quarantinable diseases**

We recommend a change to the basis on which an epidemic notice is declared. As introduced, the bill required that an epidemic notice would be declared when the Prime Minister was satisfied that the effects of an outbreak of a specified “infectious” disease were likely to disrupt essential government and business activity.

We propose that the term “infectious” disease be changed to “quarantinable” disease, as listed in new Part 3, Schedule 1 of the Health Act 1956, which includes avian influenza, cholera, plague, and yellow fever among quarantinable diseases.

This amendment responds to concerns raised about the possible application of this provision to any infectious disease, and clarifies the fact that an epidemic notice is intended for use only in relation to highly infectious diseases capable of becoming pandemic.

The list of quarantinable diseases can be amended by Order in Council. This ensures that newly emerging diseases that may threaten to become a pandemic can be added quickly to the Schedule

to properly manage the risk of an outbreak or of the disease spreading.

### **Clauses 8 and 9—Modification of statutory requirements**

Clause 8 enables the making, while an epidemic notice is in force, of Orders in Council modifying any statutory requirement or restriction affecting disease management imposed by an enactment administered by the Ministry of Health. Clause 9 enables the making, while an epidemic notice is in force, of Orders in Council modifying any requirement or restriction imposed by any other enactment.

Orders made in advance of an epidemic should be applied by *Gazette* notice while an epidemic notice is in force. We recommend that the notice be given the title epidemic management notice, and be kept under review.

Common law doctrines or defences available in situations of emergency or impossibility should continue to apply even if modification orders have been made.

We recommend other substantial amendments to these clauses, which are outlined below.

### **Prospective modification orders**

We recommend that the bill be amended to enable the making of Orders in Council to modify enactments in advance of an epidemic.

We consider that allowing orders to be made in advance of an epidemic will encourage forward planning by agencies, and minimise the need for regulations to be prepared during the epidemic. Advance preparation would enable proper scrutiny of the emergency powers under the Regulations (Disallowance) Act 1989, which would in turn enhance their transparency, accountability, and legitimacy. This approach would allow stakeholders to learn in advance what they are expected to do in the event of a pandemic, which should improve their understanding of, and compliance with, the emergency powers.

These prospective orders would come into force only once an epidemic was in progress and a clause 5 epidemic notice was declared by the Prime Minister with the agreement of the Minister of Health.

We believe that prospective orders should be considered by the House of Representatives. Ministers should refer them to the Regulations Review Committee under Standing Order 314(2), which

allows Ministers to refer draft regulations to the Regulations Review Committee for consideration.

Prospective orders should be applicable in respect of particular geographic areas in New Zealand, or the whole of New Zealand.

### **Distinction between Orders in Council made under clauses 8 and 9**

Prospective Orders in Council made under clauses 8 and 9 should be clearly distinguished as the two powers under which the orders may be made concern separate issues. Orders referred to in clause 8 address matters in the health and disability area of which the Ministry of Health has oversight, and are likely to be urgent and essential as they relate mainly to managing the health impacts of the disease. Orders referred to in clause 9 deal with requirements or restrictions imposed by other enactments regarding the management of broader impacts on society, and should be dealt with under a separate provision.

### **Immediate modification orders made during an epidemic**

We accept that it will not be possible to foresee every contingency in the event of a pandemic. To ensure that immediate modification orders are linked to the epidemic itself, we recommend that the powers to make such orders have the following conditions:

- An epidemic notice has been issued.
- The chief executive of the department of state responsible for administering the statute provides a written recommendation to his or her Minister stating that in the chief executive's opinion the effects of the epidemic are, or are likely to be, such that full or partial compliance with the requirement is impossible or impracticable, and the modifications it makes go no further than is, or is likely to be, reasonably necessary in the circumstances.
- The Minister is also satisfied on these matters.

### **Graduated approach to implementing and scaling back immediate modification Orders in Council**

We recommend a graduated approach to the implementation of regulations corresponding to the gravity of the epidemic. The response should be proportional to the actual threat faced. Orders in

Council should be separated into Parts, so that the most serious modifications are not invoked unless absolutely necessary.

Similarly, once the threats posed by an epidemic begin to recede, we believe that the immediate modification orders should be scaled back gradually to facilitate society's return to normality.

To facilitate this graduated approach, we recommend that an epidemic notice should remain in force for as long as the Prime Minister, with the agreement of the Minister of Health, on the recommendation of the Director-General of Health, is satisfied that the effects of an outbreak of a specified disease continue to disrupt governmental and business activity in New Zealand, or parts of New Zealand.

As the threat posed by the epidemic recedes, those immediate modification orders that are no longer required should gradually be removed from operation.

The Director-General of Health should keep the epidemic notice under continual review, and keep the Prime Minister and Minister of Health briefed. When satisfied that the effects of the epidemic are no longer likely to disrupt or continue to disrupt essential governmental and business activity significantly, the Prime Minister should promptly withdraw the notice.

### **Parliamentary scrutiny of immediate modification Orders in Council**

We believe it is important that the House of Representatives has the opportunity to scrutinise orders made during an epidemic. We recommend that this scrutiny be provided in the following way.

We recommend a more expedient scrutiny process to disallow these regulations by way of a disallowance resolution on a notice of motion of any member of the House within six sitting days of the immediate modification orders being made. The House should be able to debate the notice the day after it is lodged; and, to ensure it is debated, the motion should have priority on the House Order Paper so that it is dealt with within the 6 sitting days. We note that Standing Orders will need to be amended for this purpose, and we will write to the Standing Orders Committee to recommend that this be done.

The opportunity for the House to disallow immediate modification orders expeditiously would have the effect of adding a layer of swift

scrutiny, which would enhance the legitimacy of the orders without imposing impractical requirements.

An immediate modification order cannot be disallowed under the Regulations Disallowance Act 1989 if a notice of motion to disallow it has lapsed, or has not been agreed to.

### **Summoning Parliament or recalling the House during an epidemic**

Should an epidemic notice be issued when Parliament is not sitting, we recommend that the process for summoning Parliament in emergency circumstances should be clarified.

#### **Summoning Parliament**

It is prudent to provide for the situation where Parliament has been prorogued until a date more than seven days after the epidemic notice is given, or the date on which it is next to meet has not been determined; or it has been dissolved or expired and no proclamation has been made to summon it.

In these circumstances we recommend in new clause 5A(1) and (2) that a proclamation be made appointing a day for Parliament to meet; the day should be not more than seven days after the day on which the notice was given.

If the notice was given after Parliament had been dissolved or had expired and before the latest day appointed under the Electoral Act 1993 for the return of the writ for the election of members of Parliament, a day not more than seven days after the latest day appointed for the return of the writ should be the meeting day.

An issue arises where an epidemic occurs after the dissolution of Parliament and before polling day, with the result that polling day may have to be postponed. There is also the issue of what should happen where an epidemic arises after polling day but before the return of the writ, where it becomes important for Parliament to sit. If the House were to be recalled in these instances, there is the question of how this would be done.

We recommend that Ministers consider these electoral and constitutional issues and provide a response, with any suggested legislative solutions, for the committee of the whole House to consider.

### **Early recall of the House of Representatives**

To cater for the situation where the House is adjourned until a day more than seven days after an epidemic notice is given, we recommend new clause 5A (3) and (4) to provide that the Speaker must, as soon as practicable, appoint a day and time for the House to meet by a notice in the *Gazette*. The day must be not more than seven days after the notice was given.

### **Delaying a sitting of the House or summoning Parliament**

In some circumstances, it may be prudent to delay a sitting of the House on health grounds. There is currently no mechanism to do so when the House is adjourned, or to delay Parliament's summoning beyond the six week deadline after the return of the writs.

In the situation where the House is adjourned and it would be imprudent to have the House meet at its next scheduled sitting, a mechanism or power to delay that sitting must be provided. We believe that it should be the Speaker who makes this decision on the advice of the Director-General of Health. We believe that the mechanism providing for a decision to defer a sitting of the House should not be a legislative matter, and would be best left to the House's own rules.

Where a Parliament is prorogued, or dissolved, or has expired, section 18 of the Constitution Act 1986 provides for the Governor-General to issue a proclamation summoning Parliament to meet. Over an election period, the date for the opening of a Parliament could be altered by a further proclamation setting a date later than the normal six weeks after the day fixed for the return of the writs.

The issue to be considered is that if an epidemic notice has been issued, and the six-week deadline by which Parliament must be summoned is due to expire, there might be a need to protect the health and safety of members of Parliament by not bringing them together until the risk subsides. We are concerned that any provision for delay in the summoning of Parliament should be written into our constitutional law rather than effected by way of an order under clause 9. We therefore invite the Ministers to consider this important issue further, with a view to providing a legislative solution for the committee of the whole House to consider.

### **Place of meeting**

Another issue we considered was where the House should meet during an epidemic. The proclamation issued by the Governor-

General summoning Parliament specifies the place it will meet for the life of that Parliament. If Wellington is not considered an appropriate meeting place following the issuing of an epidemic notice, we note the Governor-General already has the power to change the place of meeting under section 18(1A) of the Constitution Act 1986, following advice from the Prime Minister as to the most suitable alternative location.

### **Further amendments to clause 9**

We recommend that clause 9 be further amended to permit the modification not just of statutory requirements, but also of restrictions. There is a subtle distinction between the terms, and the precise legal effects are not easy to discern. The amendment would remove any doubt.

We believe that the term “relaxation” should not be used in clause 9 or any part of the bill. The term “relaxation” is new and its legal force is unclear. We therefore recommend using the terms “modification”, “suspension”, and “waiver” instead.

We also recommend amending clauses 9(2)(a)(i) and 9(2)(b)(i) to include the wording “likely to be, such that the requirements or restrictions being impossible or impracticable to be complied with or fully complied with”.

### **Protection of fundamental rights and freedoms**

We recommend an amendment to clause 9 to exclude its application to the fundamental rights and freedoms guaranteed under the Bill of Rights 1688, the Judicature Amendment Act 1972, the New Zealand Bill of Rights Act 1990, and the Habeas Corpus Act 2001. The amendment should ensure that modification or suspension of such provisions could be altered only by way of primary legislation.

The bill does not alter the right to refuse medical treatment.

### **Acts excluded from modification**

Provisions of the Constitution Act 1986 and the Electoral Act 1993 should also be excluded from modification under clause 9.

### **Return of property**

We recommend the omission of clause 9(3)(c), which states that it is not possible to relax a requirement to release withheld property to its owner. This provision is unnecessary, and creates unintentional procedural impediments without providing additional protections. We

note that it is envisaged that in considering draft regulations, the relevant Minister will be concerned to ensure property is not retained inappropriately. Excluding the application of clause 9 to the rights and freedoms protected by the New Zealand Bill of Rights Act 1990 would also ensure that the impact of any draft order on individuals' rights and freedoms is clearly drawn to the Minister's attention, and justified under section 5 of that Act.

### **Flexibility in legal proceedings**

Recognising that the courts are not immune from the effects of an epidemic, we recommend a mechanism to allow Judges to modify, suspend, or waive rules of court to the extent thought necessary in the interests of justice. This would allow any administrative difficulties that arise to be addressed, for example where staff absences prevented the court from hearing an application within the specified period.

### **Part 2 of the bill**

Part 2 contains amendments to other enactments which may be required in the event of an epidemic. We note the general principle of making amendments only by primary legislation when the Executive proposes to modify, suspend, or waive primary legislation concerning fundamental rights and freedoms.

We feel that some provisions should be retained to ensure that officials have the powers they need, and that police have the authority to support them. The proposed amendments to the following statutes should remain:

- Health Act 1956
- Immigration Act 1987
- Parole Act 2002
- Sentencing Act 2002
- Social Security Act 1964
- Summary Proceedings Act 1957.

However, some of the provisions in Part 2 relate to less significant matters, such as modifications to time requirements. These provisions, we feel, would be better made in modification orders. We therefore recommend that specific amendments to the following statutes be omitted from the bill:

- Birth, Deaths and Marriages Registration Act 1995
- Holidays Act 2003
- Income Tax Act 2004
- Resource Management Act 1991
- Student Loan Scheme Act 1992
- Tax Administration Act 1994.

### **Parole Act 2002 amendment**

As noted above, the bill retains specific amendments to the Parole Act 2002. We recommend the inclusion in the bill of a further amendment to the Act which concerns fundamental human rights issues, and it is therefore not appropriate to amend it by delegated legislation.

The proposed amendment would extend the maximum period under the Parole Act within which the Parole Board must determine applications for the recall of an offender to prison, a recall hearing may be adjourned without the offender's consent, or a hearing of an application for an extended supervision order may be adjourned when the offender has been remanded in custody.

Currently if these time-limits are not complied with, a court may declare the recall application or extended supervision order invalid, and order the release of the person. The amendments would allow flexibility should it prove impossible to follow the correct procedure.

### **People liable to quarantine to supply information**

Clause 23 seeks to replace section 97 of the Health Act 1956 with new sections 97 to 97G, which cover some matters at present dealt with under the Health (Quarantine) Regulations 1983.

New section 97A of the bill provides that people liable for quarantine must comply with requests by Medical Officers of Health to do anything or to supply any information the officers believe on reasonable grounds to be necessary to manage risks to public health. There is provision for Medical Officers to require officers in charge of craft to collect information from their passengers, but if this were not done properly, Medical Officers should nevertheless be able to obtain the necessary information.

Provision of such information assists in contact-tracing, and the provisions relating to this are taken from the Health Quarantine Regulations and inserted into primary legislation.

To ensure that contact tracing is available not only at the border and for quarantine, and to avoid doubt, we recommend that contact tracing also be applied to the section 70 emergency provisions in Part 3 of the Health Act for the purpose of preventing the outbreak or spread of an infectious disease.

We also recommend that clause 97A(5) clarify not only that departments can be asked to supply information, but also that they have the right to supply such information.

### **Amendments to sections 70 and 71 of the Health Act 1956**

Clauses 18 and 19 amend sections 70 and 71 of the Health Act 1956, which contain special powers triggered either by the authorisation of the Minister of Health to prevent the outbreak or spread of an infectious disease, or by the declaration of an emergency under the Civil Defence Emergency Management Act 2002.

We recommend an amendment inserting “or while an epidemic notice is in force” into clause 18. The amendment will allow the issuing of an epidemic notice to also trigger these provisions. This would avoid the possibility that after an epidemic notice had been issued further authorisation might be required by the Minister of Health before the special powers under the Health Act were triggered. The amendment would thus avoid unnecessary bureaucracy.

We also recommend that the special powers contained in sections 70 and 71 should be available when the quarantine powers in Part 4 of the Act are simultaneously in use.

We also recommend that section 70(1)(e) be amended to cover testing for diseases, the spread of which would be a significant risk to the public in emergency situations covered by section 70. This would make the special powers contained in section 70(1)(e) and (f) consistent with the routine powers in clause 97D to test for a quarantinable disease.

We recommend an amendment to clause 71A to align references to health officers with the officers currently mentioned in section 70 of the Health Act.

Amendments to section 71 of the Health Act, as set out in clause 19, extend and clarify the powers of Medical Officers of Health to

requisition land, buildings, and vehicles during an epidemic. We recommend an amendment to clauses 19(b) and 19 (ab) to allow a medical officer to requisition a craft for the transportation and storage of bodies, and to ensure that aircraft are not used for storing bodies.

### **Technical amendments to Immigration Act 1987**

We recommend an amendment to clause 30 to insert the word “agree” in new section 129ZF of the Immigration Act 1987. This amendment would align the language with that of section 129AB of the Act.

We also recommend a further amendment to new section 129ZF, deleting the words “without the consent of a District Court Judge”. This will remove a duplicate reference to the absence of a Judge’s consent.

### **Other technical amendments**

We recommend that a medicines prioritisation policy under clause 74C should be published, and made available through the Internet. This would ensure the public know of the priorities for allocating medicines in short supply, and would ensure that health and other workers who must follow the policy have ready access to the policy.

## **Appendix**

### **Committee process**

The Law Reform (Epidemic Preparedness) Bill was referred to the committee on 9 May 2006. The closing date for submissions was 6 June 2006. We received, considered, and heard 18 submissions from interested groups and individuals. We also received a briefing from the Law Commission.

We received advice from the Ministry of Health, Department of Prime Minister and Cabinet, Ministry of Justice, Department of Corrections, Ministry for the Environment, Ministry of Social Development, Department of Labour, New Zealand Police, Inland Revenue Department, Department of Internal Affairs and the New Zealand Parole Board.

### **Committee membership**

Shane Ardern (Chairperson)

Darien Fenton (Deputy Chairperson)

Brian Connell

Charles Chauvel

Sandra Goudie

Hon Dover Samuels

During consideration of this bill, H V Ross Robertson and Russell Fairbrother were replaced by Darien Fenton and Charles Chauvel.

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## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

#### New (unanimous)

Subject to this Act,

Text inserted unanimously

*(Subject to this Act,)*

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

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*Hon Pete Hodgson*

# **Law Reform (Epidemic Preparedness) Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Law Reform (Epidemic Preparedness) Act **2006**.
- 2 Commencement** 5
- (1) **Section 21** comes into force on the earlier of—
- (a) a date appointed by the Governor-General by Order in Council:
- (b) the day 12 months after the date on which this Act receives the Royal assent. 10
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1****Enabling use of emergency powers**

- 3 Purpose** 15
- (1) The principal purpose of this Act is to ensure that there is adequate statutory power for Government agencies—
- (a) to try to prevent the outbreak of epidemics in New Zealand; and
- (b) to respond to epidemics in New Zealand; and 20
- (c) to respond to certain possible consequences of epidemics (whether occurring in New Zealand or overseas).
- (2) This Act also has the following purposes:
- (a) to ensure that certain activities normally undertaken by people and agencies interacting with Government agencies can continue to be undertaken during an epidemic in New Zealand: 25
- (b) to enable the relaxation of some statutory requirements that might not be capable of being complied with, or complied with fully, during an epidemic. 30

**Struck out (unanimous)**

- 4 Epidemic notice defined**
- In this Part, **epidemic notice** means a notice under **section 5(1)**.

## Struck out (unanimous)

- 5 Prime Minister may enable use of special powers**
- (1) The Prime Minister may, by notice in the *Gazette*, declare that he or she is satisfied that the effects of an outbreak of a stated infectious disease are likely to disrupt essential governmental and business activity in New Zealand (or stated parts of New Zealand) significantly. 5
- (2) **Subsection (1)** applies—
- (a) whether the outbreak is prospective or already occurring; and
- (b) in the case of an outbreak that is already occurring, whether it is occurring within New Zealand or overseas. 10
- (3) The notice comes into force on its commencement, and—
- (a) expires on the earliest of the following:
- (i) the day 3 months after its commencement;
- (ii) a day stated in the notice: 15
- (iii) a day stated for the purpose by the Prime Minister by further notice in the *Gazette*; but
- (b) before its expiry, may be amended by a notice under **section 6(2)**.
- (4) Before or after the notice expires, the Prime Minister can give a new notice in respect of the same disease. 20
- (5) The Prime Minister must not give the notice except on, and after considering, the written recommendation of the Director-General of Health.
- (6) In **subsection (1)**, **infectious disease** has the meaning given to it by section 2(1) of the Health Act 1956. 25
- 6 Other matters**
- (1) In addition to the matters authorised by **section 5**, an epidemic notice may, if the Prime Minister is satisfied that the effects of the outbreak concerned make it necessary to do so, state— 30
- (a) any matter that must be stated in order for action, or a particular action, to be taken under some other enactment referring to an epidemic notice; or
- (b) any matter that must be stated in order for the application of some other enactment referring to an epidemic 35

**Struck out (unanimous)**

- notice, or a provision of such an enactment, to be modified (or modified with a particular effect) by virtue of the giving of the notice.
- (2) While an epidemic notice is in force, the Prime Minister may, by further notice in the *Gazette* stating that it is ancillary to that notice, state any matter that could have been stated in it under **subsection (1)**. 5
- (3) A notice under **subsection (2)**—
- (a) may modify the effect of the epidemic notice to which it is ancillary (for example,— 10
- (i) by extending to other parts of New Zealand, or to the whole of New Zealand, the application of an epidemic notice that applies to only stated parts of New Zealand; or
- (ii) by extending to other people, places, or things, or to all people, places, or things, the application of an epidemic notice that applies to only stated people, places, or things). 15
- (b) has effect as part of the epidemic notice to which it is ancillary; and 20
- (c) expires when that epidemic notice expires.
- (4) **Subsection (3)** does not limit the generality of **subsection (2)**.
- (5) **Section 5(5)** does not apply to a notice under **subsection (2)**.
- 7 Review of notices**
- (1) The Director-General of Health must keep under review, and keep the Prime Minister informed of, the situation out of which the making of an epidemic notice arose. 25
- (2) If no longer satisfied that the effects of the outbreak concerned are likely to disrupt essential governmental and business activity in New Zealand (or the parts of New Zealand concerned) significantly, the Prime Minister must promptly revoke the epidemic notice. 30
- (3) If no longer satisfied that it is necessary to state in the epidemic notice a matter of a kind described in **section 6(1)**, the Prime Minister must, by notice in the *Gazette*, revoke the part of the notice stating the matter. 35

**Struck out (unanimous)****8 Relaxation of statutory requirements to facilitate disease management**

- (1) While an epidemic notice is in force, the Governor-General may, by Order in Council made on the recommendation of the Minister of Health, relax any requirement or restriction imposed by any enactment administered by the Ministry of Health. 5
- (2) The Minister of Health must not recommend the making of an order except on a written recommendation of the Director-General of Health, stating that, in the opinion of the Director-General, the relaxation is necessary to enable the disease concerned to be managed effectively. 10
- (3) A relaxation—  
 (a) may be absolute or subject to conditions; and  
 (b) may confer a discretionary power. 15
- (4) An order has effect according to its tenor; but unless earlier revoked, it expires when the epidemic notice expires.

**9 Relaxation of statutory requirements imposing duties**

- (1) While an epidemic notice is in force, the Governor-General may, by Order in Council made on the recommendation of the Minister of the Crown responsible for the administration of an enactment, relax any requirement imposed by that enactment. 20
- (2) The Minister must not recommend the making of an order unless he or she—  
 (a) has received from the chief executive of the department of State responsible for the administration of the enactment a written recommendation stating that, in the chief executive's opinion,—  
 (i) the consequences of an epidemic of the disease stated in the notice are such that it is impossible or impracticable for the person on whom the requirement is imposed to comply (or comply fully) with it; and 30  
 (ii) the relaxation effected is no greater than is reasonably necessary in the circumstances; and 35  
 (b) is satisfied that—

**Struck out (unanimous)**

- (i) the consequences are in fact such that it is impossible or impracticable for the person to comply (or comply fully) with the requirement; and
  - (ii) the relaxation effected is in fact no greater than is reasonably necessary in the circumstances. 5
- (3) **Subsection (1)** does not authorise a relaxation of a requirement—
- (a) to release a person from custody or detention; or
  - (b) to have any person’s detention reviewed by a court, Judge, or Registrar; or 10
  - (c) to release to its owner property being withheld from him or her.
- (4) A relaxation—
- (a) may be absolute or subject to conditions; and
  - (b) may confer a discretionary power. 15
- (5) A relaxation may authorise a Judge, Registrar, or Deputy Registrar to waive or vary a requirement imposed by a rule of court.
- (6) **Subsection (5)** does not limit the generality of **subsection (4)(b)**.
- (7) An order has effect according to its tenor; but unless earlier revoked, it expires when the epidemic notice expires. 20
- (8) For the purposes of this section and **section 8**,—
- (a) the Minister of the Crown and department of State responsible for the administration of an enactment that is or forms part of subordinate legislation are the Minister of the Crown and department of State responsible for the administration of the enactment under whose authority the legislation was made; and 25
  - (b) the New Zealand Police is a department of State and the commissioner of Police is its chief executive. 30
- (9) In **subsection (2)**, **person** includes the Crown.

**New (unanimous)**

**4 Interpretation**

- (1) In this **Part of this** Act,—  
**enactment** does not include a rule of court

## New (unanimous)

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| <b>epidemic management notice</b>                       | means a notice under <b>section 6(1)</b>   |    |
| <b>epidemic notice</b>                                  | means a notice under <b>section 5(1)</b>   |    |
| <b>immediate modification order</b>                     | means a modification order made under <b>section 8(1) or 9(1)</b>  | 5  |
| <b>modification order</b>                               | means an order made under <b>section 7B(1), 7C(1), 8(1), or 9(1)</b>   |    |
| <b>modify</b>   | includes suspend and waive   |    |
| <b>person</b>   | includes the Crown   |    |
| <b>prospective modification order</b>                   | means a modification order made under <b>section 7B(1) or 7C(1)</b> .  | 10 |
| (2)   | For the purposes of this <b>Part of this Act</b> ,—  |    |
| (a)   | the Minister of the Crown and department of State responsible for the administration of an enactment that is or forms part of subordinate legislation are the Minister of the Crown and department of State responsible for the administration of the enactment under whose authority the legislation was made; and  | 15 |
| (b)   | the New Zealand Police is a department of State and the Commissioner of Police is its chief executive.   | 20 |
| <i>Epidemic notices and epidemic management notices</i> |  |    |
| <b>5</b>  | <b>Prime Minister may enable use of special powers</b>   |    |
| (1)   | With the agreement of the Minister of Health, the Prime Minister may, by notice in the <i>Gazette</i> , declare that he or she is satisfied that the effects of an outbreak of a stated quarantinable disease (within the meaning of the Health Act 1956) are likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand (or stated parts of New Zealand) significantly. | 25 |
| (2)   | <b>Subsection (1)</b> applies whether the outbreak is occurring within New Zealand or overseas.  | 30 |
| (3)   | If not renewed under <b>section 5B(1)</b> , the notice expires on the earliest of the following:   |    |
| (a)   | the day 3 months after its commencement:   |    |
| (b)   | a day stated in the notice:  | 35 |

**New (unanimous)**

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| <ul style="list-style-type: none"> <li>(c) a day stated for the purpose by the Prime Minister by further notice in the <i>Gazette</i>.</li> <li>(4) The Prime Minister must not give the notice except on, and after considering, the written recommendation of the Director-General of Health.</li> <li>(5) As soon as is possible after giving the notice, the Prime Minister must present a copy to the House of Representatives.</li> <li>(6) While the notice is in force, further notices may be given modifying its effect— <ul style="list-style-type: none"> <li>(a) by lifting its application from stated parts of New Zealand; or</li> <li>(b) in the case of an epidemic notice that applies to only stated parts of New Zealand,— <ul style="list-style-type: none"> <li>(i) by extending its application to other stated parts of New Zealand; or</li> <li>(ii) by extending its application to the whole of New Zealand.</li> </ul> </li> </ul> </li> <li>(7) After the notice expires, a new notice can be given in respect of the same disease.</li> </ul> | <p>5</p> <p>10</p> <p>15</p>            |
| <p><b>5A Parliament must meet if epidemic notice given</b></p>   |   |
| <ul style="list-style-type: none"> <li>(1) This subsection applies to an epidemic notice if, when it is given,— <ul style="list-style-type: none"> <li>(a) Parliament has been prorogued until a day more than 7 days after the day on which the notice is given; or</li> <li>(b) Parliament has been prorogued, and the date on which it is next to meet has not been determined; or</li> <li>(c) Parliament has been dissolved or has expired, and no proclamation has been made summoning it to meet on a day not more than 7 days after the day on which the notice is given.</li> </ul> </li> <li>(2) If <b>subsection (1)</b> applies to an epidemic notice,— <ul style="list-style-type: none"> <li>(a) a Proclamation must be made appointing a day for Parliament to meet; and</li> <li>(b) the day must be— <ul style="list-style-type: none"> <li>(i) a day not more than 7 days after the day on which the notice was given; or</li> </ul> </li> </ul> </li> </ul>   | <p>20</p> <p>25</p> <p>30</p> <p>35</p> |

**New (unanimous)**

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|           | (ii) if the notice was given after Parliament had been dissolved or had expired and before the latest day appointed under the Electoral Act 1993 for the return of the writ for the election of members of Parliament, a day not more than 7 days after the latest day appointed for the return of the writ; and | 5  |
|           | (c) Parliament must meet and sit on the day appointed.   |    |
| (3)       | This subsection applies to an epidemic notice if, when it is given, the House of Representatives is adjourned until a day more than 7 days after the day on which it is given.   | 10 |
| (4)       | If <b>subsection (3)</b> applies to an epidemic notice,—   |    |
|           | (a) the Speaker of the House of Representatives must, as soon as is practicable after it is made, by notice in the <i>Gazette</i> appoint a day and time for the House of Representatives to meet; and   | 15 |
|           | (b) the day must be not more than 7 days after the day on which the notice was given; and  |    |
|           | (c) the House of Representatives must meet and sit at the time and on the day appointed.   |    |
| <b>5B</b> | <b>Renewal and modification of epidemic notices</b>  | 20 |
| (1)       | With the agreement of the Minister of Health, the Prime Minister may, by notice in the <i>Gazette</i> given before an epidemic notice expires, renew that notice.  |    |
| (2)       | The Prime Minister must not give a notice under <b>subsection (1)</b> —  | 25 |
|           | (a) except on, and after considering, the written recommendation of the Director-General of Health; and  |    |
|           | (b) unless he or she is satisfied that the effects of the outbreak concerned are likely to continue to disrupt essential governmental and business activity in New Zealand (or the parts of New Zealand concerned) significantly.  | 30 |
| (3)       | If renewed under <b>subsection (1)</b> , an epidemic notice expires on the earliest of the following:  |    |
|           | (a) the day 3 months after the commencement of the most recent notice renewing it:   | 35 |
|           | (b) a day stated in the most recent notice renewing it:  |    |

## New (unanimous)

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| <p>(c) a day stated for the purpose by the Prime Minister by further notice in the <i>Gazette</i>.</p> <p>(4) As soon as is possible after the giving of a notice under <b>subsection (1)</b>, the Prime Minister must present a copy to the House of Representatives.</p> <p><b>6 Activating other measures while epidemic notice in force</b></p> <p>(1) While an epidemic notice is in force (or in the <i>Gazette</i> in which an epidemic notice is given), the Prime Minister may, with the agreement of the Minister responsible for the administration of the enactment concerned, by notice in the <i>Gazette</i> (stating the name of the quarantinable disease stated in the epidemic notice), state—</p> <p>(a) any matter that must be stated in order for action, or a particular action, to be taken under some other enactment referring to an epidemic management notice:</p> <p>(b) any matter that must be stated in order for the application of some other enactment referring to an epidemic management notice, or a provision of such an enactment, to be modified (or modified with a particular effect) by virtue of the giving of the notice:</p> <p>(c) that it activates—</p> <p>(i) either or both of the following:</p> <p style="padding-left: 2em;">(A) one or more of the modifications made by one or more stated prospective modification orders:</p> <p style="padding-left: 2em;">(B) all the modifications made by one or more stated prospective modification orders; or</p> <p>(ii) all the modifications made by all prospective modification orders.</p> <p>(2) The Prime Minister must not give a notice under <b>subsection (1)</b> unless satisfied that the effects of the outbreak concerned make it, or are likely to make it, reasonably necessary to do so.</p> <p>(3) A notice under <b>subsection (1)</b> expires when the epidemic notice concerned expires or is revoked.</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> |
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## New (unanimous)

<b>7</b>	<b>Review of epidemic notices</b>	
(1)	The Director-General of Health must keep under review, and keep the Prime Minister and the Minister of Health informed of, the situation out of which the making of an epidemic notice arose.	5
(2)	If no longer satisfied that the effects of the outbreak concerned are likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand (or the parts of New Zealand concerned) significantly, the Prime Minister must promptly revoke the epidemic notice.	10
<b>7A</b>	<b>Review of epidemic management notices</b>	
(1)	The chief executive of the department of State responsible for the administration of an enactment affected by an epidemic management notice must keep under review, and keep the Prime Minister and the Minister responsible for the administration of the enactment informed of, the operation of the enactment.	15
(2)	If no longer satisfied that it is necessary to state in the epidemic management notice a matter of a kind described in <b>section 6(1)</b> relating to the enactment, the Prime Minister must, by notice in the <i>Gazette</i> , revoke the part of the notice stating the matter (or, as the case requires, the notice).	20
	<i>Prospective modification of statutory requirements and restrictions</i>	
<b>7B</b>	<b>Prospective modification of statutory requirements and restrictions to facilitate management of serious outbreaks of disease</b>	25
(1)	The Governor-General may, by Order in Council made on the recommendation of the Minister of Health, modify (with prospective effect as stated in <b>section 7D</b> ) any requirement or restriction imposed by any enactment administered by the Ministry of Health.	30
(2)	The Minister of Health must not recommend the making of an order except on a written recommendation of the Director-General of Health, stating that, in the Director-General's opinion, the modifications it makes are likely to be necessary to	35

**New (unanimous)**

- enable the effective management of serious outbreaks of diseases affecting people or their effects (or both).
- (3) A modification of a requirement or restriction—
- (a) may be absolute or subject to conditions; and
  - (b) may be made—
    - (i) by stating alternative means of complying with the requirement or restriction; or
    - (ii) by substituting a discretionary power for the requirement or restriction.
- (4) **Subsection (3)** does not limit **subsection (1)**.
- 7C Prospective modification of statutory requirements and restrictions to enable compliance during epidemic**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of the Crown responsible for the administration of an enactment, modify (with prospective effect as stated in **section 7D**) any requirement or restriction imposed by the enactment.
- (2) The Minister must not recommend the making of the order unless he or she—
- (a) has received from the chief executive of the department of State responsible for the administration of the enactment a written recommendation stating that, in the chief executive's opinion,—
    - (i) if a serious outbreak of a disease affecting people occurred in New Zealand, the effects might well be such that the requirement or restriction would be impossible or impracticable to comply (or comply fully) with; and
    - (ii) the modification to be made goes no further than would be likely to be reasonably necessary in the circumstances; and
  - (b) is himself or herself satisfied that—
    - (i) the effects might well be such that the requirement or restriction would be impossible or impracticable to comply (or comply fully) with; and

**New (unanimous)**

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|           | (ii) the modification goes no further than would be likely to be reasonably necessary in the circumstances.  |    |
| (3)       | <b>Subsection (1)</b> does not authorise—  |    |
|           | (a) a modification of a requirement—   | 5  |
|           | (i) to release a person from custody or detention; or  |    |
|           | (ii) to have any person’s detention reviewed by a court, Judge, or Registrar; or   |    |
|           | (b) a modification of a restriction on keeping a person in custody or detention; or  | 10 |
|           | (c) a modification of a requirement or restriction imposed by the Bill of Rights 1688, the Constitution Act 1986, the Electoral Act 1993, the Judicature Amendment Act 1972, or the New Zealand Bill of Rights Act 1990, or by this <b>Part of this Act</b> .  | 15 |
| (4)       | <b>Subsection (3)</b> does not prevent the modification of a procedural requirement or restriction relating to a person in custody or detention, even if the effect (direct or indirect) of the modification is that the person stays in custody or detention longer than he or she otherwise would have stayed. | 20 |
| (5)       | A modification of a requirement or restriction—  |    |
|           | (a) may be absolute or subject to conditions; and  |    |
|           | (b) may be made—   |    |
|           | (i) by stating alternative means of complying with the requirement or restriction; or  | 25 |
|           | (ii) by substituting a discretionary power for the requirement or restriction.   |    |
| (6)       | <b>Subsection (5)</b> does not limit <b>subsection (1)</b> .   |    |
| <b>7D</b> | <b>Application of prospective modifications</b>  |    |
|           | A modification made by a prospective modification order—   | 30 |
|           | (a) begins to apply (or to apply again) on the commencement of an epidemic management notice stating that it activates—  |    |
|           | (i) the modification; or   |    |
|           | (ii) all modifications made by the order; or   | 35 |
|           | (iii) the modifications made by all modification orders; and   |    |

**New (unanimous)**

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| <p>(b) ceases to apply on the earliest of—</p> <p>(i) the expiry of the epidemic management notice that activated the modification:</p> <p>(ii) the revocation of the epidemic management notice or part of an epidemic management notice that activated the modification:</p> <p>(iii) the revocation of the order.</p> <p style="text-align: center;"><i>Immediate modification of statutory requirements and restrictions</i></p> <p><b>8 Immediate modification of statutory requirements and restrictions to facilitate management of quarantinable disease</b></p> <p>(1) While an epidemic notice is in force, the Governor-General may, by Order in Council made on the recommendation of the Minister of Health, modify any requirement or restriction imposed by any enactment administered by the Ministry of Health.</p> <p>(2) The Minister of Health must not recommend the making of an order except on a written recommendation of the Director-General of Health, stating that, in the Director-General's opinion, the modifications it makes are or are likely to be necessary to enable the effective management of the quarantinable disease stated in the epidemic notice or its effects (or both).</p> <p>(3) A modification of a requirement or restriction—</p> <p>(a) may be absolute or subject to conditions; and</p> <p>(b) may be made—</p> <p>(i) by stating alternative means of complying with the requirement or restriction; or</p> <p>(ii) by substituting a discretionary power for the requirement or restriction.</p> <p>(4) <b>Subsection (3)</b> does not limit <b>subsection (1)</b>.</p> <p><b>9 Immediate modification of statutory requirements and restrictions to enable compliance during epidemic</b></p> <p>(1) While an epidemic notice is in force, the Governor-General may, by Order in Council made on the recommendation of the Minister of the Crown responsible for the administration of an</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> |
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|     | enactment, modify any requirement or restriction imposed by the enactment.   |    |
| (2) | The Minister must not recommend the making of an order unless he or she—   |    |
|     | (a) has received from the chief executive of the department of State responsible for the administration of the enactment concerned a written recommendation stating that, in the chief executive’s opinion,—   | 5  |
|     | (i) the effects of an epidemic of the quarantinable disease stated in the notice are, or are likely to be, such that the requirement or restriction is impossible or impracticable to comply (or comply fully) with; and                                     | 10 |
|     | (ii) the modifications it makes go no further than is, or is likely to be, reasonably necessary in the circumstances; and  | 15 |
|     | (b) is himself or herself satisfied that—  |    |
|     | (i) the effects are, or are likely to be, such that the requirement or restriction is impossible or impracticable to comply (or comply fully) with; and  | 20 |
|     | (ii) the modifications go no further than is, or is likely to be, reasonably necessary in the circumstances.   |    |
| (3) | <b>Subsection (1)</b> does not authorise—  |    |
|     | (a) a modification of a requirement—   | 25 |
|     | (i) to release a person from custody or detention; or  |    |
|     | (ii) to have any person’s detention reviewed by a court, Judge, or Registrar; or   |    |
|     | (b) a modification of a restriction on keeping a person in custody or detention; or  | 30 |
|     | (c) a modification of a requirement or restriction imposed by the Bill of Rights 1688, the Constitution Act 1986, the Electoral Act 1993, the Judicature Amendment Act 1972, or the New Zealand Bill of Rights Act 1990, or by this <b>Part of this</b> Act. | 35 |
| (4) | <b>Subsection (3)</b> does not prevent the modification of a procedural requirement or restriction relating to a person in custody or  |    |

**New (unanimous)**

detention, even if the effect (direct or indirect) of the modification is that the person stays in custody or detention longer than he or she otherwise would have.

- (5) A modification of a requirement or restriction—
- (a) may be absolute or subject to conditions; and 5
  - (b) may be made—
    - (i) by stating alternative means of complying with the requirement or restriction; or
    - (ii) by substituting a discretionary power for the requirement or restriction. 10
- (6) **Subsection (5)** does not limit **subsection (1)**.

*Parliamentary scrutiny of immediate modifications*

- 9A Immediate modification orders to be presented to House of Representatives promptly** 15  
 Every immediate modification order must be presented to the House of Representatives as soon as is practicable after it is made.
- 9B Disallowance of immediate modification orders**
- (1) A member of Parliament may give a notice of motion under this section to disallow an immediate modification order within 6 sitting days after the day on which it was made. 20
  - (2) **Subsection (1)** applies whether or not the order has been presented to the House of Representatives.
- 9C When immediate modification orders disallowed** 25  
 An immediate modification order is disallowed if a notice of motion under **section 9B** to disallow it is agreed to within 6 sitting days after the day on which it was made.
- 9D Disallowance has effect of revocation** 30  
 An immediate modification order that is disallowed under **section 9C** is revoked at the close of the day after the day on which the notice of motion to disallow it is agreed to.

**New (unanimous)**

<b>9E</b>	<b>Lapse of notice of motion to disallow immediate modification order</b>	
	A notice of motion under <b>section 9B</b> to disallow an immediate modification order lapses if—	
	(a) it is not agreed to within 6 sitting days after the day on which the order was made; or	5
	(b) the member of Parliament who gave it withdraws it; or	
	(c) Parliament is dissolved or expires.	
<b>9F</b>	<b>Notice of resolution to disallow immediate modification order</b>	10
(1)	If a resolution disallowing an immediate modification order is agreed to by the House of Representatives, the Clerk of the House of Representatives must promptly give written notice of the disallowance to the Prime Minister and the Chief Parliamentary Counsel.	15
(2)	The notice must show the date on which the resolution was agreed to and be accompanied by the text of the resolution.	
(3)	The notice is conclusive evidence of the day on which the resolution was agreed to.	
(4)	The Chief Parliamentary Counsel must arrange for the notice to be printed and published under section 4 of the Acts and Regulations Publication Act 1989 as if it were a regulation.	20
<b>9G</b>	<b>Application of Regulations (Disallowance) Act 1989</b>	
	An immediate modification order cannot be disallowed under the Regulations (Disallowance) Act if a notice of motion under <b>section 9B</b> to disallow it—	25
	(a) has lapsed; or	
	(b) has not been agreed to	
<i>Other matters</i>		
<b>9H</b>	<b>Areas within which modification orders operate</b>	30
(1)	A modification order stating that it applies to the whole of New Zealand does so, even if the relevant epidemic notice applies to only stated parts of New Zealand.	

**New (unanimous)**

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| <p>(2) A modification order not stating that it applies to the whole of New Zealand—</p> <p style="margin-left: 20px;">(a) applies to the whole of New Zealand if the relevant epidemic notice applies to the whole of New Zealand; and</p> <p style="margin-left: 20px;">(b) applies to only the parts of New Zealand to which the relevant epidemic notice applies if the notice applies to only stated parts of New Zealand.</p>    | 5            |
| <b>9I Judges may modify rules of court during epidemic</b>   |              |
| <p>(1) While an epidemic notice is in force, a Judge to whom <b>subsection (2)</b> applies (whether permanently appointed or temporary) may in any particular case modify any rule of court, and to any extent, that he or she thinks necessary in the interests of justice to take account of the effects of the quarantinable disease stated in the notice.</p>  | 10<br><br>15 |
| <p>(2) This subsection applies to—</p> <p style="margin-left: 20px;">(a) a Judge of the High Court (whether acting as a Judge of the High Court or a Judge of the Court of Appeal or the Supreme Court):</p> <p style="margin-left: 20px;">(b) an Associate Judge of the High Court:</p> <p style="margin-left: 20px;">(c) a Judge of the Employment Court:</p> <p style="margin-left: 20px;">(d) a Judge of the Maori Land Court.</p> | 20           |
| <p>(3) A modification—</p> <p style="margin-left: 20px;">(a) may be absolute or subject to conditions; and</p> <p style="margin-left: 20px;">(b) may be made by stating alternative means of complying with a requirement or restriction imposed by the rules.</p>   | 25           |
| <p>(4) <b>Subsection (3)</b> does not limit <b>subsection (1)</b>.</p>   |              |
| <b>9J Certain common law doctrines not affected</b>  |              |
| <p>(1) No doctrine, defence, or rule of impossibility or necessity (for example, those embodied in the maxims <i>lex non cogit ad impossibilia</i> and <i>nemo tenetur ad impossibile</i>) is limited or affected by—</p> <p style="margin-left: 20px;">(a) any thing in, or done under, this <b>Part of this</b> Act or an enactment stated in <b>subsection (2)</b>; or</p>  | 30           |

**New (unanimous)**

- (b) the fact that any thing is not in, or has not been done under, this **Part of this Act** or an enactment stated in **subsection (2)**.
- (2) The enactments referred to in **subsection (1)** are **sections 16 to 24A of this Act, sections 27 to 30 of this Act, sections 33 to 38B of this Act, sections 41 to 44 of this Act, sections 45 to 48 of this Act, and sections 51 and 52 of this Act.** 5

**9K Effect of modification orders on requirements to tell people of their rights**

While a person's rights, available remedies or courses of action, or legal situation under an enactment are affected by the effect of a modification order, a requirement in any enactment (whether that enactment or another) to the effect that a person must be told of those rights, those remedies or courses of action, or that situation, must be read as a requirement that he or she must be told of those rights, those remedies or courses of action, or that situation, as modified by the effect of the order. 10  
15

**Part 2****Amendments to existing enactments** 20**Struck out (unanimous)***Births, Deaths, and Marriages Registration Act 1995*

- 10 Principal Act amended**  
**Sections 11 to 15** amend the Births, Deaths, and Marriages Registration Act 1995.
- 11 Interpretation** 25  
Section 2 of the Births, Deaths, and Marriages Registration Act 1995 is amended by repealing the definition of **unavailable** and substituting the following definition:  
“**unavailable**—  
“(a) means dead, unknown, missing, of unsound mind, or 30  
unable to act by virtue of a medical condition; and

**Struck out (unanimous)**

“(b) in **section 37A**, includes too busy dealing with people affected by the disease concerned to be able to give a doctor’s certificate”.

**12 New section 37A inserted**

The following section is inserted after section 37 of the Births, Deaths, and Marriages Registration Act 1995: 5

**“37A Medical certificates relating to deaths occurring during epidemic**

“(1) This section applies to a disease to the extent only that a notice under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006** relating to the disease (or a notice under **section 6(2)** of that Act that is ancillary to such a notice) provides that certificates under this section may be given in relation to deaths appearing to be caused by the disease. 10

“(2) A notice under **section 5(1) or section 6(2) of the Law Reform (Epidemic Preparedness) Act 2006** may authorise the giving of certificates in relation to deaths occurring during a period before its commencement. 15

“(3) A nurse who attended a person during an illness may give a certificate as to the death of the person if (and only if)— 20

“(a) either—

“(i) no doctor attended the person during the illness; or

“(ii) every doctor who attended the person during the illness is unavailable, and is likely to be unavailable until a time that is at least 24 hours after the person’s death; and 25

“(b) the nurse is satisfied, having had regard to the circumstances of the person’s death, that—

“(i) the person’s death was a natural consequence of the illness; and 30

“(ii) the illness was caused, directly or indirectly, by a disease to which this section applied when the person died, or when the disease is likely to have been contracted. 35

**Struck out (unanimous)**

- “(4) A doctor or nurse who did not attend a person during an illness may give a certificate as to the death of the person if (and only if)—
- “(a) either—
- “(i) no doctor or nurse attended the person during the illness; or 5
- “(ii) every doctor or nurse who attended the person during the illness is unavailable, and is likely to be unavailable until a time that is at least 24 hours after the person’s death; and 10
- “(b) the doctor or nurse has examined the person’s body and is satisfied, having had regard to the circumstances of the person’s death, that—
- “(i) the person’s death was a natural consequence of the illness; and 15
- “(ii) the illness was caused, directly or indirectly, by a disease to which this section applied when the person died, or when the disease is likely to have been contracted.
- “(5) A doctor or nurse must not give a certificate under this section if he or she knows that the doctor who last attended the person during the illness has refused to give a doctor’s certificate for the death because that doctor was not satisfied, or was not yet satisfied, that the death was a natural consequence of the illness. 20  
25
- “(6) A nurse must not give a certificate under this section if he or she knows that another nurse has refused to give a certificate under this section for the death because that other nurse was not satisfied, or was not yet satisfied, of the matters stated in **subsection (4)(b)**. 30
- “(7) A doctor or nurse must not give a certificate under this section in relation to a death that is required to be reported to a coroner under paragraph (a), or any of paragraphs (c) to (j), of section 4(1) of the Coroners Act 1988, or that he or she knows has been reported to a coroner under that Act, unless a coroner has decided not to hold an inquest into the death. 35

**Struck out (unanimous)**

- “(8) **Subsections (3) and (4)** are subject to **subsections (5) to (7)**.
- “(9) A certificate under this section must be given on a form provided by the Registrar-General for the purpose.
- “(10) In this section, **nurse** means a health practitioner who—
- “(a) is registered or deemed to be registered as a practitioner of the profession of nursing with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003; and 5
  - “(b) has a scope of practice under that Act as a registered nurse or nurse practitioner.” 10
- 13 Transfer of charge of body**  
Subsections (1)(a), (3), and (4) of section 40 of the Births, Deaths, and Marriages Registration Act 1995 are amended by inserting “, a certificate under **section 37A**,” after “doctor’s certificate”. 15
- 14 Medical certificate or coroner’s order to be obtained before body disposed of**  
Section 41 of the Births, Deaths, and Marriages Registration Act 1995 is amended by adding “, or a certificate under **section 37A**”. 20
- 15 Consequential amendments**
- (1) Section 4(1) of the Coroners Act 1988 is consequentially amended by repealing paragraph (b) and substituting the following paragraph: 25
- “(b) every death in respect of which—
    - “(i) no doctor has given a medical certificate referred to in section 37(1) of the Births, Deaths, and Marriages Registration Act 1995; and
    - “(ii) no doctor or nurse has given a certificate under **section 37A** of that Act:” 30
- (2) Section 45(1) of the Friendly Societies and Credit Unions Act 1982 is consequentially amended by repealing paragraph (a) and substituting the following paragraph:

**Struck out (unanimous)**

- “(a) of a death certificate, a doctor’s certificate within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995, or a certificate under **section 37A** of that Act, relating to the death of the member or other person; or” 5
- (3) Section 143 of the Health Practitioners Competence Assurance Act 2003 is consequentially amended by repealing subsection (4) and substituting the following subsection:
- “(4) In this section, **doctor’s certificate**—
- “(a) has the meaning given to that term by section 2 of the Births, Deaths, and Marriages Registration Act 1995; but 10
- “(b) includes a certificate under **section 37A** of that Act.”
- (4) Section 128 of the Social Workers Registration Act 2003 is consequentially amended by repealing subsection (5) and substituting the following subsection: 15
- “(5) In this section, **doctor’s certificate**—
- “(a) has the meaning given to that term by section 2 of the Births, Deaths, and Marriages Registration Act 1995; but 20
- “(b) includes a certificate under **section 37A** of that Act.”

*Health Act 1956*

- 16 Principal Act amended**
- Sections 17 to 24** amend the Health Act 1956.
- 17 Interpretation** 25
- (1) Section 2(1) is amended by repealing the definition of **quarantinable disease** and inserting the following definitions in their appropriate alphabetical order:
- “**craft** means an aircraft, ship, or other device or machine, that can be used to carry or transport people or goods— 30
- “(a) by air; or
- “(b) on or under water

**New (unanimous)**

“**epidemic management notice** means a notice under **section 6(1) of the Law Reform (Epidemic Preparedness) Act 2006**

“**epidemic notice** means a notice under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006**

“**passenger**, in relation to a craft means any person in or on it who is not a member of its crew

5

**Struck out (unanimous)**

“**quarantinable disease**—

“(a) means a disease stated in **Part 3 of Schedule 1**; and

“(b) includes a disease stated in an epidemic notice that is in force

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**New (unanimous)**

“**quarantinable disease** means a disease stated in **Part 3 of Schedule 1**”.

(2) Section 2 is amended by adding the following subsection:

“(3) The Governor-General may, by Order in Council, amend **Part 3 of Schedule 1** by adding or omitting the name of a disease, or substituting a new name for a disease.”

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(3) The Part set out in the Schedule to this Act is added to Schedule 1.

(4) The definition of **quarantinable disease** in regulation 2 of the Health (Quarantine) Regulations 1983 is consequentially revoked.

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**18 Special powers of Medical Officer of Health****New (unanimous)**

(1AA) Section 70(1) is amended by inserting “or while an epidemic notice is in force” after “the Civil Defence Emergency Management Act 2002”.

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**New (unanimous)**

(1AAB) Section 70(1) is amended by inserting the following paragraph after paragraph (e):

“(ea) if the spread of the disease would be a significant risk to the public, require people to report, or submit themselves for medical testing, at stated times and places:”

5

(1) Section 70(1)(f) is amended by omitting “ships, animals, and things” and substituting “ships, vehicles, aircraft, animals, or things”.

**New (unanimous)**

(1A) Section 70(1) is amended by inserting the following paragraph after paragraph (f):

10

“(fa) if the spread of the disease would be a significant risk to the public, require people, places, buildings, ships, vehicles, aircraft, animals, or things to be tested as he or she thinks fit:”

(2) Paragraphs (g) and (i) of section 70(1) are amended by omitting “ships, animals, or things” and substituting “ships, vehicles, aircraft, animals, or things”.

15

(3) Section 70(1)(h) is amended by omitting “Forbid persons to leave” and substituting “require people to remain in”.

(4) Section 70(1) is amended by repealing paragraphs (m) to (o) and substituting the following paragraphs:

20

**Struck out (unanimous)**

“(m) by order published in a newspaper circulating in the health district, do any or all of the following:

“(i) require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or description:

25

“(ii) require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or

30

**Struck out (unanimous)**

description in which infection control measures described in the order are not operating:

“(iii) forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district): 5

“(iv) forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district) in which infection control measures described in the order are not operating. 10

**New (unanimous)**

“(la) by written order to the person appearing to be in charge of the premises concerned, do either or both of the following: 15

“(i) require to be closed immediately, until further order or for a fixed period, any premises within the health district (or a stated area of the district):

“(ii) require to be closed immediately, until further order or for a fixed period, any premises within the health district (or a stated area of the district) in which infection control measures described in the order are not operating: 20

“(m) by order published in a newspaper circulating in the health district or by announcement broadcast by a television channel or radio station that can be received by most households in the health district, do any of the following: 25

“(i) require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or description: 30

“(ii) require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or 35

**New (unanimous)**

description in which infection control measures described in the order are not operating:

- “(iii) forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district): 5
- “(iv) forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district) in which infection control measures described in the order are not operating.” 10

- (5) Section 70 is amended by inserting the following subsections after subsection (1):

**Struck out (unanimous)**

- “(1A) An order under **subsection (1)(m)** does not apply to— 15
  - “(a) any premises that are, or any part of any premises that is, used solely as a private dwellinghouse; or
  - “(b) any premises within the parliamentary precincts (within the meaning of section 3 of the Parliamentary Service Act 2000); or 20
  - “(c) any premises whose principal or only use is as a courtroom or judge’s chambers, or a court registry; or
  - “(d) any premises that are, or are part of, a prison (within the meaning of section 3(1) of the Corrections Act 2004).
- “(1B) An order under **subsection (1)(m)** may exempt people engaged in necessary work in the premises to which it relates. 25
- “(1C) If the Medical Officer of Health publishes an order under **subsection (1)(m)** in a newspaper circulating in the health district, he or she—
  - “(a) must also make reasonable efforts to have the contents or gist of the order published by announcement broadcast by a television channel or radio station that can be received by most households in the health district; and 30
  - “(b) may publish the order or its gist in any other manner he or she thinks appropriate.” 35

**New (unanimous)**

- “(1A) An order under **paragraph (la) or (m) of subsection (1)** does not apply to—
- “(a) any premises that are, or any part of any premises that is, used solely as a private dwellinghouse; or
  - “(b) any premises within the parliamentary precincts (within the meaning of section 3 of the Parliamentary Service Act 2000); or
  - “(c) any premises whose principal or only use is as a court-room or judge’s chambers, or a court registry; or
  - “(d) any premises that are, or are part of, a prison (within the meaning of section 3(1) of the Corrections Act 2004).
- “(1B) An order under **paragraph (la) or (m) of subsection (1)** may exempt people engaged in necessary work in the premises to which it relates.
- “(1C) If the Medical Officer of Health publishes an order under **subsection (1)(m)** in a newspaper circulating in the health district, he or she must also make reasonable efforts to have the contents or gist of the order published by announcement broadcast by a television channel or radio station that can be received by most households in the health district.
- “(1D) The Medical Officer of Health may publish in any other manner he or she thinks appropriate an order under **paragraph (la) or (m) of subsection (1)** or its gist.”
- (6) Section 70 is amended by adding the following subsection:
- “(4) If satisfied that it is desirable in the circumstances to do so, the Director-General may authorise a Medical Officer of Health to operate in a stated area outside his or her district; and in that case, this section and section 71 apply as if the area is part of both his or her district and the district of which it is in fact part.”

## 19 Powers of Medical Officer of Health on outbreak of infectious disease

### New (unanimous)

- |       |  |    |
|-------|--|----|
| (1)   | Section 71(1) is amended by inserting “or while an epidemic notice is in force” after “the Civil Defence Emergency Management Act 2002”.   | 5  |
| <hr/> |  |    |
| (2)   | Section 71(1) is amended by repealing paragraphs (a) and (b) and substituting the following paragraphs:  |    |
|       | “(a) by requisition in writing served on its owner or occupier, take possession of, occupy, and use any land or building (whether public or private) that in his or her opinion is required for the accommodation and treatment of patients:   | 10 |
|       | “(ab) by requisition in writing served on the owner, occupier, or other person for the time being in charge of it, take possession of, occupy, and use any land, building, (or) vehicle, or craft (other than an aircraft), whether public or private, that in his or her opinion is required for the storage or disposal of bodies: | 15 |
|       | “(b) by requisition in writing served on the owner or other person for the time being in charge of it, take possession of and use any vehicle or craft, whether public or private, that in his or her opinion is required for the transport of—  | 20 |
|       | “(i) patients, medical personnel, medicine, medical equipment or devices, food, or drink; or   | 25 |
|       | “(ii) clothing, bedding, or tents or other temporary facilities or structures; or  |    |
|       | “(iii) personnel involved in loading, moving, unloading, distributing, erecting, or otherwise dealing with anything transported or to be transported under <b>subparagraph (i) or subparagraph (ii):</b> ”.  | 30 |

## 20 New sections 71A and 72 substituted

Section 72 is repealed and the following sections are substituted:

**“71A Power of members of police to assist Medical Officer of Health (or Health Protection Officers) in relation to infectious diseases**

- “(1) A member of the police may do any thing reasonably necessary (including the use of force)— 5
- “(a) to help a Medical Officer of Health or (*a Health Protection Officer*) any person authorised by a Medical Officer of Health in the exercise or performance of powers or functions under section 70 or section 71; or
- “(b) to help a person to do a thing that a Medical Officer of Health or (*a Health Protection Officer*) any person authorised by a Medical Officer of Health has caused or required to be done in the exercise or performance of powers or functions under section 70 or section 71; or 10
- “(c) to prevent people from obstructing or hindering a Medical Officer of Health or (*a Health Protection Officer*) any person authorised by a Medical Officer of Health in the exercise or performance of powers or functions under section 70 or section 71; or 15
- “(d) to prevent people from obstructing or hindering a person doing a thing that a Medical Officer of Health or (*a Health Protection Officer*) any person authorised by a Medical Officer of Health has caused or required to be done in the exercise or performance of powers or functions under section 70 or section 71; or 20
- “(e) to compel, enforce, or ensure compliance with a requirement made by a Medical Officer of Health or (*a Health Protection Officer*) any person authorised by a Medical Officer of Health in the exercise or performance of powers or functions under section 70 or section 71; or 25
- “(f) to prevent, or reduce the extent or effect of, the doing of a thing that a Medical Officer of Health or (*a Health Protection Officer*) any person authorised by a Medical Officer of Health has forbidden or prohibited in the exercise or performance of powers or functions under section 70 or section 71. 35
- “(2) A member of the police acting under **subsection (1)** may at any time do any or all of the following things: 40
- “(a) enter into or on any land, building, aircraft, ship, or vehicle: 40

- “(b) inspect any land, building, aircraft, ship, or vehicle, and any thing in or on it:
- “(c) whether for the purposes of **paragraph (a) or paragraph (b)** (or both) or in the exercise of a power conferred by **subsection (1)**,— 5
- “(i) stop a ship or vehicle, or a taxiing aircraft; or
- “(ii) prevent a stationary aircraft, ship, or vehicle from moving; or
- “(iii) prevent an aircraft or ship from departing.
- “(3) **Subsection (2)** does not limit the generality of **subsection (1)**. 10
- “(4) A member of the police may do a thing authorised by **subsection (1) or subsection (2)** whether or not a Medical Officer of Health has asked him or her to do so.
- “(5) Subsections (2) to (6) of section 314B, and sections 314C and 314D, of the Crimes Act 1961, with any necessary modifications, apply to the powers conferred by **subsection (2)(c)**— 15
- “(a) as if they were a statutory search power within the meaning of section 314A of that Act; but
- “(b) as if a ship or taxiing aircraft were a vehicle.
- “(6) A member of the police does not incur any personal liability 20
- by reason of anything done by him or her in good faith in the exercise or intended exercise of a power conferred by this section.
- “72 **Offences relating to obstructing Medical Officer of Health or people assisting Medical Officer of Health** 25
- A person commits an offence and is liable to imprisonment for a term not exceeding 6 months, a fine not exceeding \$4,000, or both who in any way (directly or indirectly, by act or default)—
- “(a) threatens, assaults, or intentionally obstructs or hinders 30
- a Medical Officer of Health or (*a Health Protection Officer*) any person authorised by a Medical Officer of Health in the exercise or performance of powers or functions under section 70 or section 71; or
- Struck out (unanimous)**
- “(b) threatens, assaults, or intentionally obstructs or hinders 35

an Environmental Health Officer or a Health Protection

**Struck out (unanimous)**

Officer, or any other person, acting with the authority or by direction of a Medical Officer of Health or a Health Protection Officer, in the exercise or performance of powers or functions under section 70 or section 71; or

- “(c) threatens, assaults, or intentionally obstructs or hinders a member of the police acting under **section 71A**; or 5
- “(d) does anything forbidden by a Medical Officer of Health or *(a Health Protection Officer)* any person authorised by a Medical Officer of Health under section 70 or section 71; or 10
- “(e) fails or refuses to comply with, or delays complying with, a direction or requirement of a Medical Officer of Health or *(a Health Protection Officer)* any person authorised by a Medical Officer of Health given in the exercise of powers or functions under section 70 or section 71; or 15
- “(f) does, or delays ceasing to do, a thing prohibited or forbidden by a Medical Officer of Health or *(a Health Protection Officer)* any person authorised by a Medical Officer of Health in the exercise of powers or functions under section 70 or section 71.” 20

**21 New section 74AA inserted**

The following section is inserted after section 74:

- “74AA Medical laboratories to give notice of cases of notifiable disease 25**
- “(1) The person in charge of a medical laboratory must take all reasonably practicable steps to ensure that there are in place in it efficient systems for reporting to him or her (or to any other person for the time being in charge of it) the results of a test or other procedure undertaken in it that indicate that a person or thing is, has been, or may be or have been, infected with a notifiable disease. 30
- “(2) The person for the time being in charge of a medical laboratory to whom results are reported under **subsection (1)** (or who himself or herself becomes aware of results of a kind to which that subsection applies) must immediately tell the health practitioner for whom the test or other procedure concerned was 35

undertaken, and the Medical Officer of Health, of the infectious nature of the disease concerned.

- “(3) A person who fails to comply with **subsection (2)**—  
 “(a) commits an offence against this Act; and  
 “(b) is liable to a fine not exceeding \$10,000 and, if the offence is a continuing one, to a further fine not exceeding \$500 for every day on which it has continued.”

## 22 New sections 74B to 74D inserted

The following sections are inserted before section 75:

### “74B Medical laboratories may be required to give notice of cases of disease during epidemic 10

- “(1) Before the commencement of **section 21 of the Law Reform (Epidemic Preparedness) Act 2006**, an epidemic management notice may provide for this Act to have effect as if **section 74AA** (as to be inserted by that section) were already in force, but in relation only to the disease stated in the notice. 15

- “(2) Unless the notice provides that **section 74AA** is to apply to medical laboratories in stated parts of New Zealand only, the section applies to medical laboratories throughout New Zealand. 20

- “(3) While the notice is in force, every provision of this Act (other than this section) has effect—  
 “(a) as if **section 74AA** were in force; but  
 “(b) as if the references in that section to a notifiable disease were references to the notifiable disease stated in the notice (or, if 2 or more notices are in force, to the notifiable diseases stated in the notices). 25

- “(4) The fact that the notice has expired does not affect any criminal or civil liability arising while it was in force.

### “74C Priorities for medicines 30

- “(1) The Director-General may at any time devise policies determining the priorities with which supplies of medicines that are under the control of the Crown or a Crown entity are to be dispensed during outbreaks of (*infectious*) quarantinable diseases. 35

**Struck out (unanimous)**

- “(2) While an epidemic notice is in force,—
- “(a) the Director-General may, if satisfied that there is or is likely to be a shortage of medicines because of the outbreak of the disease stated in the epidemic notice, in accordance with a policy devised under **subsection (1)** for the medicines, by written notice to any person administering, dispensing, prescribing, or supplying stated medicines that are under the control of the Crown or a Crown entity require the person to administer, dispense, prescribe, or supply them in accordance with priorities, and subject to any conditions, stated in the notice; and
  - “(b) the person must, in administering, dispensing, prescribing, or supplying the medicines,—
    - “(i) comply with the priorities; and
    - “(ii) comply with any conditions, stated in the notice, or in a notice published by the Director-General in the Gazette for the purposes of this paragraph.

**New (unanimous)**

- “(2) While an epidemic notice is in force,—
- “(a) the Director-General may, if satisfied that there is or is likely to be a shortage of medicines because of the outbreak of the disease stated in the epidemic notice, in accordance with a policy devised under **subsection (1)** for the medicines, by notice in the *Gazette* require persons administering, dispensing, prescribing, or supplying stated medicines that are under the control of the Crown or a Crown entity to administer, dispense, prescribe, or supply them in accordance with priorities, and subject to any conditions, stated in the notice; and
  - “(b) every person administering, dispensing, prescribing, or supplying medicines stated in the notice that are under the control of the Crown or a Crown entity must—
    - “(i) comply with the priorities; and
    - “(ii) comply with any conditions, stated in the notice.

**New (unanimous)**

“(2A) A notice under **subsection (2)** must state whether it applies to—

- “(a) all persons administering, dispensing, prescribing, or supplying the medicines concerned; or
- “(b) particular classes of person administering, dispensing, prescribing, or supplying the medicines concerned; or
- “(c) particular persons administering, dispensing, prescribing, or supplying the medicines concerned.

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“(3) A (*requirement*) notice under **subsection (2)** may relate to any medicine, whether or not it can be used in relation to the disease stated in the epidemic notice.

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**Struck out (unanimous)**

“(4) The Director-General does not have to publish a policy, but must produce and keep a written description of its general effect.

**New (unanimous)**

“(4) The Director-General must publish every policy; but may do so by making it available on the Internet.

15

“(5) In this section, **medicine** means any substance used or capable of being used to prevent, treat, or palliate a disease, or the symptoms or effects of a disease.

**“74D Redirection of aircraft**

“(1) While an epidemic management notice providing for Medical Officers of Health to do so is in force, a Medical Officer of Health may by written or oral notice (in the case of an oral notice, whether given face-to-face or by radio) require the pilot in charge of an aircraft that has landed at a place in New Zealand to travel, as soon as practicable, to another stated place in New Zealand.

20

25

“(2) The Medical Officer of Health must not give the notice unless satisfied—  
“(a) that—

- “(i) the disease stated in the epidemic management notice has or is likely to have broken out in a place the aircraft has come from (whether directly, or via other places); or
- “(ii) the disease has or is likely to have broken out in the place where the aircraft has landed; or 5
- “(iii) the aircraft is or is likely to be carrying people infected with the disease; and
- “(iv) the aircraft or anything in it is or is likely to be contaminated with the disease; and 10
- “(b) measures necessary to deal with the situation can more practicably be carried out at the other place.”
- 23 New sections 97 to 97G substituted**
- (1) Section 97 is repealed and the following sections are substituted: 15
- “97 People liable to quarantine**
- “(1) A person is liable to quarantine if he or she is on board, or disembarks from, a craft that is liable to quarantine.
- “(2) A person is liable to quarantine if he or she arrives in New Zealand by craft from a foreign place, and the Medical Officer of Health believes or suspects, on reasonable grounds,— 20
- “(a) that he or she (*suffers from*) is infected with a quarantinable disease; or
- “(b) that, within the 14 days before he or she arrived, he or she has been exposed to a disease that (whether or not it was a quarantinable disease at the time of the believed or suspected exposure) is a quarantinable disease. 25
- “97A People liable to quarantine to comply with directions and supply information**
- “(1) A person who is liable to quarantine— 30
- “(a) must comply with all directions, requirements, or conditions given, made, or imposed by the Medical Officer of Health or a (*Health Protection Officer*) person authorised by the Medical Officer of Health under this Part; and 35
- “(b) must, on request by the Medical Officer of Health or a (*Health Protection Officer*) person authorised by the Medical Officer of Health, give any information the

officer believes on reasonable grounds to be necessary to enable the management of risks to public health.

- “(2) In the case of people arriving in New Zealand by craft, the Medical Officer of Health or a (*Health Protection Officer*) person authorised by the Medical Officer of Health may request information under **subsection (1)(b)** by requiring the person appearing to the officer to be in charge of the craft to collect or supply some or all of it—
- “(a) by requiring the person to distribute and collect cards or forms for passengers and crew to fill in; or
- “(b) in any other reasonable manner the officer may require.
- “(3) A person required under **subsection (2)** to collect or supply information must take all reasonably practicable steps to do so.
- “(4) For the purposes of **subsection (1)(b)**, the information that may be requested from a person includes—
- “(a) his or her name; and
- “(b) his or her recent travel history; and
- “(c) his or her recent activities; and
- “(d) his or her previous and present addresses, and proposed routes, destinations, and addresses; and
- “(e) his or her movements during the 14 days before his or her arrival; and
- “(f) whether he or she is experiencing or has recently experienced particular symptoms.

**New (unanimous)**

“(4A) **Subsection (2)** does not limit **subsection (1)**.

- “(5) The Medical Officer of Health or a (*Health Protection Officer*) person authorised by the Medical Officer of Health may obtain from the department of State responsible for keeping it (and the department may supply to the Medical Officer of Health or a Health Protection Officer) any information about a person who is liable to quarantine that the officer believes on reasonable grounds to be necessary to obtain in order to trace the person’s movements or discover the contacts the person has had with other people.
- “(6) **Subsection (1)(b)** does not limit the generality of **subsection (1)(a)**.

**“97B Detention of craft and people**

- “**(1)** The Medical Officer of Health, a Health Protection Officer, or a person acting under the written directions of the Medical Officer of Health or a Health Protection Officer, may direct that a craft and its passengers and crew be detained for inspection if— 5
- “**(a)** the craft has arrived in New Zealand; and
- “**(b)** it appears to the officer that, during the voyage of the craft,—
- “**(i)** a person on it has died, or become ill, from a quarantinable disease; or 10
- “**(ii)** death not attributable to poison or other measures for destruction has occurred among birds, insects, or rodents on the craft.
- “**(2)** The Medical Officer of Health or Health Protection Officer must tell the person in charge of the airport or port concerned of any direction he or she gives under **subsection (1)**; and that person must not allow the craft concerned to leave the airport or port until given written notice under **section 97C** of the lifting of the detention of the craft. 15 20

**“97C Lifting of detention of craft**

The detention of a craft under **section 97B** ceases when the Medical Officer of Health or a Health Protection Officer gives the person in charge of the airport or port written notice to that effect. 25

**“97D Powers and duties of Medical Officer of Health or Health Protection Officer in relation to quarantinable diseases**

- “**(1)** If a craft arrives in New Zealand carrying a person liable to quarantine by virtue of **section 97(2)**, the Medical Officer of Health or a Health Protection Officer may— 30
- “**(a)** examine the person:
- “**(b)** take from the person any bodily sample the officer may reasonably require:
- “**(c)** take from the craft or any thing in or on it any reasonable sample the officer may require: 35
- “**(d)** require the captain of the craft to take or help take any steps that, in the opinion of the Medical Officer of

- Health or Health Protection Officer, are reasonably necessary—
- “(i) to prevent the spread of infection by the person; or
  - “(ii) to destroy birds, insects, or rodents; or 5
  - “(iii) to remove or abate conditions on the craft likely to convey infection, including conditions that might facilitate the harbouring of vermin.
- “(2) A person whom **subsection (1)** empowers the Medical Officer of Health or a Health Protection Officer to examine or take a sample from must allow the officer to examine him or her or (as the case requires) take the sample. 10
- “97E Surveillance of certain people liable to quarantine**
- “(1) This subsection applies to a person who—
- “(a) is *(suffering from)* infected with a quarantinable disease; or 15
  - “(b) is liable to quarantine by virtue of **section 97(2)**; or
- New (unanimous)**
- “(c) is quarantined under section 70(1)(f).
- “(2) A person to whom **subsection (1)** applies must (whether or not he or she is detained under **subsection (3)(a)** or kept under surveillance at large under **subsection (3)(b)**) give to the Medical Officer of Health all information he or she reasonably requires to enable the management of risks to public health. 20
- “(3) The Medical Officer of Health or a Health Protection Officer may cause a person liable to quarantine by virtue of **section 97(2)**— 25
- “(a) *(either)* to be removed to a hospital or other suitable place and detained under surveillance until the Medical Officer of Health or a Health Protection Officer is satisfied that he or she— 30
    - “(i) is not infected with the disease concerned; or
    - “(ii) is not able to pass that disease on; or
  - “(b) to be kept under surveillance at large.
- “(4) Detention under **subsection ((2) (3)(a))**—
- “(a) must not continue for more than 28 days; and 35

- “(b) must not continue for more than 14 days unless the Medical Officer of Health or a Health Protection Officer has considered the latest information available on the disease concerned, and is satisfied that the person is infected with it and still likely to be able to pass it on. 5
- “(5) Before being placed under surveillance at large, a person must give an undertaking, in a form prescribed by regulations made under this Act, that he or she will report to the Medical Officer of Health or a medical practitioner at the times and places required. 10
- “(6) While kept under surveillance at large, a person must—
- “(a) present himself or herself for and submit to any medical examination or testing required by the Medical Officer of Health in whose district he or she may be:
- “(b) give to the Medical Officer of Health all information he or she reasonably requires to enable the management of risks to public health: 15
- “(c) if instructed to do so by the Medical Officer of Health, do either or both of the following:
- “(i) report on arrival in any district to the Medical Officer of Health or to a medical practitioner nominated by the Medical Officer of Health: 20
- “(ii) report in person daily or at stated intervals to the Medical Officer of Health or a medical practitioner nominated by the Medical Officer of Health: 25
- “(d) if he or she leaves for another place, tell the Medical Officer of Health, or the medical practitioner nominated by the Medical Officer of Health, and give details of the address to which he or she is going. 30
- “97F Children and people under disability**
- Every person who has the custody or charge of a child or the role of providing day-to-day care for a child, or has charge of a person who is under disability,—
- “(a) must comply with every direction, requirement, or condition given, made, or imposed in respect of the child or person under disability under any of **sections 97A to 97E**; and 35
- “(b) must give in respect of the child or person under disability all information required under any of those sections. 40

**“97G Offences against this Part**

Every person who fails or refuses to comply with any of **sections 97A(1), 97A(2), 97B(2), 97D(2), 97E(5), 97E(6), or 97F** commits an offence against this Act.”

- (2) The Health (Quarantine) Regulations 1983 are consequentially amended by— 5
- (a) omitting from regulation 22(2) “subclause (1) of this regulation” and substituting “**section 97B(1)** of the Act”; and
- (b) revoking regulations 23 to 26, and subclauses (1) and (3) of regulation 22. 10

**24 New sections 109 and 110 substituted**

Sections 109 and 110 are repealed and the following sections are substituted:

**“109 Infected baggage, cargo, or stores 15**

- “(1) If the Medical Officer of Health or a Health Protection Officer believes that a quarantinable disease is likely to be spread by any baggage, bedding, cargo, clothing, drink, equipment food, linen, luggage, stores, water, or other substance or thing that is on or has been removed from a craft, he or she may do any thing, and give any directions, in respect of it prescribed by regulations under this Act. 20
- “(2) **Subsection (1)** does not empower the Medical Officer of Health or a Health Protection Officer (*or a member of the police acting under **section 71A***) to enter a private dwellinghouse. 25
- “(3) A person who fails to comply with a direction under **subsection (1)**—
- “(a) commits an offence against this Act; and
- “(b) is liable to a fine not exceeding \$10,000 and, if the offence is a continuing one, to a further fine not exceeding \$500 for every day on which it has continued. 30

**“110 Disinfection and fumigation of craft**

- “(1) The Medical Officer of Health or a Health Protection Officer may, if he or she believes that a craft is in an insanitary condition or in a condition favourable to the outbreak or spread of an infectious disease, sign and give to the master or pilot a written order requiring the craft to be cleansed, fumigated, disinfected, or treated, in a manner, within a time, and at a place stated in the order. 35

- “(2) The order may be given whether or not the craft is liable to quarantine.
- “(3) If the order is not complied with,—
  - “(a) the master or pilot commits an offence, and is liable to a fine not exceeding \$10,000; and 5
  - “(b) the Medical Officer of Health or a Health Protection Officer may have the craft cleansed, fumigated, disinfected, or treated (whether in accordance with the order or otherwise).
- “(4) All expenses incurred by the Crown in acting under **subsection (3)(b)** are recoverable from the owner or agents of the craft as a debt due to the Crown. 10
- “(5) No action taken in respect of a craft under **paragraph (b) of subsection (3)** limits the liability of its master or pilot under **paragraph (a)** of that subsection. 15
- “(6) Regulations made under this Act may give the Medical Officer of Health and Health Protection Officers powers in respect of the destruction of birds, rodents, or insects on ships.
- “(7) **Subsection (6)** does not limit the general powers given by this section.” 20

**New (unanimous)**

**24A New section 112AA inserted**

The following section is inserted after section 112:

**“112AA Sections 70 and 71 and this Part operate independently**

The powers conferred by sections 70 and 71 and the powers conferred by this Part may be used in respect of the same situation; and— 25

- “(a) nothing in section 70 or 71 limits or affects the powers conferred by this Part; and
- “(b) nothing in this Part limits or affects the powers conferred by section 70 or 71.” 30

**Struck out (unanimous)***Holidays Act 2003*

- 25 Principal Act amended**  
**Section 26** amends the Holidays Act 2003.
- 26 When employee may be required to take annual holidays** 5
- (1) Section 19(2) of Holidays Act 2003 is amended by inserting “and **subsection (3)** does not” after “applies”.
- (2) Section 19 of Holidays Act 2003 is amended by adding the following subsections:
- “(3) An employer does not have to give an employee notice of a requirement to take annual holidays— 10
- “(a) if there is in force in the part of New Zealand where the employee customarily works an epidemic notice stating that the modification of the application of this Act effected by it applies to all employees; or 15
- “(b) if—
- “(i) there is in force in the part of New Zealand where the employee customarily works an epidemic notice stating that the modification of the application of this Act effected by it applies only to employees employed to work in workplaces of a stated kind or description; and 20
- “(ii) the employee is employed to work in a workplace of that kind or description.
- “(4) In **subsection (3), epidemic notice** means a notice under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006** (or a notice under **section 6(2)** of that Act that is ancillary to such a notice)— 25
- “(a) stating that the application of this Act is modified in order to deal with the practical consequences of the outbreak of the infectious disease referred to in the notice; and 30
- “(b) stating whether the modification—
- “(i) applies to all employees; or
- “(ii) applies only to employees employed to work in workplaces of a stated kind or description.” 35

*Immigration Act 1987*

- 27 Principal Act amended**  
**Sections 28 to 30** amend the Immigration Act 1987.
- 28 Interpretation**  
 Section 2(1) is amended by inserting the following definition after the definition of **employment**:  
 “**epidemic management notice** means a notice under **section (5(1)) 6(1) of the Law Reform (Epidemic Preparedness) Act 2006** ((or a notice under **section 6(2)** of that Act that is ancillary to such a notice)) stating that the application of this Act is modified in order to deal with the practical (*consequences*) effects of the outbreak of the (*infectious*) disease referred to in the notice”.
- 29 New section 35AC inserted**  
 The following section is inserted after section 35AB:  
**“35AC Deemed extension of certain permits expiring during epidemic**  
 “(1) This section applies to a temporary permit, a limited purposes permit, or an exemption from the requirement to hold a permit, if—  
 “(a) it was in force immediately before the commencement of an epidemic management notice; and  
 “(b) but for this section, it would expire before the day 14 days after the day on which the notice expires.  
 “(2) A temporary permit, limited purposes permit, or exemption to which this section applies must for all purposes be treated as if it continues to be a valid temporary permit, limited purposes permit, or exemption (as the case may be) until the earlier of the following events:  
 “(a) its revocation or cessation:  
 “(b) the expiration of 3 months after the day on which the epidemic management notice expires.  
 “(3) **Subsection (2)** does not require—  
 “(a) the endorsement or modification of a permit or exemption; or  
 “(b) the issue of a document extending a permit or exemption; or  
 “(c) the issue of a new permit or exemption.”

**30 New sections 129ZC to 129ZG inserted**

The following sections are inserted before section 130:

- “129ZC During epidemic courts may deal with certain matters on basis of documents only**
- “(1) While an epidemic management notice is in force, any matter for which this Act requires a person to be brought before a District Court Judge or Registrar may be dealt with by a District Court Judge or Registrar on the basis of documents only, without the person’s being brought before the Judge or Registrar. 5 10
- “(2) **Subsection (1)** overrides every provision of this Act requiring a person to be brought before a District Court Judge or Registrar for the consideration or determination of a matter.
- “(3) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only. 15
- “129ZD Modification during epidemic of requirements to bring people before court**
- “(1) This subsection applies to a requirement imposed by this Act if it requires a person to be brought before a District Court Judge at intervals of not more than a stated duration for consideration or further consideration of a question. 20
- “(2) While an epidemic management notice is in force, it is a sufficient compliance with a requirement to which **subsection (1)** applies if, at intervals of not more than 28 days, a District Court Judge considers or further considers the question concerned. 25
- “(3) If the notice applies to only stated parts of New Zealand, **subsection (2)** applies within those parts only.
- “129ZE During epidemic certain warrants and extensions to have effect for 28 days** 30
- “(1) The following provisions apply to a warrant of commitment issued under this Act:
- “(a) if it was in force immediately before the commencement of an epidemic management notice, it has effect as if it had authorised the detention of the person named in it for a period of 28 days: 35
- “(b) if it is issued while an epidemic management notice is in force, it authorises the detention of the person named

in it for a period of 28 days, or any shorter period the Judge thinks reasonable in the circumstances:

“(c) if it was in force immediately before the commencement of an epidemic management notice, or is issued while an epidemic management notice is in force, it may be extended for a further period (or, as the case requires, further periods) of up to 28 days. 5

“(2) **Subsection (1)** overrides every provision of this Act to the contrary.

“(3) If the notice applies to only stated parts of New Zealand, **subsections (1) and (2)** apply within those parts only. 10

**“129ZF Application of section 128AB during epidemic**

“(1) While an epidemic management notice is in force, an immigration officer and the released person may, *(without the consent of a District Court Judge, vary)* agree to vary a condition imposed under section 128AB(1)(c)— 15

“(a) whether or not the order containing it provides for them to do so; and

“(b) whether or not they have the consent of a District Court Judge. 20

“(2) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only.

**“129ZG Calculation of consecutive period of detention for purposes of section 60(7)**

“(1) In calculating for purposes of section 60(7) the consecutive period for which a person has been detained under one or more warrants of commitment under this Part,— 25

“(a) no account is to be taken of any periods of detention occurring while an epidemic management notice is in force; but 30

“(b) periods of detention do not cease to be consecutive just because they include periods during which an epidemic management notice was in force.

“(2) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only.” 35

**Struck out (unanimous)***Income Tax Act 2004*

- 31 Principal Act amended**  
**Section 32** amends the Income Tax Act 2004.
- 32 Definitions**  
 The definition of **qualifying event** in section OB 1 is amended 5  
 by adding the following paragraph:  
 “(d) in relation to section MB 3B and the Tax Administration Act 1994 only, the outbreak within New Zealand of  
 an infectious disease referred to in a notice under **section**  
**5(1) of the Law Reform (Epidemic Preparedness) Act 2006**”. 10

*Parole Act 2002*

- 33 Principal Act amended**  
**Sections 34 to 38** amend the Parole Act 2002.
- 34 Interpretation**  
 Section 4(1) is amended by inserting the following definition 15  
 after the definition of **determinate sentence**:  
 “**epidemic management notice** means a notice under **section**  
**(5(1)) 6(1) of the Law Reform (Epidemic Preparedness) Act 2006** ((or a  
 notice under **section 6(2)** of that Act that is ancillary to such a  
 notice)) stating that the application of this Act is modified in 20  
 order to deal with the practical (*consequences*) effects of the  
 outbreak of the (*infectious*) disease referred to in the notice”.
- 35 New section 13A inserted**  
 The following section is inserted after section 13:
- “13A Procedure of Board during epidemic** 25
- “(1) While an epidemic management notice is in force, any decision or action that may or must be made or taken by the Board under this Act may, if the chairperson or a panel convenor is satisfied that it is desirable,—
- “(a) be made or taken by the Board on the basis of documents only, without the presence or submission of any person who would otherwise have the right to be present or make a submission; or 30

- “(b) be made or taken by the chairperson or the panel convenor, acting alone, either—
- “(i) in the usual way; or
  - “(ii) on the basis of documents only, without the presence or submission of any person who would otherwise have the right to be present or make a submission. 5
- “(2) **Subsection (1)** overrides every provision of this Act to the contrary.
- “(3) The taking of a decision in accordance with **subsection (1)** is not an unattended hearing; and the provisions of this Act relating to unattended hearings (or to decisions on whether a hearing will be unattended or attended) do not apply to it. 10
- “(4) If the notice applies to only stated parts of New Zealand, **subsections (1) to (3)** apply within those parts only.” 15
- 36 New section 27A inserted**
- The following section is inserted after section 27:
- “27A Consideration of offenders for parole during epidemic**
- “(1) This subsection applies to a requirement in any of sections 21 to 27 for the Board to consider an offender for parole that (but for this section) would have the effect of requiring the Board to consider an offender for parole— 20
- “(a) while an epidemic management notice is in force; or
  - “(b) after an epidemic management notice has expired, but while (in the Board’s opinion) there remains as (*a consequence*) an effect of the outbreak of the (*infectious*) disease referred to in the notice a backlog of offenders who, by virtue of one of those requirements, should have been considered for parole before the offender. 25
- “(2) It is a sufficient compliance with a requirement to which **subsection (1)** applies if the Board considers the offender concerned for parole as soon after he or she should have been considered as is reasonably practicable in the circumstances. 30
- “(3) The circumstances include—
- “(a) the number of appropriately qualified employees of the chief executive available to produce reports for the Board: 35

- “(b) the number of appropriately qualified employees of the chief executive available to participate in hearings of the Board:
- “(c) the number of Board members available to conduct hearings: 5
- “(d) the number of offenders who have not yet been considered for parole as required by any of sections 21 to 27:

**New (unanimous)**

- |  |    |
|--|----|
| “(e) the number and seriousness of the other matters pending before the Board. | 10 |
|--|----|
- “(4) In deciding the order in which it should consider for parole offenders who, by virtue of **subsection (2)**, may be considered for parole as soon after they should have been considered as is reasonably practicable in the circumstances, the Board—
- “(a) must first consider how much time has passed since each of them should have been considered; but 15
- “(b) may then consider them for parole in any order it thinks appropriate.
- “(5) If the notice applies to only stated parts of New Zealand, **subsections (1) to (4)** apply within those parts only.” 20

**37 New section 40A inserted**

The following section is inserted after section 40:

- “40A Applications for home detention during epidemic**
- “(1) This subsection applies to an application for home detention if section 33(4) has the effect of requiring the Board to consider it— 25
- “(a) while an epidemic management notice is in force; or
- “(b) after an epidemic management notice has expired, but while (in the Board’s opinion) there remains as (*a consequence*) an effect of the outbreak of the (*infectious*) disease referred to in the notice a backlog of offenders whose applications for home detention should, by virtue of section 33(4), have been considered before it. 30
- “(2) In relation to an application for home detention to which **subsection (1)** applies, it is a sufficient compliance with section 33(4) if the Board considers it as soon after it should have 35

been considered as is reasonably practicable in the circumstances.

- “(3) The circumstances include—
  - “(a) the number of appropriately qualified employees of the chief executive available to produce reports for the Board: 5
  - “(b) the number of appropriately qualified employees of the chief executive available to participate in hearings of the Board:
  - “(c) the number of Board members available to conduct hearings: 10
  - “(d) the number of applications for home detention that have not yet been considered:

**New (unanimous)**

- “(e) the number and seriousness of the other matters pending before the Board. 15

- “(4) In deciding the order in which it should consider applications for home detention that, by virtue of **subsection (2)**, may be considered as soon after they should have been considered as is reasonably practicable in the circumstances, the Board—
  - “(a) must first consider how much time has passed since each of them should have been considered; but 20
  - “(b) may then consider them in any order it thinks appropriate.
- “(5) If the notice applies to only stated parts of New Zealand, **subsections (1) to (4)** apply within those parts only.” 25

**38 New section 56A inserted**

The following section is inserted after section 56:

- “**56A Application of section 56 during epidemic**

While an epidemic management notice is in force, a probation officer who has made an application to the Board under section 56(2) for the variation of a release condition or detention condition imposed by the Board may himself or herself vary the condition; and the variation has effect until the application has been heard and disposed of.” 30

## New (unanimous)

**38A New section 65A inserted**

The following section is inserted after section 65:

**“65A Application of section 65 during epidemic**

- “(1) This subsection applies to a recall application if, but for this section, section 65(1) or (2) would have the effect of requiring the Board to determine it— 5
- “(a) while an epidemic management notice is in force; or
- “(b) after an epidemic management notice has expired, but while (in the Board’s opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of offenders in respect of whom a recall application should, by virtue of section 65(1) or (2), have been considered before it. 10
- “(2) In relation to an application for a recall application to which **subsection (1)** applies, it is a sufficient compliance with section 65(1) or (2) (as the case requires) if the Board considers it as soon after it should have been considered as is reasonably practicable in the circumstances. 15
- “(3) This subsection applies to the hearing of a recall application if the Board wishes to adjourn it, without the offender’s consent,— 20
- “(a) while an epidemic management notice is in force; or
- “(b) after an epidemic management notice has expired, but while (in the Board’s opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of matters pending before the Board. 25
- “(4) The Board may, without the offender’s consent, adjourn the hearing of a recall application to which **subsection (3)** applies for any period (not exceeding 21 days) it thinks appropriate in the circumstances. 30
- “(5) The circumstances referred to in **subsections (2) and (4)** include—
- “(a) the number of appropriately qualified employees of the chief executive available to provide administrative support to the Board: 35
- “(b) the number of appropriately qualified employees of the chief executive available to produce reports for and participate in hearings of the Board:

**New (unanimous)**

- “(c) the number of Board members available to conduct hearings:
- “(d) the number and nature of the other matters pending before the Board.
- “(6) The Board may decide the order in which it should consider recall applications that, by virtue of **subsection (2)**, may be considered as soon after they should have been considered as is reasonably practicable in the circumstances in any order it thinks appropriate. 5
- “(7) If the notice applies to only stated parts of New Zealand, **subsections (1) to (6)** apply within those parts only.” 10
- 38B New section 107GA inserted**  
The following section is inserted after section 107G:
- “107GA Application of section 107G during epidemic**
- “(1) This subsection applies to the hearing of an application for an extended supervision order relating to an offender who has been remanded in custody following arrest under a warrant issued under section 107G(3) if the Court wishes to adjourn it— 15
- “(a) while an epidemic management notice is in force; or 20
- “(b) after an epidemic management notice has expired, but while (in the Court’s opinion) there remains as an effect of the outbreak of the disease referred to in the notice a backlog of matters pending before the Court.
- “(2) The Court may, without the offender’s consent, adjourn the hearing of an application for an extended supervision order to which **subsection (1)** applies for any period (not exceeding 21 days) it thinks appropriate in the circumstances.” 25

**Struck out (unanimous)***Resource Management Act 1991*

- 39 Principal Act amended** 30  
**Section 40** amends the Resource Management Act 1991.

**Struck out (unanimous)**

**40 New section 330C inserted**

The following section is inserted after section 330B of the Resource Management Act 1991:

**“330C Actions taken without resource consent during epidemic**

5

“(1) In this section,—

“**application period**, in relation to an epidemic emergency action, means a period, commencing on the day the action began, that is the sum of 3 months and any periods by which it has been extended under **subsection (5)**

10

“**epidemic emergency action** means an action, taken while an epidemic notice is in force,—

“(a) that is taken, by or on behalf of a person acting under any of **sections 70 to section 71A** of the Health Act 1956—

“(i) to remove or otherwise deal with the cause of an infectious disease; or

15

“(ii) to mitigate any actual or adverse effect of an infectious disease; and

“(b) whose taking would, but for **subsection (2)**, be a contravention of section 9, section 12, section 13, section 14, or section 15

20

“**epidemic notice** means a notice under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006** (or a notice under **section 6(2)** of that Act that is ancillary to such a notice) stating that the application of this Act is modified in order to deal with the practical consequences of the outbreak of the infectious disease referred to in the notice.

25

“(2) This Act applies to the taking of an epidemic emergency action as if it were expressly allowed by a resource consent.

“(3) The person by or on whose behalf an epidemic emergency action was taken must, within 5 working days after it began, advise the appropriate consent authority that it has been taken.

30

“(4) If the adverse effects of an epidemic emergency action continue, the person by or on whose behalf it was taken must within the application period apply in writing to the appropriate consent authority for any resource consents that (but for **subsection (2)**) would have been required for its taking; and—

35

**Struck out (unanimous)**

- “(a) if he or she does so, the action may continue until the application for the consents and any appeals have been finally determined; but
- “(b) if he or she does not, the action may continue only until the end of the application period. 5
- “(5) Before the application period for an epidemic emergency action expires, the Minister may, by written notice to the person by whom or on whose behalf the action was taken, extend that period by periods that do not exceed 21 months in total. 10
- “(6) If, after the time until which **subsection (4)** allows an emergency action to continue, the person by or on whose behalf it was taken does not hold all resource consents that (but for **subsection (2)**) would have been required for its taking, this Act then applies to it as if it had not been expressly allowed by a resource consent. 15
- “(7) **Subsection (6)**—
- “(a) overrides **subsection (2)**; but
- “(b) is subject to **subsection (8)**.
- “(8) A person does not commit an offence against section 338(1)(a) by taking an epidemic emergency action.” 20

*Sentencing Act 2002*

- 41 Principal Act amended**  
**Sections 42 to 44** amend the Sentencing Act 2002.

**New (unanimous)**

- 41A Interpretation** 25
- Section 4(1) is amended by inserting the following definition after the definition of **District Court**:
- “**epidemic management notice** means a notice under **section 6(1) of the Law Reform (Epidemic Preparedness) Act 2006** stating that the application of this Act is modified in order to deal with the practical effects of the outbreak of the disease referred to in the notice”. 30

**42 New section 54A inserted**

The following section is inserted after section 54:

**“54A Application of section 54 during epidemic**

- “(1) While an epidemic management notice is in force,—
- “(a) a probation officer who has applied in accordance with section 72 for an order under section 54(3) varying the conditions subject to which a sentence of supervision was imposed by the court on an offender may himself or herself vary those conditions; and 5
- “(b) any probation officer may himself or herself vary the conditions subject to which a sentence of supervision was imposed by the court on an offender if the offender has applied in accordance with section 72 for an order under section 54(3) varying those conditions. 10
- “(2) A variation under **subsection (1)** has effect until the application concerned has been heard and disposed of.” 15

**43 New section 67A inserted**

The following section is inserted after section 67:

**“67A Remission of community work hours during epidemic**

- “(1) While an epidemic management notice is in force, the chief executive of the Department of Corrections may authorise probation officers to remit the hours of community work imposed by the court on offenders, for periods (in any individual case)— 20
- “(a) of not more than 8 hours in any week; and 25
- “(b) of not more in total than the lesser of 48 hours and one-third of the sentence imposed.
- “(2) This section does not give any offender a right to a remission.”

**44 New section 69A inserted**

The following section is inserted after section 69:

**“69A Extension during epidemic of period within which community work must be done**

- “(1) While an epidemic management notice is in force, the chief executive of the Department of Corrections may authorise probation officers to extend by not more than 12 months the period during which the community work of offenders, or the community work of offenders of any kind or description, must be done. 35

“(2) This section does not give any offender a right to an extension.”

*Social Security Act 1964*

- 45 Principal Act amended**  
**Sections 46 to 48** amend the Social Security Act 1964. 5
- 46 Interpretation**  
 Section 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:
- “**domestic epidemic management notice** means a notice under **section (5(1)) 6(1) of the Law Reform (Epidemic Preparedness) Act 2006** ((or a notice under **section 6(2)** of that Act that is ancillary to such a notice)) stating that the application of this Act is modified in order to deal with the practical (*consequences*) effects of the outbreak of the (*infectious*) disease referred to in the notice 10  
 15
- “**overseas epidemic management notice** means a notice under **section 61CE**”.
- 47 New heading and sections 61CB to 61CF inserted**  
 The following heading and sections are inserted after section 61CA: 20
- “Epidemics*
- “61CB Payment of benefits during epidemic in New Zealand**
- “(1) This subsection applies to any period comprising—
- “(a) the period when a domestic epidemic management notice is in force; and 25
- “(b) a period after the notice expires that the Minister thinks reasonable in the circumstances.
- “(2) During a period to which **subsection (1)** applies, the chief executive may, with the written approval of the Minister and within any limits stated in the approval, do any or all of the following: 30
- “(a) cause benefits to be paid to people who would not otherwise be entitled to be paid benefits because—
- “(i) their benefits are subject to a stand down period; 35
- or
- “(ii) their benefits, or payments of their benefits, are suspended:

- “(b) reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people whose benefits,—
- “(i) were cancelled or terminated within the 8 weeks before the commencement of the domestic epidemic management notice concerned; or 5
- “(ii) are cancelled or terminated while the notice is in force:
- “(c) as the case requires, grant benefits to or reinstate the benefits of, and for any parts of the period the chief executive thinks fit make payments under them to, people who— 10
- “(i) were subject to a non-entitlement period on the commencement of the domestic epidemic management notice concerned; or 15
- “(ii) become subject to a non-entitlement period while the notice is in force:
- “(d) cause payments under benefits to be made to people at a rate— 20
- “(i) higher than a lower rate to which they would otherwise be entitled (being a lower rate resulting from one or more of the following: 20
- “(A) a reduction or variation of a rate of benefit:
- “(B) a suspension of a benefit or payments under a benefit: 25
- “(C) a direct deduction from payments under a benefit; or
- “(D) a sanction, penalty, or non-entitlement period, imposed on a spouse or partner); 30
- but
- “(ii) not higher than the maximum rate to which they would otherwise be entitled:
- “(e) refrain from exercising a power to cancel, suspend, vary, or terminate benefits or payments under benefits, in circumstances where the holders satisfy the normal criteria for cancellation, suspension, variation, or termination of benefits or payments: 35
- “(f) refrain from cancelling, suspending, or terminating benefits in circumstances where this Act requires them to be cancelled, suspended, or terminated. 40
- “(3) A benefit granted or reinstated under **paragraph (b) or paragraph (c) of subsection (2)** must be treated as having ended when the

period concerned expires, unless its holder has or has again become entitled to be granted it.

“(4) **Subsection (2)** overrides every provision of this Act to the contrary.

“**61CC Granting of emergency benefits during epidemic in New Zealand** 5

“(1) While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, the chief executive may, with the written approval of the Minister, cause emergency benefits to be granted to people who would not otherwise be entitled to be granted emergency benefits. 10

“(2) Payments made under a benefit granted under **subsection (1)** are provisional only; and if the chief executive believes on reasonable grounds that its granting was not appropriate (or that too much was paid under it),— 15

“(a) the person granted it is liable to repay the amount paid (or what the chief executive considers to be the amount of the excess); and

“(b) section 85A(b) applies accordingly. 20

“(3) **Subsection (1)** overrides every other provision of this Act.

“**61CD During epidemic benefits may be granted without normal investigations**

While a domestic epidemic management notice is in force, and for any period after it expires that the Minister thinks reasonable in the circumstances, a benefit may be granted to a person even if the claim for it has not been investigated, or has not been fully investigated, as required by section 12(1). 25

“**61CE Overseas epidemics affecting visitors to New Zealand**

“(1) The Minister may, by notice in the *Gazette*, declare that the effects of an outbreak outside New Zealand of a stated (*infectious*) quarantinable disease are likely to cause hardship to people temporarily in New Zealand by preventing or hindering their prompt return to stated places. 30

“(2) The notice comes into force on its commencement, and expires on the earliest of the following: 35

“(a) the day 3 months after its commencement:

- “(b) a day stated in the notice:  
“(c) if the notice does not provide for its expiry, a day stated by the Minister by further notice in the *Gazette*.
- “(3) Before or after the notice expires, the Minister can give a new notice in respect of the same disease. 5
- “(4) The Minister must not give the notice except on, and after considering, the written recommendation of the chief executive of the Ministry of Health.
- “(5) In **subsection (1)**, (*infectious*) quarantinable disease has the meaning given to it by section 2(1) of the Health Act 1956. 10
- “61CF Special assistance for visitors affected by overseas epidemics**
- “(1) The Minister may, in respect of any period for which an overseas epidemic management notice is in force, by notice in the *Gazette* establish programmes of special assistance for visitors to New Zealand prevented or hindered from returning promptly to places stated in the notice by the outbreak outside New Zealand of the disease stated in the notice. 15
- “(2) The notice must state—
- “(a) the criteria by which it is to be determined which people are given assistance; and 20
- “(b) any maximum amounts of assistance to be given; and
- “(c) if different amounts of assistance may be given to different people, the criteria by which it is to be determined how much assistance people are to be given; and 25
- “(d) for how long assistance may be given; and
- “(e) any conditions subject which assistance is to be given.
- “(4) The programme, and the matters stated in the notice establishing it, override every other provision of this Act.”
- 48 Money payable out of Crown Bank Account** 30
- Section 124(2) is repealed and the following subsections are substituted:
- “(1C) There must from time to time be paid out of the Crown Bank Account, without further appropriation than this subsection, all money necessary for granting special assistance under **section 61CF**. 35

- “(2) This subsection applies to a payment made to a person out of the Crown Bank Account by way of special assistance pursuant to subsection (1)(d) or **subsection (1C)** if—
- “(a) either—
- “(i) it was obtained by fraud; or 5
  - “(ii) the spouse or partner of the person made a false statement to or otherwise misled an officer engaged in the administration of Part 1, in relation to his or her income or other personal circumstances; and 10
- “(b) as a result, it exceeded the amount (if any) that, in the chief executive’s opinion, would otherwise have been paid.
- “(2A) Sections 81 and 86, as far as they are applicable and with any necessary modifications, apply to a payment to which **subsection (2)** applies— 15
- “(a) as if it were made by way of benefit under Part 1; and
  - “(b) as if the person to whom it was made were a beneficiary entitled to a benefit of the amount (if any) that, in the chief executive’s opinion, would have been payable if (as the case may be)— 20
    - “(i) the fraud had not occurred; or
    - “(ii) the false statement had not been made; or
    - “(iii) the officer had not been misled.”

**Struck out (unanimous)**

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- Student Loan Scheme Act 1992* 25
- 49 Principal Act amended**  
**Section 50** amends the Student Loan Scheme Act 1992.
- 50 Relief from penalty**  
 Section 53 is amended by adding the following subsections:
- “(5) While a notice under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006** is in force, an application for relief made by electronic means or orally (whether face-to-face or by telephone) may be accepted. 30
- “(6) In **subsection (5), electronic** includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic.” 35
-

*Summary Proceedings Act 1957***51 Principal Act amended**

**Section 52** amends the Summary Proceedings Act 1957.

**52 New sections 46AB and 46AC inserted**

The following sections are inserted after section 46A: 5

**“46AB Application of section 45 during epidemic**

“(1) While an epidemic management notice is in force, section 45 has effect as if the reference in it to a longer period than 8 days were a reference to a longer period than 21 days.

“(2) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only. 10

“(3) In **subsection (1), epidemic management notice** means a notice under **section (5(1)) 6(1) of the Law Reform (Epidemic Preparedness) Act 2006** (*or a notice under section 6(2) of that Act that is ancillary to such a notice*) stating that the application of this Act is modified in order to deal with the practical (*consequences*) effects of the outbreak of the (*infectious*) disease referred to in the notice. 15

**“46AC Application of section 46 during epidemic**

“(1) While an epidemic management notice (within the meaning of **section (46AA(3)) 46AB(3)**) is in force, section 46 has effect as if— 20

“(a) the references in paragraphs (a) and (b) of subsection (3) to 8 days have effect as if they are references to 21 days; and 25

“(b) the reference in subsection (3)(c)(i) to the earliest opportunity has effect as if it is a reference to the earliest opportunity that is reasonable in all the circumstances; and

“(c) the reference in subsection (3)(c)(ii) to the earliest opportunity after the expiration of 16 days commencing on the date of the imposition of the remand has effect as if it is a reference to the earliest opportunity after the expiration of 42 days commencing on the date of the imposition of the remand that is reasonable in all the circumstances. 30 35

“(2) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only.”

**Struck out (unanimous)***Tax Administration Act 1994*

- 53 Principal Act amended**  
**Sections 54 and 55** amend the Tax Administration Act 1994.
- 54 Remission in circumstances of qualifying event**  
 Section 183ABA is amended by inserting the following subsections after subsection (4):
- “(4A) A request under subsection (2) may be made orally (whether face-to-face or by telephone).
- “(4B) **Subsection (4C)** overrides every other provision of this Act to the contrary.” 10
- 55 New section 183ABB inserted**  
 The following section is inserted after section 183ABA:
- “183ABB Remission during major epidemic**
- “(1) If the Prime Minister has made a declaration under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006** in relation to the outbreak within New Zealand of an infectious disease, the Minister of Finance may, if satisfied that the outbreak is widespread and significantly affects large numbers of taxpayers, authorise the Commissioner to treat all taxpayers (during a period stated by the Minister) as having requested the Commissioner to remit—
- “(a) any late filing penalty, non-electronic filing penalty, or late payment penalty, whose remission they could have requested under section 183A of the Income Tax Act 2004; and 20
- “(b) any interest whose remission they could have requested under section 183ABA of that Act. 25
- “(2) Every taxpayer treated under **subsection (1)** as having requested the Commissioner to remit penalties and interest must also be treated as having satisfied the criteria for remission; and penalties and interest charged may be remitted accordingly.” 30

s (16) 17(3)

**Schedule  
New Part 3 of Schedule 1**

Part 3  
Quarantinable infectious diseases 5

- |   |   |    |
|---|---|----|
| 1 | avian influenza (capable of being transmitted between human beings) |    |
| 2 | cholera   |    |
| 3 | plague  |    |
| 4 | yellow fever.   | 10 |

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**Legislative history**

6 April 2006  
9 May 2006

Introduction (Bill 39–1)  
First reading and referral to Government Administration Committee

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