



Proactive Release

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

Paper: Report-back on Ministerial Delegations in the COVID-19 Response (Further Management Measures) Omnibus Bill

Minute of Decision: COVID-19 Omnibus Bill: Ministerial Delegation Use

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
Chair, Cabinet Business Committee

REPORT-BACK ON MINISTERIAL DELEGATIONS IN THE COVID-19 RESPONSE (FURTHER MANAGEMENT MEASURES) OMNIBUS BILL

Proposal

- 1 This paper reports back on the use of responsible Ministers' delegations for approval of minor amendments for inclusion in the COVID-19 Response (Further Management Measures) Omnibus Bill.

Background

- 2 On 15 April 2020, the Cabinet Business Committee (CBC), with Power to Act, agreed to progress a further COVID-19 Omnibus Bill as soon as practical after the House resumes sitting [CBC-20-MIN-0038].
- 3 CBC agreed to a two-tiered approval process for the policy initiatives to be given effect by the Omnibus Bill. First, the more significant matters to be agreed by Cabinet or Ministers with Power to Act on COVID-19 matters. Over the past two weeks Ministers with Power to Act on COVID-19 matters have approved the following amendments:
 - 3.1 insolvency and corporate law changes – to increase the prospects of businesses surviving the COVID-19 response.
 - 3.2 changes to commercial property law – to support businesses who are unable to pay rent or make mortgage payments.
 - 3.3 parental leave changes – to support essential workers on parental leave to return to work without losing their parental leave entitlements.
 - 3.4 local government changes – to allow changes to by-election timing.
 - 3.5 commerce and consumer affairs changes – to give the Commerce Commission jurisdiction to authorise conduct that is a technical breach of the cartel.
 - 3.6 Gambling Act changes – for a period of 18 months, allow the Heart Foundation, Coastguard and Countdown Kids Charitable Trust to send and receive forms and take payments for their lotteries online or by phone.
- 4 Secondly, it was agreed that responsible Ministers would be delegated the power to approve additional minor matters for inclusion in the Omnibus Bill that came within the following policy parameters:

- 4.1 deferring the commencement of new regulatory requirements that would increase burdens or where government or businesses may no longer be ready to start by the planned date.
- 4.2 deferring critical deadlines or providing exemptions in legislation where compliance is not possible or is burdensome
- 4.3 enabling fast-tracking of current legislative powers to mitigate impracticality issues
- 4.4 mitigating problems with legislative compliance due to physical presence requirements and other technological reasons.

Responsible Ministers have approved a number of matters for inclusion in the Omnibus Bill

- 5 The matters that responsible Ministers have approved for inclusion the Omnibus Bill are set out in the table below.

Amendment	Portfolio
1. Deferring the commencement of new regulatory requirements	
1.1. Consumers' Right to Know (Country of Origin of Food) Act 2018. Deferring the date by which the Minister must recommend making regulations to prescribe a 'consumer information standard'.	Commerce and Consumer Affairs
1.2. Financial Benchmarks (Derivatives Margin and Benchmarking) Reform Amendment Act 2019. Deferring the commencement date.	Commerce and Consumer Affairs
1.3. Financial Services Legislation Amendment Act 2019 Commencement Order 2019. Deferring the commencement date.	Commerce and Consumer Affairs
2. Deferring critical deadlines	
2.1. Local Government Act 2002. Amend to provide more flexibility in the special consultative procedure process. Amend to streamline the process for amending long-term plans. Suspend mandatory revocation of bylaws.	Local Government
2.2. Arms Act 1983. Amend to extend the duration of firearms licences and dealers' licences that have expired, provided the holders have applied for a new licence.	Police
2.3. Food Act 2014. Amend to allow for registrations of food control plans and national programmes to be renewed if they expire during or shortly after a lockdown period.	Food Safety

Amendment	Portfolio
2.4. Epidemic Preparedness Act 2006. Amend to enable the courts and tribunals to modify a wide-range of statutory timeframes to address the current and downstream implications of the epidemic for compliance with those timeframes.	Justice
3. Enabling fast-tracking of current legislative powers to mitigate practicality issues	
3.1. Commerce Act 1986. Amend to enable fast-tracking of authorisations of restrictive trade practices and discretion to waive fees.	Commerce and Consumer Affairs
3.2. Credit Contracts and Consumer Finance Act 2003. Amend so changes to the Responsible Lending Code can come into effect sooner than 28 days after notification in the Gazette.	Commerce and Consumer Affairs
3.3. Mental Health (Compulsory Assessment and Treatment) Act 1992. Amend to enable the initial assessment process to be done by a wider range of mental health practitioners.	Health
3.4. Coroners Act 2002. Amend to allow the preliminary inspection of deceased (where they are suspected to have had COVID-19) to also include taking and testing of swabs.	Justice
3.5. Customs and Excise Act 2018. Amend to suspend the expiry of Orders in Council related to goods being prohibited from import or export.	Customs
3.6. Fisheries Act 1996. Amend so that fishing permits are not automatically suspended for commercial fishers who have not paid deemed value amounts that fall due during the period from 20 April 2020 until 30 September 2021 and the fisher enters into a repayment agreement with the Director-General.	Fisheries
3.7. Fire and Emergency Act 2017. Amend to allow Fire and Emergency New Zealand to impose national or local restrictions while the Epidemic (COVID-19) Notice is in force.	Internal Affairs
4. Mitigating problems with legislative compliance due to technological reasons	
<p>4.1. Mental Health (Compulsory Assessment and Treatment) Act 1992.</p> <p>Amend to allow district inspectors and official visitors to conduct 'virtual inspections' when an epidemic notice is in force.</p> <p>Amend to allow clinical examinations, assessments and reviews to be conducted through audio-visual technology.</p> <p>Amend to allow judicial and tribunal examinations and mental health review tribunal reviews to be done through audio-visual technology at their discretion.</p>	Health

Amendment	Portfolio
4.2. National Animal Identification and Tracking Act 2012. Amend to allow infringement notices to be served by email.	Biosecurity
4.3. Biosecurity Act 1993. Amend to allow declarations of restricted place to be served by means other than personal delivery, such as post, fax and email.	Biosecurity
4.4. Local Government Act 2002 (and cuts across other Acts). Amend the mode by which local authorities must deliver public notices.	Local government
4.5. Corrections Act 2004. Amend to allow visiting Justices to have hearings by audio-link.	Corrections
4.6. Courts (Remote Participation) Act 2010. Amend to permit the use of audio-only links in civil proceedings and criminal procedural matters.	Justice
4.7. Resource Management Act. Amend to allow local authority and consent authority hearings to be conducted using audio-visual technology. Amend to enable certain documents to be made available on an internet site.	Environment
4.8. Unit Titles Act 2010. Amend to allow people to attend body corporate meetings via an audio-visual link.	Housing

Financial Implications

6 There are no direct financial implications arising from the proposals in this paper.

Legislative Implications

7 It has been agreed that a COVID-19 Response (Further Management Measures) Omnibus Bill will give effect to the amendments in this paper.

8 I propose to seek agreement to the introduction of this Bill to the House of Representatives at the 30 April meeting of Ministers with the Power to act on COVID-19 matters. I intend for the Bill be considered by the Epidemic Response Committee and reported back to the House on 12 May 2020.

Impact Analysis

Regulatory Impact Statement

9 The Treasury has determined that the Omnibus Bill is a direct Covid-19 response and has accordingly suspended the RIA requirements [CAB-20-MIN-0138 refers].

Population Implications

- 10 No significant population implications arise from the proposals in this paper.

Human Rights

- 11 The proposals in this paper appear to be consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. A final view as to whether the proposals will be consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 will be possible once the legislation has been drafted.

Consultation

- 12 The following agencies were consulted on the proposals in this paper: 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, the Department of Corrections, the Ministry of Social Development, the Ministry for Primary Industries, the Parliamentary Counsel Office, and the Department of the Prime Minister and Cabinet.
- 13 The Crown Law Office has been consulted s9(2)(h) [REDACTED]

Communications

- 14 None.

Proactive Release

- 15 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 on 15 April 2020, the Cabinet Business Committee, with Power to Act, agreed to progress a further COVID-19 Omnibus Bill as soon as practical after the House resumes sitting
- 2 **Note** that the Cabinet Business Committee has agreed that responsible Ministers would be delegated the power to approve minor matters for inclusion in the Omnibus Bill that came within the following policy parameters:
 - 2.1 deferring the commencement of new regulatory requirements that would increase burdens or where government or businesses may no longer be ready to start by the planned date
 - 2.2 deferring critical deadlines or provide exemptions in legislation where compliance is not possible or is burdensome

- 2.3 enabling fast-tracking of current legislative powers to mitigate impracticality issues
- 2.4 mitigating problems with legislative compliance due to physical presence requirements and other technological reasons.
- 3 **Note** that the minor matters approved by responsible Ministers for inclusion in the COVID-19 Omnibus Bill are set out in paragraph 5 of this paper.
- 4 **Note** that I intend to seek approval for the introduction of the Omnibus Bill at the 30 April meeting of Ministers with Power to Act on COVID-19 matters.

Authorised for lodgement

Hon Chris Hipkins
Leader of the House

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Cabinet Business Committee

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 Omnibus Bill: Ministerial Delegation Use

Portfolio **Leader of the House**

On 22 April 2020, the Cabinet Business Committee in accordance with the Power to Act authorised by Cabinet [CAB-20-MIN-0145]:

- 1 **noted** that on 15 April 2020, the Cabinet Business Committee, with Power to Act, agreed to progress a further COVID-19 Omnibus Bill as soon as practical after the House resumes, and authorised responsible Ministers to approve matters for inclusion within the following policy parameters;
 - 1.1 deferring the commencement of new regulatory requirements that would increase burdens or where government or businesses may no longer be ready to start by the planned date;
 - 1.2 deferring critical deadlines or provide exemptions in legislation where compliance is not possible or is burdensome;
 - 1.3 enabling fast-tracking of current legislative powers to mitigate impracticality issues;
 - 1.4 mitigating problems with legislative compliance due to physical presence requirements and other technological reasons;

[CBC-20-MIN-0038]

- 2 **noted** the minor matters approved by responsible Ministers for inclusion in the COVID-19 Omnibus Bill, set out in paragraph 5 of the paper under CBC-20-SUB-0050.

Vivien Meek
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni
Hon Dr David Clark
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Damien O'Connor
Hon Kris Faafoi
Hon Ron Mark
Hon Shane Jones
Hon Tracey Martin
Hon Peeni Henare
Hon James Shaw

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Treasury
Ministry for Culture and Heritage
State Services Commission
Solicitor-General
New Zealand Police

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