



## **Proactive Release**

The following items have been proactively released by the Rt Hon Jacinda Ardern, Prime Minister:

**COVID-19 Response (Urgent Management Measures) Bill**

**Meeting of the COVID-19 Ministerial Group - Minute of Decision: COVID-19 Response (Urgent Management Measures) Bill: Approval for Introduction**

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

**Key to redaction code:**

- 9(2)(h), to maintain legal professional privilege

Office of the Leader of the House

Ad Hoc Cabinet Committee on COVID-19 Response

## **COVID-19 Response (Urgent Management Measures) Bill**

### **Proposal**

- 1 This paper seeks agreement to an Omnibus Bill to put in place the necessary arrangements for an effective response to COVID-19.

### **Background**

- 2 This Bill contains amendments to Epidemic Preparedness, Local Government, Local Government Official Information and Meetings, Civil Defence Emergency Management, Residential Tenancies, and Education legislation.
- 3 New Zealand will move to Alert Level 4 in response to COVID-19 at 11.59pm on Wednesday 25 March 2020. The Bill is needed to put in place the necessary arrangements in order to implement Alert Level 4, or where the arrangements are essential to respond effectively to COVID-19.
- 4 Alert Level 4 will mean:
  - 4.1 People are required to stay home (other than for essential services, health emergencies, and accessing food and essentials);
  - 4.2 All educational facilities and ECE centres will be closed;
  - 4.3 Bars, restaurants and public venues closed;
  - 4.4 Business premises closed to workers and the public;
  - 4.5 Rationing of supplies and requisitioning of facilities;
  - 4.6 No non-essential travel;
  - 4.7 Major reprioritisation of health care.

### **Analysis**

- 5 As New Zealand moves to an Alert Level 4 in response to the COVID-19 response, it will important to minimise the economic impacts as much as possible, and have the provisions in place to support a unified and consistent response. The amendments will achieve this by:
  - 5.1 Allowing for the court system to respond as necessary when issues are identified;
  - 5.2 Lessening the economic impacts for tenants;

5.3 In order to provide consistency and coherence across educational institutions, centralising the direction provided to schools, early childhood centres and school hostels.

6 The proposed amendments are set out in the table below.

**Table One: Proposed amendments for inclusion in the Epidemic Response Bill**

Proposed amendments	Reason for amendment
<b>1. Epidemic Preparedness Act 2006</b>	
<p>Add judges of the District Court to the list of those that can alter the rules of court.</p> <p>Section 24 of the Act only allows a High Court Judge, Associate High Court Judge, Judge of the Maori Land Court or Judge of the Employment Court to modify the rules of court to take account of the effects of the quarantinable disease</p>	<p>The majority of proceedings that will continue while the Epidemic notice is in force will be heard in the district court, and are focused on resolving matters relating to peoples liberty, personal safety and wellbeing, or where resolution is time critical. It will be critical to ensure district court judges have the ability to respond as issues are identified.</p>
<b>2. Local Government Act 2002, Local Government Official Information and Meetings Act 1987, and Civil Defence Emergency Management Act 2002</b>	
<p>Amend one or both of these Acts to enable Civil Defence Emergency Management (CDEM) Groups and local governments to attend meetings by audio link or audio-visual link.</p> <p>In addition, the amendment will remove the need for a physical quorum for CDEM and council meetings, and make other changes to support audio or audio-visual meetings while ensuring ongoing transparency to the public.</p>	<p>The current Acts and CDEM Group Standing Orders do not enable attendance by audio link or audio-visual link. The amendment will remedy this to enable attendance and effective operation of meetings during COVID-19 lock downs.</p>
<b>3. Residential Tenancies Act 1986</b>	
<p>Amend the Residential Tenancies Act 1986 to enact rent and eviction freezes.</p>	<p>To sustain tenancies to the greatest extent possible and to protect tenants from becoming homeless at this time. This will help ensure tenants can self-isolate and do not lose their home because of loss of income.</p>
<b>4. Education Act 1989</b>	
<p>Make amendments to enable the Secretary of Education to have a direction-making power in order to issue binding directions to the governing bodies of schools, early childhood institutions, school hostels, and other educational entities to:</p> <ul style="list-style-type: none"> <li>• open and close the educational entity (including in relation to any class of students);</li> <li>• for the operation, control, and management of the educational entity (eg, so as to set hours of operation, the location, duties and leave of employees);</li> <li>• specify how education is to be provided (for example distance education).</li> </ul>	<p>In order to respond to the outbreak of COVID-19 it is considered necessary to give these powers to the Secretary of Education, rather than only allowing individual Boards of Trustees to make decisions.</p> <p>There are 2,500 school board entities and 4,000 service providers (ECE and school hostels), to ensure consistency and coherence, we need a unified response and therefore need a centralised direction.</p>

**Financial Implications**

7 There are no direct financial implications in relation to this paper. The amendment to freeze rent and evictions will provide surety for tenants over the course of the Alert Level 4.

**Legislative Implications**

- 8 It is proposed that this COVID-19 Response (Urgent Management Measures) Bill is introduced on Wednesday 25 March 2020 and passed under urgency the same day.

**Impact Analysis**

**Regulatory Impact Statement**

- 9 A Regulatory Impact Analysis has not been prepared for the bill.

**Compliance**

- 10 This Bill complies with:
- 10.1 the principles of the Treaty of Waitangi;
  - 10.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 10.3 the disclosure statement requirements
  - 10.4 the principles and guidelines set out in the Privacy Act 1993;
  - 10.5 relevant international standards and obligations; and
  - 10.6 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

**Commencement of legislation**

- 11 The Bill will come into force on the day after Royal assent.

**Parliamentary process**

- 12 The Bill should be introduced into the House today following agreement of the Cabinet and enacted under urgency today.

**Consultation**

- 13 The following agencies have been consulted on the proposed amendments in the Bill: the Ministry of Education, the Ministry of Health, the National Emergency Management Agency, the Ministry of Justice, the Ministry of Business, Innovation and Employment, the Department of Internal Affairs, and the Department of the Prime Minister of Cabinet.

- 14 s9(2)(h)

**Communications**

- 15 None.

**Proactive Release**

- 16 The paper will be proactively released subject to redaction as appropriate under the Official Information Act 1982.

**Recommendations**

The Leader of the House recommends that the Committee:

- 1 **Note** that at 11.59pm on 25 March 2020 New Zealand will move to Alert Level 4 in response to COVID-19;
- 2 **Note** that a number of legislative amendments are needed in order to put the necessary arrangements in place;
- 3 **Agree** that the following amendments are included in the Epidemic Response Omnibus Bill:
- 3.1 Amend the Epidemic Preparedness Act to:
- 3.1.1 Add District Court Judges to the list of those that can alter the rules of the court;
- 3.2 Amend the Local Government Act 2002 to:
- 3.2.1 Enable Civil Defence Emergency Management Groups and Local Governments to attend meetings by audio or visual link;
- 3.2.2 Remove the need for a physical quorum for CDEM and council meetings and make other changes to facilitate audio or audio-visual meetings;
- 3.3 Amend the Residential Tenancies Act 1986 to:
- 3.3.1 Enact rent and eviction freezes;
- 3.4 Amend the Education Act 1989 to:
- 3.4.1 Enable the Secretary of Education to centrally direct educational entities to open or close, give education in specified ways, and as to the operation, control or management of the entity;
- 4 **Note** that there may be minor proof reading changes to the Bill prior to introduction;
- 5 **Agree** that the attached COVID-19 Response (Urgent Management Measures) Bill is introduced to the House on Wednesday 25 March 2020;
- 6 **Agree** that the Bill is passed under urgency on Wednesday 25 March 2020.

Authorised for lodgement

Hon Chris Hipkins  
Leader of the House



# Meeting of the COVID-19 Ministerial Group

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### COVID-19 Response (Urgent Management Measures) Legislation Bill: Approval for Introduction

The group of Ministers with Power to Act on COVID-19 matters [CAB-20-MIN-0130] convened on 25 March 2020 at 10.30am and, in accordance with their Power to Act:

- 1 **noted** that at 11.59pm on 25 March 2020, New Zealand will move to Alert Level 4 in response to COVID-19;
- 2 **noted** that a number of legislative amendments are needed in order to put the necessary arrangements in place;
- 3 **agreed** to the following legislative amendments:
  - 3.1 amend the Epidemic Preparedness Act 2006 to add District Court Judges to the list of those that can alter the rules of the court;
  - 3.2 amend the Local Government Act 2002 to:
    - 3.2.1 enable Civil Defence Emergency Management (CDEM) Groups and Local Governments to attend meetings by audio or visual link;
    - 3.2.2 remove the need for a physical quorum for CDEM and council meetings and make other changes to facilitate audio or audio-visual meetings;
    - 3.2.3 amend the Residential Tenancies Act 1986 to enact rent and eviction freezes;
    - 3.2.4 amend the Education Act 1989 to enable the Secretary of Education to centrally direct educational entities to open or close, give education in specified ways, and as to the operation, control or management of the entity;
- 4 **noted** that the COVID-19 Response (Urgent Management Measures) Legislation Bill gives effect to the above decisions;
- 5 **agreed** that Part 5, clause 15 of the Bill be amended so that clause 4(3)(a) of the new Schedule 5 to the Residential Tenancies Act refers to 'rent being at least 60 days in arrear';
- 6 **approved** for introduction the COVID-19 Response (Urgent Management Measures) Legislation Bill [PCO 22838];

7 **agreed** that the Bill be introduced and passed under urgency on 25 March 2020.

Michael Webster  
Secretary of the Cabinet

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**Distribution:**

**Distribution:**

Rt Hon Jacinda Ardern (Chair)  
Rt Hon Winston Peters  
Hon Kelvin Davis  
Hon Grant Robertson  
Hon Chris Hipkins  
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