

Law Reform (Epidemic Preparedness) Bill

Government Bill

Explanatory note

General policy statement

The policy of this Bill is to ensure that, should there be a human outbreak of avian influenza, or an outbreak of a similar infectious disease capable of becoming an epidemic, the Crown has powers available to it that will ensure a proper response can be made, even in a worst-case scenario. The Bill addresses some of the gaps in the Crown's statutory powers under the Health Act 1956. It also repeals certain provisions in the Health (Quarantine) Regulations 1983 and inserts those provisions into the Health Act 1956. It also amends a number of other enactments dealing with matters that may be disrupted by, or may need to deal specifically with consequences of, an epidemic.

Clause by clause analysis

Clause 1 states the Bill's Title.

Clause 2 provides for the Bill's commencement. *Clause 22* (which inserts into the Health Act 1956 a *new section 74AA* imposing duties on medical laboratories) comes into force 12 months after assent, unless brought into force earlier by Order in Council. The 12-month delay will allow laboratories time to prepare the various plans required by that section; but the ability to bring the clause into force earlier by Order in Council will make it possible to act in an emergency.

The rest of the Bill comes into force on the day after assent.

Part 1

Enabling use of emergency powers

Clause 3 states the Bill’s purpose. Its principal purpose is to ensure that there is adequate statutory power—

- to try to prevent the outbreak of epidemics in New Zealand; and
- to deal with epidemics in New Zealand; and
- to deal with possible consequences of epidemics (whether in New Zealand or overseas).

This Bill also has the purposes of—

- ensuring that certain activities normally undertaken by people and agencies interacting with Government agencies can continue to be undertaken during an epidemic in New Zealand;
- enabling the relaxation of some statutory requirements that might not be capable of being complied with, or complied with fully, during an epidemic in New Zealand.

Clause 4 defines **epidemic notice**.

Clause 5 is a “trigger” provision, which will enable the taking of steps under other enactments.

It empowers the Prime Minister to issue a notice in the *Gazette* declaring that he or she is satisfied that the effects of an outbreak of an infectious disease within the meaning of section 2(1) of the Health Act 1956 are likely to disrupt essential governmental and business activity in New Zealand (or a stated part of New Zealand) significantly.

A notice can be issued—

- whether the outbreak is prospective or already occurring; and
- in the case of an outbreak that is already occurring, whether it is occurring within New Zealand or overseas.

The Prime Minister must not issue a notice except on, and after considering, the written recommendation of the Director-General of Health.

Clause 6 enables an epidemic notice to state other matters necessary for giving effect to provisions in other enactments whose operation may be triggered by the notice. (For example, it may state that nurses may give death certificates under proposed *new section 37A* of the Births, Deaths, and Marriages Registration Act 1995.) It will also be possible for other matters of this kind to be stated in a separate, later notice.

Clause 7 requires the Director-General of Health to keep under review, and keep the Prime Minister informed of, the state of the epidemic giving rise to an epidemic notice.

If no longer satisfied that the effects of the outbreak concerned are likely to disrupt essential governmental and business activity significantly, the Prime Minister must promptly revoke the notice.

If no longer satisfied that it is necessary to state in an epidemic notice a matter that has the effect of giving special statutory powers, or modifying existing statutory powers, the Prime Minister must revoke the part of the notice stating the matter.

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

An order must be made on the recommendation of the Minister of Health, who must act only on a written recommendation of the Director-General of Health, stating that the relaxation is necessary to enable the disease concerned to be managed effectively.

Examples of the kinds of requirement or restriction that might be relaxed are those imposed by the Health Practitioners Competence Assurance Act 2003 or the Medicines Act 1981.

Clause 9 enables the making, while an epidemic notice is in force, of Orders in Council relaxing any requirement or restriction imposed by any enactment.

An order must be made on the recommendation of the Minister of the Crown responsible for the enactment's administration, who must act only on a written recommendation of the chief executive of the department of State responsible for the enactment's administration, stating that—

- the consequences of an epidemic are such that it is impossible or impracticable for the person on whom the requirement is imposed to comply with it; and
- the relaxation is no greater than is reasonably necessary in the circumstances.

The Minister must be satisfied that—

- the consequences are in fact such that it is impossible or impracticable for the person to comply with the requirement; and
- the relaxation is in fact no greater than is reasonably necessary in the circumstances.

Subsection (3) states explicitly that it is not possible to relax a requirement—

- to release a person from custody; or
- to have any person’s detention reviewed by a court, Judge, or Registrar; or
- to release to its owner property being withheld from him or her.

A relaxation may confer a discretionary power and, in particular, may authorise a Judge, Registrar, or Deputy Registrar to waive or vary a requirement imposed by a rule of court.

Part 2

Amendments to existing enactments

Part 2 makes amendments to existing enactments, so that action may be taken in respect of epidemics and their effects.

Births, Deaths, and Marriages Registration Act 1995

Clause 10 provides that *clauses 11 to 15* amend the Births, Deaths, and Marriages Registration Act 1995.

Clause 11 amends section 2 of the Births, Deaths, and Marriages Registration Act 1995 by replacing the definition of **unavailable** with a new definition. At present, the term means “dead, unknown, missing, of unsound mind, or unable to act by virtue of a medical condition”. But it is now proposed to use the term in *new section 37A* (as proposed to be inserted into that Act by *clause 12*); and in that section only it is proposed to use the term with an extended meaning, so that it includes “too busy dealing with people affected by the disease concerned to be able to give a doctor’s certificate”. (A doctor’s certificate is the certificate doctors give relating to the cause of death of a patient.)

Clause 12 inserts into the Births, Deaths, and Marriages Registration Act 1995 a *new section 37A*.

Subsection (1) provides that the section applies to a disease to the extent only that a notice under *clause 5(1)* relating to it (or a notice under *clause 6(2)* that is ancillary to such a notice) provides that certificates under the section may be given in relation to deaths appearing to be caused by the disease.

Subsection (2) makes clear that a notice authorises the giving of certificates in relation to deaths occurring (during the period stated in the notice) before the commencement of the notice.

Subsections (3) and (4) are the substantive provisions.

Subsection (3) empowers a nurse who attended a person during an illness to give a certificate relating to the cause of the person's death if—

- no doctor attended the person during the illness, or every doctor who attended the person during the illness is unavailable, and is likely to be unavailable until at least 24 hours after the death; and
- the nurse is satisfied, having had regard to the circumstances of the death, that—
 - it was a natural consequence of the illness; and
 - the illness was caused by a disease to which the section applied when the person died, or when the disease is likely to have been contracted.

Subsection (4) empowers a doctor or nurse who did not attend a person during an illness to give a certificate relating to the cause of the person's death if—

- no doctor or nurse attended the person during the illness, or 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 death; and
- the doctor or nurse has examined the person's body and is satisfied, having had regard to the circumstances of the death, that—
 - it was a natural consequence of the illness; and
 - the illness was caused by a disease to which the section applied when the person died, or when the disease is likely to have been contracted.

Subsection (5) forbids a doctor or nurse to give a certificate under the section if he or she knows that the doctor who last attended the person during the illness has refused to give a death certificate because the doctor was not satisfied that the death was a natural consequence of the illness.

Subsection (6) forbids a nurse to give a certificate under the section if he or she knows that another nurse has refused to give a certificate because the other nurse was not satisfied of the matters stated in *subsection (4)(b)*.

Subsection (7) forbids a doctor or nurse to give a certificate under the section in relation to a death of a kind required by the Coroners Act 1988 to be reported to a coroner, or a death that has in fact been reported to a coroner, unless a coroner has decided not to hold an inquest into the death.

For the purposes of the section, a **nurse** is a health practitioner—

- who is registered with the Nursing Council of New Zealand as a practitioner of the profession of nursing; and
- whose scope of practice permits the performance of general nursing functions.

Clause 13 amends section 40 of the Births, Deaths, and Marriages Registration Act 1995, which regulates the transfer of charge of bodies from one person to another, so that a certificate given by a doctor or nurse under proposed *new section 37A* authorises the transfer of charge of a body.

Clause 14 amends section 41 of the Births, Deaths, and Marriages Registration Act 1995, which forbids the disposal of a body unless a doctor's certificate or coroner's order has been obtained, so that a certificate given by a doctor or nurse under proposed *new section 37A* also authorises the disposal of a body.

Clause 15 makes to other enactments amendments consequential on the amendments to the Births, Deaths, and Marriages Registration Act 1995 made by *clauses 11 to 14*.

Subclause (1) amends section 4(1) of the Coroners Act 1988 so that the failure of a doctor to give a certificate under section 37 of the Births, Deaths, and Marriages Registration Act 1995 does not automatically require a death to be reported to a coroner, so long as a doctor or nurse has given a certificate under proposed *new section 37A* of that Act.

Subclause (2) amends section 45(1) of the Friendly Societies and Credit Unions Act 1982 so that a certificate given by a doctor or nurse under proposed *new section 37A* of the Births, Deaths, and Marriages Registration Act 1995 authorises a registered society to pay out money upon the death of a member.

Subclause (3) amends section 143 of the Health Practitioners Competence Assurance Act 2003. At present, subsection (1) of that section requires a registrar under the Births, Deaths, and Marriages Registration Act 1995 who receives a doctor's certificate relating to the death of a person who appears to have been a health practitioner to give the Registrar of the responsible authority notice of the death.

The effect of the amendment is to extend the application of section 143(1) to the receipt of a certificate given by a doctor or nurse under proposed *new section 37A* of the Births, Deaths, and Marriages Registration Act 1995.

Subclause (4) amends section 128 of the Social Workers Registration Act 2003. At present, subsection (1) of that section requires a registrar under the Births, Deaths, and Marriages Registration Act 1995 who receives a doctor's certificate relating to the death of a person who appears to have been a registered social worker to give the Registrar of the Register of Social Workers notice of the death. The effect of the amendment is to extend the application of section 128(1) to the receipt of a certificate given by a doctor or nurse under proposed *new section 37A* of the Births, Deaths, and Marriages Registration Act 1995.

Health Act 1956

Clause 16 provides that *clauses 17 to 24* amend the Health Act 1956.

Clause 17—

- inserts definitions of **craft**, **epidemic notice**, and **quarantinable disease** into section 2(1) of the Health Act 1956; and
- adds to Schedule 1 of that Act a *new Part 3* listing certain quarantinable infectious diseases (avian influenza, cholera, plague, and yellow fever); and
- adds to section 2 of that Act a new subsection enabling the amendment of *new Part 3 of Schedule 1* by Order in Council.

Craft will be used in some provisions where **ship** is at present used, so as to extend their application to aircraft.

A **quarantinable disease** is an infectious disease stated in *new Part 3 of Schedule 1* or an epidemic notice.

Clause 18 amends section 70(1) of the Health Act 1956 so as to increase the powers of Medical Officers of Health during an epidemic. They will now have power to publish notices closing, or requiring certain infection control mechanisms at, any premises within their district. The power will not extend to private dwellinghouses (or to parliament, the courts, judges' chambers, or prisons).

Clause 19 amends section 71 of the Health Act 1956 so as to extend and clarify the powers of Medical Officers of Health to requisition

land, buildings, and vehicles during an epidemic. It is made clear that they may—

- take possession of any land or building (public or private) required for the accommodation and treatment of patients, or for the storage or disposal of bodies:
- take possession of any vehicle required for the transport of—
 - patients, medical personnel, medicine, medical equipment or devices:
 - food, drink, clothing, bedding, or tents or other temporary facilities or structures; or
 - personnel involved in loading, moving, unloading, distributing, or erecting anything transported or to be transported.

Clause 20 replaces section 72 of the Health Act 1956 with *new section 71A* and a *redrafted section 72*.

Section 71A gives members of the police express power do any thing reasonably necessary (including the use of force) to assist Medical Officers of Health and Health Protection Officers exercising or performing powers or functions under section 70 or *section 71A* of the Health Act 1956.

Subsection (1) provides that a member of the police may do any thing reasonably necessary (including the use of force)—

- to help a Medical Officer of Health or Health Protection Officer exercising or performing those powers or functions; or
- to help a person to do a thing that a Medical Officer of Health or Health Protection Officer exercising or performing those powers or functions has caused or required to be done; or
- to prevent people from obstructing or hindering a Medical Officer of Health or Health Protection Officer exercising or performing those powers or functions; or
- to prevent people from obstructing or hindering a person doing a thing that a Medical Officer of Health or Health Protection Officer exercising or performing those powers or functions has caused or required to be done; or
- to compel, enforce, or ensure compliance with a requirement of a Medical Officer of Health or Health Protection Officer exercising or performing those powers or functions; or
- to prevent, or reduce the extent or effect of, the doing of a thing that a Medical Officer of Health or Health Protection

Officer exercising or performing those powers or functions has forbidden or prohibited.

Subsection (2) makes clear that the powers conferred on members of the police by *subsection (1)* include power to—

- enter into or on any land, building, aircraft, ship, or vehicle:
- inspect any land, building, aircraft, ship, or vehicle, and any thing in or on it:
- stop a ship or vehicle, or a taxiing aircraft:
- prevent a stationary aircraft, ship, or vehicle from moving:
- prevent an aircraft or ship from departing.

Section 72 creates offences, punishable by imprisonment for up to 6 months, a fine of up to \$4,000, or both for—

- threatening, assaulting, or intentionally obstructing or hindering 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
- threatening, assaulting, or intentionally obstructing or hindering an Environmental Health 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
- threatening, assaulting, or intentionally obstructing or hindering a member of the police acting under *section 71A*; or
- doing anything forbidden by a Medical Officer of Health or a Health Protection Officer under section 70 or section 71; or
- failing or refusing to comply with, or delaying complying with, a direction or requirement of a Medical Officer of Health or a Health Protection Officer given in the exercise of powers or functions under section 70 or section 71; or
- doing, or delaying ceasing to do, a thing prohibited or forbidden by a Medical Officer of Health or a Health Protection Officer in the exercise of powers or functions under section 70 or section 71.

At present section 72 provides for offences to be punishable by a fine of up to \$1,000 (plus \$500 a day for a continuing offence).

Clause 21 inserts a *new section 74AA* into the Health Act 1956. The clause does not come into force until the earlier of—

- a date appointed by Order in Council:
- 12 months after assent.

Section 74AA requires the person in charge of a medical laboratory to take all reasonably practicable steps—

- to ensure that there are in place efficient systems for reporting the results of a test or procedure indicating that a person or thing is, has been, or may be or have been, infected with a notifiable disease; and
- to tell the health practitioner for whom the test or procedure was undertaken and the Medical Officer of Health of the infectious nature of the disease concerned.

Clause 22 inserts *new sections 74B to 74D* into the Health Act 1956.

Section 74B applies only if proposed *new section 74AA* of the Health Act 1956 is not yet in force. It enables notices under *clause 5* to enable the Act to apply during an epidemic of a notifiable disease as if *section 74AA* were already in force, but in relation only to the notification by medical laboratories of notifiable matters relating to that disease.

Section 74C enables notices under *clause 5* to enable the Director-General of Health to set priorities for the administering, dispensing, prescribing, or supplying of medicines during an epidemic. Priorities may be set for any medicine, whether or not it can be used in relation to the disease causing the epidemic (for example, they may be set for insulin).

Section 74D enables notices under *clause 5* to enable the Medical Officers of Health to redirect aircraft that have landed in New Zealand to travel to another place in New Zealand where measures necessary to deal with the situation can more practicably be carried out if satisfied that—

- the disease stated in the notice has or is likely to have broken out in a place the aircraft has come from; or
- the disease has or is likely to have broken out in the place the aircraft has landed at; or
- the aircraft is or is likely to be carrying people infected with the disease; or
- the aircraft or anything in it is or is likely to be contaminated with the disease.

Clause 23 replaces section 97 of the Health Act 1956 with *new sections 97 to 97G*, which contain matters at present dealt with in the Health (Quarantine) Regulations 1983.

Section 97 states who is liable to quarantine. A person is liable to quarantine—

- if he or she is on board a craft that is liable to quarantine; or
- if—
 - he or she arrives in New Zealand by craft from a foreign place; and
 - the Medical Officer of Health believes or suspects that he or she suffers from a quarantinable disease; or has been exposed to a quarantinable disease within the last 14 days.

Section 97A requires people who are liable to quarantine to—

- comply with the directions of the Medical Officer of Health or a Health Protection Officer; and
- if requested by the Medical Officer of Health or a Health Protection Officer, give any information the officer believes on reasonable grounds to be necessary to enable the management of risks to public health.

The Medical Officer of Health or a Health Protection Officer may require information by requiring an airline to distribute and collect, cards or forms for passengers and crew to fill in.

Section 97B empowers the Medical Officer of Health or a Health Protection Officer to detain a craft for inspection if—

- it has arrived in New Zealand; and
- it appears that during the voyage—
 - a person on it has died, or become ill, from a quarantinable disease; or
 - rodents on the craft have died (otherwise than by poison or ordinary pest destruction measures).

Section 97C provides for the Medical Officer of Health or a Health Protection Officer to lift the detention of craft under *section 97B*.

Section 97D gives the Medical Officer of Health or a Health Protection Officer powers in relation to quarantinable diseases. If a craft arrives in New Zealand carrying a person liable to quarantine, the officer may—

- examine the person (taking any sample the officer may reasonably require);
- require the captain of the craft to take or help take any steps reasonably necessary—
 - to prevent the spread of infection by the person; or
 - to destroy birds, insects, or rodents; or
 - to deal with conditions on the craft likely to convey infection.

Section 97E applies to a person if—

- he or she arrives in New Zealand by craft from a foreign place; and
- the Medical Officer of Health believes or suspects that he or she suffers from a quarantinable disease; or has been exposed to a quarantinable disease within the last 14 days.

It empowers the Medical Officer of Health or a Health Protection Officer to require such a person—

- to be removed to a hospital or other suitable place, and detained under surveillance until he or she is not infected with the disease or is not able to pass it on; or
- to be kept under surveillance at large.

And it requires such a person (whether or not detained under *subsection (2)(a)* or under surveillance at large under *subsection (2)(b)*) give to the Medical Officer of Health all information he or she reasonably requires to enable the management of risks to public health.

While under surveillance at large, a person must—

- present himself or herself for medical examinations if required:
- if instructed to do so by the Medical Officer of Health,—
 - report on arrival in any district to the Medical Officer of Health or to a doctor nominated by the Medical Officer of Health:
 - report in person daily or at stated intervals to the Medical Officer of Health or a doctor nominated by the Medical Officer of Health:
- if he or she leaves for another place, tell the Medical Officer of Health, or the doctor nominated by the Medical Officer of Health, and give details of the address to which he or she is going.

Section 97F requires people who have the custody or charge of a child or the role of providing day-to-day care for a child, or charge of a person under disability, to act on behalf of the child or person under disability in relation to requirements under *sections 97A to 97E*.

Section 97G provides that a failure or refusal to comply with any of *sections 97A to 97F* is an offence.

Clause 24 replaces sections 109 and 110 of the Health Act 1956 (which relate to infected baggage or stores on ships, and the disinfection and fumigation of ships), with redrafted sections that apply also to aircraft.

Holidays Act 2003

Clause 25 provides that *clause 26* amends the Holidays Act 2003.

Clause 26 amends section 19(1) of the Holidays Act 2003, which enables an employer to require an employee to take annual holidays—

- if they cannot agree on when the employee will take his or her annual holidays; or
- during a closedown period.

At present, the section provides that an employer has to give an employee at least 14 days' notice of a requirement to take annual holidays.

The amendments have the effect that—

- an employer may also require an employee to take annual holidays if there is in force a notice under *clause 5(1)* of the Bill (or a notice under *clause 6(2)* that is ancillary to such a notice) stating that the application of the Holidays Act 2003 is modified in order to deal with the practical consequences of the outbreak of an infectious disease; and
- an employer does not have to give an employee notice of a requirement to take annual holidays if it arises in those circumstances.

The obligation to give an employee at least 14 days' notice of a requirement arising out of disagreement or a closedown period is not affected.

Immigration Act 1987

Clause 27 provides that *clauses 28 to 30*, which relax certain requirements during an epidemic, amend the Immigration Act 1987.

Clause 28 amends section 2(1) of the Immigration Act 1987 by inserting a definition of **epidemic notice**, which is a notice under *clause 5* of the Bill (or a notice under *clause 6* that is ancillary to such a notice) stating that the application of that Act is modified in order to deal with the practical consequences of the outbreak of an infectious disease.

Clause 29 inserts into the Immigration Act 1987 a *new section 35AC*, applying to temporary permits, limited purposes permits, and exemptions from the requirement to hold a permit, that—

- are in force at the commencement of an epidemic notice; and
- would otherwise expire before the day 14 days after the day on which the notice expires.

Such a permit or exemption must be treated as if it continues to be valid until 3 months after the day on which the epidemic notice expires.

Clause 30 inserts *new sections 129ZC to 129ZH* into the Immigration Act 1987.

Section 129ZC provides that, while an epidemic notice is in force, any matter for which the Immigration Act 1987 requires a person to be brought before a District Court Judge or Registrar may be dealt with by a Judge or Registrar on the basis of documents only, without the person's being brought before him or her.

If the epidemic notice applies to parts of New Zealand only, this modification of the Act applies within those parts only.

Section 129ZD provides that, while an epidemic notice is in force, requirements to bring people before court (for consideration of a particular matter) at stated intervals that are less than 28 days have effect as requirements to have the question concerned considered by a Judge at intervals of not more than 28 days.

If the epidemic notice applies to parts of New Zealand only, this modification of the Act applies within those parts only.

Section 129ZE provides that, while an epidemic notice is in force,—

- an unexpired warrant of commitment issued before the commencement of the notice has effect as if it had authorised the detention of the person named in it for a period of 28 days, rather than the usual period of up to 7 days:
- a new warrant of commitment may authorise the detention of the person named in it for a period of up to 28 days, rather than the usual period of up to 7 days:
- in either case, a warrant of commitment may be extended for periods of up to 28 days, rather than the usual period of up to 7 days.

If the epidemic notice applies to parts of New Zealand only, these modifications of the Act apply within those parts only.

Section 129ZF provides that, while an epidemic notice is in force, an immigration officer and the released person may vary a condition imposed under section 128AB(1)(c) of the Immigration Act 1987 subject to which a person has been released on conditions under section 128AA. Normally they can vary such a condition only if the order imposing it allows them to do so or the consent of a District Court Judge is obtained.

If the epidemic notice applies to parts of New Zealand only, this modification of the Act applies within those parts only.

Section 129ZG relates to section 60(7) of the Immigration Act 1987, which provides that no person (other than certain refugee status claimants who either claimed refugee status only after a removal order was served, or whose inability to leave New Zealand arises from some action or inaction on their part) may be detained under warrants of commitment for consecutive periods of more than 3 months in total. The effect of *section 129ZG* is that, in calculating the consecutive periods,—

- no account is to be taken of any periods of detention occurring while an epidemic notice is in force; but
- periods of detention do not cease to be consecutive just because they include periods during which an epidemic notice was in force.

If the epidemic notice applies to parts of New Zealand only, this modification of the Act applies within those parts only.

Income Tax Act 2004

Clause 31 provides that *clause 32* amends the Income Tax Act 2004.

Clause 32 amends the definition of **qualifying event** in section OB 1 of the Income Tax Act 2004 so that, in relation to section MB 3B of that Act and the Tax Administration Act 1994 only, it includes the outbreak within New Zealand of an infectious disease referred to in a notice under *clause 5* of the Bill.

Parole Act 2002

Clause 33 provides that *clauses 34 to 38* amend the Parole Act 2002.

Clause 34 inserts into section 4(1) of the Parole Act 2002 a definition of **epidemic notice**, which means a notice under *clause 5(1)* of the Bill (or a notice under *clause 6(2)* that is ancillary to such a notice) stating that the application of the Parole Act 2002 is modified

in order to deal with the practical consequences of the outbreak of the infectious disease referred to in the notice.

Clause 35 inserts into the Parole Act 2002 a *new section 13A*, which provides that, while an epidemic notice is in force, any decision or action that may or must be made or taken by the Parole Board may, if the chairperson or a panel convenor is satisfied that it is desirable,—

- be made or taken by the Board on the basis of documents only, without the presence or submissions of people who would otherwise have a right to be there or make submissions; or
- be made or taken by the chairperson or panel convenor acting alone.

The chairperson or panel convenor acting alone may also deal with a matter on the basis of documents only.

Clause 36 inserts into the Parole Act 2002 a *new section 27A*, which modifies during an epidemic the application of requirements under that Act to consider offenders for parole.

The section provides that the Board may consider an offender for parole as soon after he or she should have been considered as is reasonably practicable in the circumstances if the Board is required to consider an offender for parole—

- during an epidemic; or
- after an epidemic notice has expired, but while there is still a backlog of offenders who should have been considered for parole before the offender.

The section also provides that the circumstances to be considered include the number of employees available to produce reports for the Board and participate in hearings of the Board, the number of Board members available to conduct hearings, and the number of offenders who have not yet been considered for parole.

And in deciding the order in which it should consider for parole offenders affected by a backlog, the Board—

- must first consider how much time has passed since each of them should have been considered; but
- may then consider them for parole in any order it thinks appropriate.

If the epidemic notice applies to parts of New Zealand only, the section applies within those parts only.

Clause 37 inserts into the Parole Act 2002 a *new section 40A*, parallelling *new section 27A*, which modifies during an epidemic the application of requirements under that Act to consider applications for home detention.

The section provides that the Board may consider an application for home detention as soon after it should have been considered as is reasonably practicable in the circumstances if the Board is required to consider it—

- during an epidemic; or
- after an epidemic notice has expired, but while there is still a backlog of applications for home detention that should have been considered before it.

The section also provides that the circumstances to be considered include the number of employees available to produce reports for the Board and participate in hearings of the Board, the number of Board members available to conduct hearings, and the number of applications for home detention that have not yet been considered.

And in deciding the order in which it should consider applications for home detention affected by a backlog, the Board—

- must first consider how much time has passed since each of them should have been considered; but
- may then consider them in any order it thinks appropriate.

If the epidemic notice applies to parts of New Zealand only, the section applies within those parts only.

Clause 38 inserts into the Parole Act 2002 a *new section 56A*, providing that, while an epidemic notice is in force, a probation officer who has applied to the Parole Board for the variation or discharge of a release condition or detention condition imposed by the Board may himself or herself vary the condition until the Board has made its decision.

Resource Management Act 1991

Clause 39 provides that *clause 40* amends the Resource Management Act 1991.

Clause 40 inserts into the Resource Management Act 1991 a *new section 330C*, which provides that, during an epidemic, certain actions taken under the Health Act 1956 that would normally require a resource consent (**epidemic emergency actions**) may be taken without one.

Initially, the Resource Management Act 1991 will apply to an epidemic emergency action as if it were expressly allowed by a resource consent. But—

- the person who takes it must within 5 working days advise the appropriate consent authority that it has been taken:
- if the action has continuing adverse effects, the person must also within 3 months apply retroactively to the appropriate consent authority for any resource consents that would have been required for its taking; and—
 - if consents are applied for, the action may continue until the application and any appeals have been finally determined; but
 - if consents are not applied for, the action may continue for 3 months only.

The Minister for the Environment can, however, extend the 3-month period by periods of up to 21 months in total.

If consents are not eventually obtained for an action with continuing adverse effects, the powers in the Resource Management Act 1991 to require people to take action in respect of things done without a resource consent will then be available.

Sentencing Act 2002

Clause 41 provides that *clauses 42 to 44* amend the Sentencing Act 2002.

Clause 42 inserts into the Sentencing Act 2002 a *new section 54A*, which provides that—

- a probation officer who has applied for an order to vary conditions of a sentence of supervision imposed on the offender by a court may himself or herself vary the conditions; and
- if an offender has applied for an order to vary conditions of a sentence of supervision imposed on the offender by a court, any probation officer may himself or herself vary the conditions.

A variation has effect until the court has made its decision on the application.

Clause 43 inserts into the Sentencing Act 2002 a *new section 67A*, which empowers the chief executive of the Department of Corrections, while an epidemic notice is in force, to authorise probation officers—

- to remit the community work hours of offenders subject to a sentence of community work for periods—
 - of up to 8 hours in any week; and
 - of not more in total than the lesser of 48 hours and one-third of the sentence; and
- extend by up to 12 months the period during which the sentences of community work of offenders must be served.

Clause 44 inserts into the Sentencing Act 2002 a *new section 69A*, which empowers the chief executive of the Department of Corrections, while an epidemic notice is in force, to authorise probation to extend by not more than 12 months the period during which community work must be done.

Social Security Act 1964

Clause 45 provides that *clauses 46 to 48* amend the Social Security Act 1964.

Clause 46 inserts into section 3(1) of the Social Security Act 1964 definitions of **domestic epidemic notice** and **overseas epidemic notice**.

A domestic epidemic notice is a notice under *clause 5(1)* of the Bill (or a notice under *clause 6(2)* that is ancillary to such a notice) stating that the application of the Social Security Act 1964 is modified in order to deal with the practical consequences of the outbreak of the infectious disease referred to in the notice.

An overseas epidemic notice is a notice under proposed *new section 61CE* of the Social Security Act 1964.

Clause 47 inserts into the Social Security Act 1964 *new sections 61CB to 61CF*.

Section 61CB provides that, while a domestic epidemic notice is in force (and for any period after it expires that the Minister thinks reasonable in the circumstances), the Minister of Social Development and Employment may approve—

- the payment of benefits to people who would not otherwise be entitled to be paid because—
 - their benefits are subject to a stand down period; or

- their benefits are suspended:
- the reinstatement of benefits cancelled or terminated within the 8 weeks before the commencement of a domestic epidemic notice or while the notice was in force:
- the granting or reinstatement of benefits to people who—
 - were subject to a non-entitlement period on the commencement of a domestic epidemic notice; or
 - became subject to a non-entitlement period while the notice was in force:
- the payment of benefits to people at a rate higher than a lower rate to which they would otherwise be entitled (being a lower rate resulting from:
 - a reduction or variation of a rate of benefit:
 - a suspension of a benefit:
 - a direct deduction from payments under a benefit; or
 - a sanction, penalty, or non-entitlement period, imposed on a spouse or partner):
- the non-exercise of a power to cancel, suspend, vary, or terminate benefits in circumstances where the holders satisfy the normal criteria for cancellation, suspension, variation, or termination:
- non-compliance with a statutory duty to cancel, suspend, vary, or terminate benefits.

Section 61CC provides that, while a domestic epidemic notice is in force (and for any period after it expires that the Minister thinks reasonable in the circumstances), the Minister of Social Development and Employment may approve the granting of emergency benefits to people who would not otherwise be entitled to them.

Payments made under such a benefit will be provisional only, and—

- they may be recovered in full if the benefit is found to have been inappropriately granted:
- a proportion may be recovered if the benefit is found to have been paid at an inappropriately high rate.

Section 61CD provides that, while a domestic epidemic notice is in force, and for any period after it expires that the Minister of Social Development and Employment thinks reasonable in the circumstances, a benefit may be granted without the usual investigation required by section 12(1).

Section 61CE empowers the Minister of Social Development and Employment to publish in the *Gazette*, on the recommendation of the Director-General of Health, declarations that the effects of an

outbreak outside New Zealand of a stated infectious disease are likely to cause hardship to people temporarily in New Zealand by preventing or hindering their prompt return.

Section 61CF empowers the Minister for Social Development and Employment to establish, while an overseas epidemic notice is in force, 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.

A programme will be established by notice in the *Gazette*, which must state—

- the criteria by which it is to be determined which people are given assistance; and
- any maximum amounts of assistance to be given; and
- 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
- for how long assistance may be given; and
- any conditions subject to which assistance is to be given.

The programme, and the matters stated in it, override every other provision of the Social Security Act 1964 restricting the granting of benefits (for example, section 74A, which restricts the granting of benefits to people unlawfully resident or present in New Zealand).

Clause 48 amends section 124 of the Social Security Act 1964 by—

- inserting a *new subsection (1C)*, which enables the payment of money necessary for granting special assistance under proposed *new section 61CF* out of the Crown Bank Account without specific appropriation; and
- replacing subsection (2), which provides for the recovery of certain payments of special assistance obtained by fraud or misleading statement, with new provisions applying also to special assistance paid under proposed *new section 61CF*.

Student Loan Scheme Act 1992

Clause 49 provides that *clause 50* amends the Student Loan Scheme Act 1992.

Clause 50 amends section 53 of the Student Loan Scheme Act 1992, which enables people to apply for relief from a penalty under that Act. Normally, applications must be made in writing. During an epidemic they will be able to be made orally or by electronic means.

Summary Proceedings Act 1957

Clause 51 provides that *clause 52* amends the Summary Proceedings Act 1957.

Clause 52 amends the Summary Proceedings Act 1957 by inserting 2 new sections relaxing certain requirements during an epidemic.

Section 46AB relates to section 45(3) of the Summary Proceedings Act 1957.

Section 45(3) provides that if a defendant is on any adjournment remanded in custody under section 46, the adjournment must not be for longer than 8 days unless both parties consent.

The relaxation has the effect that, while an epidemic notice is in force, the adjournment must not be for longer than 21 days unless both parties consent.

If the epidemic notice applies to parts of New Zealand only, this modification of the Act applies within those parts only.

For the purposes of *section 46AB* (and *section 46AC*), an **epidemic notice** is a notice under *clause 5(1)* of the Bill (or a notice under *clause 6(2)* of the Bill that is ancillary to such a notice) stating that the application of the Summary Proceedings Act 1957 is modified in order to deal with the practical consequences of the outbreak of the infectious disease referred to in the notice.

Section 46AC relates to section 46(3) of the Summary Proceedings Act 1957.

Section 46(3) provides that—

- a single period of remand imposed by a Registrar under section 46(2) may not exceed 8 days;
- not more than 2 consecutive periods of remand may be imposed by a Registrar under section 46(2) and neither of those periods may exceed 8 days;
- a defendant remanded by a Registrar under section 46(2) must be brought before a Court or Justice or Community Magistrate—
 - at the earliest opportunity if, during the period of remand, he or she withdraws his or her agreement under section 46(2)(a);
 - in any event, at the earliest opportunity after the expiration of 16 days commencing on the date of the imposition of the remand.

The relaxation has the effect that, while an epidemic notice is in force,—

- periods of remand imposed by a Registrar under section 46(2) may not exceed 21 days:
- a defendant remanded by a Registrar under section 46(2) must be brought before a Court or Justice or Community Magistrate—
 - at the earliest opportunity that is reasonable in all the circumstances if, during the period of remand, he or she withdraws his or her agreement under section 46(2)(a):
 - in any event, at 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.

If the epidemic notice applies to parts of New Zealand only, these modifications of the Act apply within those parts only.

Tax Administration Act 1994

Clause 53 provides that *clauses 54 and 55* amend the Tax Administration Act 1994.

Clause 54 amends section 183ABA of the Tax Administration Act 1994, which empowers the Commissioner of Inland Revenue to remit a penalty or interest charged to a taxpayer significantly affected by a qualifying event (as defined in section OB 1 of the Income Tax Act 2004).

The amendment has the effect that a request under section 183ABA(2) for the remission of a penalty or interest charged may be made orally (whether face-to-face or by telephone).

Clause 55 inserts into the Tax Administration Act 1994 a *new section 183ABB*, empowering the Minister of Finance, if satisfied that an epidemic in respect of which a notice under *clause 5(1)* of the Bill has been issued is widespread and significantly affects large numbers of taxpayers, to authorise the Commissioner to remit penalties or interest without application by individual taxpayers.

Hon Pete Hodgson

Law Reform (Epidemic Preparedness) Bill

Government Bill

Contents

	Page
1 Title	4
2 Commencement	5
Part 1	
Enabling use of emergency powers	
3 Purpose	5
4 Epidemic notice defined	5
5 Prime Minister may enable use of special powers	5
6 Other matters	6
7 Review of notices	7
8 Relaxation of statutory requirements to facilitate disease management	7
9 Relaxation of statutory requirements imposing duties	8
Part 2	
Amendments to existing enactments	
<i>Births, Deaths, and Marriages Registration Act 1995</i>	
10 Principal Act amended	9
11 Interpretation	9
12 New section 37A inserted	9
37A Medical certificates relating to deaths occurring during epidemic	10
13 Transfer of charge of body	12
14 Medical certificate or coroner's order to be obtained before body disposed of	12
15 Consequential amendments	12
<i>Health Act 1956</i>	
16 Principal Act amended	13
17 Interpretation	13
18 Special powers of Medical Officer of Health	14
19 Powers of Medical Officer of Health on outbreak of infectious disease	15

Law Reform (Epidemic Preparedness)

20	New sections 71A and 72 substituted	16
	71A Power of members of police to assist Medical Officer of Health or Health Protection Officers in relation to infectious diseases	16
	72 Offences relating to obstructing Medical Officer of Health or people assisting Medical Officer of Health	17
21	New section 74AA inserted	18
	74AA Medical laboratories to give notice of cases of notifiable disease	18
22	New sections 74B to 74D inserted	19
	74B Medical laboratories may be required to give notice of cases of disease during epidemic	19
	74C Priorities for medicines	19
	74D Redirection of aircraft	20
23	New sections 97 to 97G substituted	21
	97 People liable to quarantine	21
	97A People liable to quarantine to comply with directions and supply information	21
	97B Detention of craft and people	22
	97C Lifting of detention of craft	22
	97D Powers and duties of Medical Officer of Health or Health Protection Officer in relation to quarantinable diseases	23
	97E Surveillance of certain people liable to quarantine	23
	97F Children and people under disability	25
	97G Offences against this Part	25
24	New sections 109 and 110 substituted	25
	109 Infected baggage, cargo, or stores	25
	110 Disinfection and fumigation of craft	26
	<i>Holidays Act 2003</i>	
25	Principal Act amended	26
26	When employee may be required to take annual holidays	27
	<i>Immigration Act 1987</i>	
27	Principal Act amended	27
28	Interpretation	28
29	New section 35AC inserted	28
	35AC Deemed extension of certain permits expiring during epidemic	28
30	New sections 129ZC to 129ZG inserted	29

Law Reform (Epidemic Preparedness)

	129ZC	During epidemic courts may deal with certain matters on basis of documents only	29
	129ZD	Modification during epidemic of requirements to bring people before court	29
	129ZE	During epidemic certain warrants and extensions to have effect for 28 days	29
	129ZF	Application of section 128AB during epidemic	30
	129ZG	Calculation of consecutive period of detention for purposes of section 60(7)	30
		<i>Income Tax Act 2004</i>	
31		Principal Act amended	30
32		Definitions	31
		<i>Parole Act 2002</i>	
33		Principal Act amended	31
34		Interpretation	31
35		New section 13A inserted	31
	13A	Procedure of Board during epidemic	31
36		New section 27A inserted	32
	27A	Consideration of offenders for parole during epidemic	32
37		New section 40A inserted	33
	40A	Applications for home detention during epidemic	33
38		New section 56A inserted	34
	56A	Application of section 56 during epidemic	34
		<i>Resource Management Act 1991</i>	
39		Principal Act amended	34
40		New section 330C inserted	34
	330C	Actions taken without resource consent during epidemic	34
		<i>Sentencing Act 2002</i>	
41		Principal Act amended	36
42		New section 54A inserted	36
	54A	Application of section 54 during epidemic	36
43		New section 67A inserted	36
	67A	Remission of community work hours during epidemic	36
44		New section 69A inserted	37
	69A	Extension during epidemic of period within which community work must be done	37

	<i>Social Security Act 1964</i>	
45	Principal Act amended	37
46	Interpretation	37
47	New sections 61CB to 61CF inserted	37
	<i>Epidemics</i>	
	61CB Payment of benefits during epidemic in New Zealand	37
	61CC Granting of emergency benefits during epidemic in New Zealand	39
	61CD During epidemic benefits may be granted without normal investigations	39
	61CE Overseas epidemics affecting visitors to New Zealand	40
	61CF Special assistance for visitors affected by overseas epidemics	40
48	Money payable out of Crown Bank Account	41
	<i>Student Loan Scheme Act 1992</i>	
49	Principal Act amended	41
50	Relief from penalty	41
	<i>Summary Proceedings Act 1957</i>	
51	Principal Act amended	42
52	New sections 46AB and 46AC inserted	42
	46AB Application of section 45 during epidemic	42
	46AC Application of section 46 during epidemic	42
	<i>Tax Administration Act 1994</i>	
53	Principal Act amended	43
54	Remission in circumstances of qualifying event	43
55	New section 183ABB inserted	43
	183ABB Remission during major epidemic	43
	Schedule	
	New Part 3 of Schedule 1	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Law Reform (Epidemic Preparedness) Act **2006**.

- 2 Commencement**
- (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. 5
- (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** 10
- 3 Purpose**
- (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 15
 - (b) to respond to epidemics in New Zealand; and
 - (c) to respond to certain possible consequences of epidemics (whether occurring in New Zealand or overseas).
- (2) This Act also has the following purposes: 20
- (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;
 - (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. 25
- 4 Epidemic notice defined**
- In this Part, **epidemic notice** means a notice under **section 5(1)**.
- 5 Prime Minister may enable use of special powers** 30
- (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. 35
- (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.
- (3) The notice comes into force on its commencement, and— 5
- (a) expires on the earliest of the following:
 - (i) the day 3 months after its commencement:
 - (ii) a day stated in the notice:
 - (iii) a day stated for the purpose by the Prime Minister by further notice in the *Gazette*; but 10
 - (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.
- (5) The Prime Minister must not give the notice except on, and after considering, the written recommendation of the Director-General of Health. 15
- (6) In **subsection (1), infectious disease** has the meaning given to it by section 2(1) of the Health Act 1956.
- 6 Other matters** 20
- (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—
- (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 25
 - (b) any matter that must be stated in order for the application of some other enactment referring to an epidemic 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. 30
- (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)**. 35
- (3) A notice under **subsection (2)**—
- (a) may modify the effect of the epidemic notice to which it is ancillary (for example,—

-
- (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). 5
 - (b) has effect as part of the epidemic notice to which it is ancillary; and 10
 - (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. 15
 - (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. 20
 - (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. 25
- 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. 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 opinion of the Director-General, the relaxation is necessary to enable the disease concerned to be managed effectively. 35

- (3) A relaxation—
- (a) may be absolute or subject to conditions; and
 - (b) may confer a discretionary power.
- (4) An order has effect according to its tenor; but unless earlier revoked, it expires when the epidemic notice expires. 5
- 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. 10
- (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,— 15
 - (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 20
 - (ii) the relaxation effected is no greater than is reasonably necessary in the circumstances; and
 - (b) is satisfied that— 25
 - (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.
- (3) **Subsection (1)** does not authorise a relaxation of a requirement— 30
- (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
 - (c) to release to its owner property being withheld from him or her. 35
- (4) A relaxation—
- (a) may be absolute or subject to conditions; and
 - (b) may confer a discretionary power.

- (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. 5
- (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 10
- (b) the New Zealand Police is a department of State and the commissioner of Police is its chief executive. 15
- (9) In **subsection (2)**, **person** includes the Crown.

Part 2

Amendments to existing enactments

Births, Deaths, and Marriages Registration Act 1995

- 10 Principal Act amended** 20
Sections 11 to 15 amend the Births, Deaths, and Marriages Registration Act 1995.
- 11 Interpretation**
 Section 2 of the Births, Deaths, and Marriages Registration Act 1995 is amended by repealing the definition of **unavailable** and substituting the following definition: 25
 “**unavailable**—
 “(a) means dead, unknown, missing, of unsound mind, or unable to act by virtue of a medical condition; and
 “(b) in **section 37A**, includes too busy dealing with people affected by the disease concerned to be able to give a doctor’s certificate”. 30
- 12 New section 37A inserted**
 The following section is inserted after section 37 of the Births, Deaths, and Marriages Registration Act 1995: 35

- “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. 5
- “(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. 10
- “(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)—
- “(a) either— 15
- “(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 20
- “(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 25
- “(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.
- “(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)— 30
- “(a) either—
- “(i) no doctor or nurse attended the person during the illness; or 35
- “(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

- “(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 5
 - “(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. 10 15
- “(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)**. 20
- “(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. 25
- “(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— 30
- “(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 35
 - “(b) has a scope of practice under that Act as a registered nurse or nurse practitioner.”

- 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”. 5
- 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**”. 10
- 15 Consequential amendments**
- (1) Section 4(1) of the Coroners Act 1988 is consequentially amended by repealing paragraph (b) and substituting the following paragraph:
 “(b) every death in respect of which— 15
 “(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:” 20
- (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:
 “(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” 25
- (3) Section 143 of the Health Practitioners Competence Assurance Act 2003 is consequentially amended by repealing subsection (4) and substituting the following subsection: 30
- “(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 35
 “(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:
- “(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
- “(b) includes a certificate under **section 37A** of that Act.”
- Health Act 1956*
- 16 Principal Act amended** 10
Sections 17 to 24 amend the Health Act 1956.
- 17 Interpretation**
- (1) Section 2(1) is amended by repealing the definition of **quarantinable disease** and inserting the following definitions in their appropriate alphabetical order: 15
- “**craft** means an aircraft, ship, or other device or machine, that can be used to carry or transport people or goods—
- “(a) by air; or
- “(b) on or under water
- “**epidemic notice** means a notice under **section 5(1) of the Law Reform (Epidemic Preparedness) Act 2006** 20
- “**passenger**, in relation to a craft means any person in or on it who is not a member of its crew
- “**quarantinable disease**—
- “(a) means a disease stated in **Part 3 of Schedule 1**; and 25
- “(b) includes a disease stated in an epidemic notice that is in force”.
- (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.” 30
- (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. 35

- 18 Special powers of Medical Officer of Health**
- (1) Section 70(1)(f) is amended by omitting “ships, animals, and things” and substituting “ships, vehicles, aircraft, animals, or things”.
- (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”. 5
- (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) 10 and substituting the following paragraph:
- “(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: 15
- “(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 description in which infection control measures described in the order are not operating: 20
- “(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): 25
- “(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.” 30
- (5) Section 70 is amended by inserting the following subsections after subsection (1):
- “(1A) An order under **subsection (1)(m)** does not apply to— 35
- “(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 40

- “(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 **subsection (1)(m)** may exempt people engaged in necessary work in the premises to which it relates. 5
- “(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 10
- “(b) may publish the order or its gist in any other manner he or she thinks appropriate.” 15
- (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.” 20
- 19 Powers of Medical Officer of Health on outbreak of infectious disease**
- Section 71(1) is amended by repealing paragraphs (a) and (b) and substituting the following paragraphs: 25
- “(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: 30
- “(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, whether public or private, that in his or her opinion is required for the storage or disposal of bodies: 35
- “(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, whether public or private, that in his or her opinion is required for the transport of— 40

- “(i) patients, medical personnel, medicine, medical equipment or devices, food, or drink; or
- “(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 **subparagraph (i) or subparagraph (ii)**.” 5
- 20 New sections 71A and 72 substituted**
- Section 72 is repealed and the following sections are substituted: 10
- “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)— 15
- “(a) to help 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
- “(b) to help a person to do a thing that a Medical Officer of Health or a Health Protection Officer has caused or required to be done in the exercise or performance of powers or functions under section 70 or section 71; or 20
- “(c) to prevent people from obstructing or hindering 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 25
- “(d) to prevent people from obstructing or hindering a person doing a thing that a Medical Officer of Health or a Health Protection Officer has caused or required to be done in the exercise or performance of powers or functions under section 70 or section 71; or 30
- “(e) to compel, enforce, or ensure compliance with a requirement made by 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 35
- “(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 has forbidden or prohibited in the 40

- exercise or performance of powers or functions under section 70 or section 71
- “(2) A member of the police acting under **subsection (1)** may at any time do any or all of the following things:
- “(a) enter into or on any land, building, aircraft, ship, or vehicle: 5
- “(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)**,— 10
- “(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. 15
- “(3) **Subsection (2)** does not limit the generality of **subsection (1)**.
- “(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)**— 20
- “(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. 25
- “(6) A member of the police does not incur any personal liability 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** 30
- 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)— 35
- “(a) threatens, assaults, or intentionally obstructs or hinders 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

- “(b) threatens, assaults, or intentionally obstructs or hinders an Environmental Health Officer or a Health Protection 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 5
- “(c) threatens, assaults, or intentionally obstructs or hinders a member of the police acting under **section 71A**; or
- “(d) does anything forbidden by a Medical Officer of Health or a Health Protection Officer 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 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 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

- “(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. 25 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 undertaken, and the Medical Officer of Health, of the infectious nature of the disease concerned. 35
- “(3) A person who fails to comply with **subsection (2)**— 40
- “(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: 5

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

“(1) Before the commencement of **section 21 of the Law Reform (Epidemic Preparedness) Act 2006**, an epidemic 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. 10

“(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. 15

“(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). 20

“(4) The fact that the notice has expired does not affect any criminal or civil liability arising while it was in force. 25

“74C Priorities for medicines

“(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 diseases. 30

“(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 35

- 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,— 5
- “(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.
- “(3) A requirement 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. 10
- “(4) The Director-General does not have to publish a policy, but must produce and keep a written description of its general effect. 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 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 notice has or is likely to have broken out in a place the aircraft has come from (whether directly, or via other places); or 30
- “(ii) the disease has or is likely to have broken out in the place where the aircraft has landed; or
- “(iii) the aircraft is or is likely to be carrying people infected with the disease; and 35
- “(iv) the aircraft or anything in it is or is likely to be contaminated with the disease; and
- “(b) measures necessary to deal with the situation can more practicably be carried out at the other place.” 40

23 New sections 97 to 97G substituted

(1) Section 97 is repealed and the following sections are substituted:

“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. 5

“(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,—

“(a) that he or she suffers from a quarantinable disease; or 10

“(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.

“97A People liable to quarantine to comply with directions and supply information 15

“(1) A person who is liable to quarantine—

“(a) must comply with all directions, requirements, or conditions given, made, or imposed by the Medical Officer of Health or a Health Protection Officer under this Part; and 20

“(b) must, on request by the Medical Officer of Health or a Health Protection Officer, give any information the officer believes on reasonable grounds to be necessary to enable the management of risks to public health. 25

“(2) In the case of people arriving in New Zealand by craft, the Medical Officer of Health or a Health Protection Officer 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— 30

“(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. 35

“(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 40

- “(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 5
- “(f) whether he or she is experiencing or has recently experienced particular symptoms.
- “(5) The Medical Officer of Health or a Health Protection Officer may obtain from the department of State responsible for keeping it 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. 10
- “(6) **Subsection (1)(b)** does not limit the generality of **subsection (1)(a)**.
- “97B Detention of craft and people 15**
- “(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— 20
- “(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 25
- “(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. 30
- “97C Lifting of detention of craft 35**
- 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.

“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— 5
- “(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: 10
- “(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— 15
- “(i) to prevent the spread of infection by the person; or
- “(ii) to destroy birds, insects, or rodents; or
- “(iii) to remove or abate conditions on the craft likely to convey infection, including conditions that might facilitate the harbouring of vermin. 20
- “(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. 25

“97E Surveillance of certain people liable to quarantine

- “(1) This subsection applies to a person who—
- “(a) is suffering from a quarantinable disease; or
- “(b) is liable to quarantine by virtue of **section 97(2)**.
- “(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. 30
- “(3) The Medical Officer of Health or a Health Protection Officer may cause a person liable to quarantine by virtue of **section 97(2)**— 35
- “(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—
- “(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. 5
- “(4) Detention under **subsection (2)(a)**—
- “(a) must not continue for more than 28 days; and
 - “(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. 10
- “(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. 15
- “(6) While kept under surveillance at large, a person must—
- “(a) present himself or herself for any medical examination required by the Medical Officer of Health in whose district he or she may be: 20
 - “(b) give to the Medical Officer of Health all information he or she reasonably requires to enable the management of risks to public health:
 - “(c) if instructed to do so by the Medical Officer of Health, do either or both of the following: 25
 - “(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:
 - “(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: 30
 - “(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. 35

“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 5
- “(b) must give in respect of the child or person under disability all information required under any of those sections. 10

“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— 15
 - (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. 20

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 25

- “(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. 30
- “(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. 35
- “(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.

“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. 5 10
- “(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 15
- “(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). 20
- “(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.
- “(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. 25
- “(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.” 30

Holidays Act 2003

25 Principal Act amended

Section 26 amends the Holidays Act 2003.

26	When employee may be required to take annual holidays	
(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:	5
“(3)	An employer does not have to give an employee notice of a requirement to take annual holidays—	
“(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	10
“(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	15
“(ii)	the employee is employed to work in a workplace of that kind or description.	20
“(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	
“(b)	stating whether the modification—	30
“(i)	applies to all employees; or	
“(ii)	applies only to employees employed to work in workplaces of a stated kind or description.”	
	<i>Immigration Act 1987</i>	
27	Principal Act amended	35
	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 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”.

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29 New section 35AC inserted

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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—

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“(a) it was in force immediately before the commencement of an epidemic notice; and

“(b) but for this section, it would expire before the day 14 days after the day on which the notice expires.

20

“(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:

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“(a) its revocation or cessation:

“(b) the expiration of 3 months after the day on which the epidemic notice expires.

“(3) **Subsection (2)** does not require—

“(a) the endorsement or modification of a permit or exemption; or

30

“(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 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
- “(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. 10
- “(3) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only.
- “129ZD Modification during epidemic of requirements to bring people before court** 15
- “(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 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.
- “(3) If the notice applies to only stated parts of New Zealand, **subsection (2)** applies within those parts only. 25
- “129ZE During epidemic certain warrants and extensions to have effect for 28 days**
- “(1) The following provisions apply to a warrant of commitment issued under this Act: 30
- “(a) if it was in force immediately before the commencement of an epidemic notice, it has effect as if it had authorised the detention of the person named in it for a period of 28 days:
- “(b) if it is issued while an epidemic 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: 35

- “(c) if it was in force immediately before the commencement of an epidemic notice, or is issued while an epidemic 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.
- “**129ZF Application of section 128AB during epidemic** 10
- “(1) While an epidemic notice is in force, an immigration officer and the released person may, without the consent of a District Court Judge, vary a condition imposed under section 128AB(1)(c)—
- “(a) whether or not the order containing it provides for them to do so; and 15
- “(b) whether or not they have the consent of a District Court Judge.
- “(2) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only. 20
- “**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 notice is in force; but
- “(b) periods of detention do not cease to be consecutive just because they include periods during which an epidemic notice was in force. 30
- “(2) If the notice applies to only stated parts of New Zealand, **subsection (1)** applies within those parts only.”
- Income Tax Act 2004*
- 31 Principal Act amended**
- Section 32** amends the Income Tax Act 2004. 35

32 Definitions

The definition of **qualifying event** in section OB 1 is amended 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**”.

5

*Parole Act 2002***33 Principal Act amended**

Sections 34 to 38 amend the Parole Act 2002.

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34 Interpretation

Section 4(1) is amended by inserting the following definition after the definition of **determinate sentence**:

“**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”.

15

35 New section 13A inserted

The following section is inserted after section 13:

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“13A Procedure of Board during epidemic

“(1) While an epidemic 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,—

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“(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.

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- “(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. 5
- “(4) If the notice applies to only stated parts of New Zealand, **subsections (1) to (3)** apply within those parts only.”
- 36 New section 27A inserted** 10
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— 15
- “(a) while an epidemic notice is in force; or
- “(b) after an epidemic notice has expired, but while (in the Board’s opinion) there remains as a consequence 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. 20
- “(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. 25
- “(3) The circumstances include—
- “(a) the number of appropriately qualified employees of the chief executive available to produce reports for the Board: 30
- “(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: 35
- “(d) the number of offenders who have not yet been considered for parole as required by any of sections 21 to 27.

- “(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
 - “(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.”

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—
- “(a) while an epidemic notice is in force; or
 - “(a) after an epidemic notice has expired, but while (in the Board’s opinion) there remains as a consequence 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.
- “(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 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:
 - “(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:
 - “(d) the number of applications for home detention that have not yet been considered.

- “(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
- “(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.”

38 New section 56A inserted

The following section is inserted after section 56:

“56A Application of section 56 during epidemic

While an epidemic 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.”

Resource Management Act 1991

39 Principal Act amended

Section 40 amends the Resource Management Act 1991.

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

“(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)**

“**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
- “(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. 5
- “**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. 10
- “(2) This Act applies to the taking of an epidemic emergency action as if it were expressly allowed by a resource consent. 15
- “(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.
- “(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— 20
- “(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 25
- “(b) if he or she does not, the action may continue only until the end of the application period.
- “(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. 30
- “(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. 35

- “(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.” 5

Sentencing Act 2002

- 41 Principal Act amended**
Sections 42 to 44 amend the Sentencing Act 2002.
- 42 New section 54A inserted**
 The following section is inserted after section 54: 10
- “54A Application of section 54 during epidemic**
 “(1) While an epidemic 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 15
 “(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. 20
 “(2) A variation under **subsection (1)** has effect until the application concerned has been heard and disposed of.”
- 43 New section 67A inserted** 25
 The following section is inserted after section 67:
- “67A Remission of community work hours during epidemic**
 “(1) While an epidemic 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)— 30
 “(a) of not more than 8 hours in any week; and
 “(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.” 35

- 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 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. 5
- “(2) This section does not give any offender a right to an extension.” 10

Social Security Act 1964

- 45 Principal Act amended**
Sections 46 to 48 amend the Social Security Act 1964.
- 46 Interpretation** 15
Section 3(1) is amended by inserting the following definitions in their appropriate alphabetical order:
- “domestic 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) 20
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
- “overseas epidemic notice** means a notice under **section 61CE**”. 25
- 47 New sections 61CB to 61CF inserted**
The following heading and sections are inserted after section 61CA:
- “Epidemics*
- “61CB Payment of benefits during epidemic in New Zealand** 30
“(1) This subsection applies to any period comprising—
“(a) the period when a domestic epidemic notice is in force; and
“(b) a period after the notice expires that the Minister thinks reasonable in the circumstances. 35

- “(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:
- “(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; or
 - “(ii) their benefits, or payments of their benefits, are suspended: 10
 - “(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 notice concerned; or 15
 - “(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—
 - “(i) were subject to a non-entitlement period on the commencement of the domestic epidemic notice concerned; or 25
 - “(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—
 - “(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:
 - “(A) a reduction or variation of a rate of benefit:
 - “(B) a suspension of a benefit or payments under a benefit: 35
 - “(C) a direct deduction from payments under a benefit; or
 - “(D) a sanction, penalty, or non-entitlement period, imposed on a spouse or partner); but 40
 - “(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: 5
- “(f) refrain from cancelling, suspending, or terminating benefits in circumstances where this Act requires them to be cancelled, suspended, or terminated.
- “(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. 10
- “(4) **Subsection (2)** overrides every provision of this Act to the contrary.
- “**61CC Granting of emergency benefits during epidemic in New Zealand** 15
- “(1) While a domestic epidemic 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. 20
- “(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),— 25
- “(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. 30
- “(3) **Subsection (1)** overrides every other provision of this Act.
- “**61CD During epidemic benefits may be granted without normal investigations**
- While a domestic epidemic 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). 35

- “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 disease are likely to cause hardship to people temporarily in New Zealand by preventing or hindering their prompt return to stated places. 5
- “(2) The notice comes into force on its commencement, and expires on the earliest of the following:
- “(a) the day 3 months after its commencement:
- “(b) a day stated in the notice: 10
- “(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.
- “(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. 15
- “(5) In **subsection (1), infectious disease** has the meaning given to it by section 2(1) of the Health Act 1956.
- “61CF Special assistance for visitors affected by overseas epidemics** 20
- “(1) The Minister may, in respect of any period for which an overseas epidemic 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. 25
- “(2) The notice must state—
- “(a) the criteria by which it is to be determined which people are given assistance; and 30
- “(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 35
- “(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

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**. 5
- “(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— 10
- “(a) either—
- “(i) it was obtained by fraud; or
- “(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 15
- “(b) as a result, it exceeded the amount (if any) that, in the chief executive’s opinion, would otherwise have been paid. 20
- “(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—
- “(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)— 25
- “(i) the fraud had not occurred; or
- “(ii) the false statement had not been made; or 30
- “(iii) the officer had not been misled.”

*Student Loan Scheme Act 1992***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 35

made by electronic means or orally (whether face-to-face or by telephone) may be accepted.

“(6) In **subsection (5), electronic** includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic.”

Summary Proceedings Act 1957

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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:

“46AB Application of section 45 during epidemic

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“(1) While an epidemic 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.

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“(3) In **subsection (1), 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.

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“46AC Application of section 46 during epidemic

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

“(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

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“(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

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“(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

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imposition of the remand that is reasonable in all the circumstances.

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

Tax Administration Act 1994

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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):

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“(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.”

55 New section 183ABB inserted

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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—

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“(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

“(b) any interest whose remission they could have requested under section 183ABA of that Act.

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“(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.”

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s 16(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 |