

Health Report

Giving an Epidemic Notice and Epidemic Management Notices under the Epidemic Preparedness Act 2006

Date due to MO:	23 March 2020	Action required by:	23 March 2020
Security level:	IN CONFIDENCE	Health Report number:	
To:	Rt Hon Jacinda Ardern, Prime Minister Hon Dr David Clark, Minister of Health Hon Carmel Sepuloni, Minister for Social Development Hon Iain Lees-Galloway, Minister of Immigration		

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s.9(2)(a)
Jane Kelley	Director COVID-19 Response	

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:

Giving an Epidemic Notice and Epidemic Management Notices under the Epidemic Preparedness Act 2006

Purpose of report

This paper recommends that the Prime Minister give an Epidemic Notice, under the Epidemic Preparedness Act 2006, and seeks agreement from the Minister of Health.

This paper also recommends that the Prime Minister give an Epidemic Management Notice, and seeks agreement from the Ministers of Social Development and Immigration.

Key points

- The Prime Minister must consider the written recommendation of the Director-General of Health prior to giving an Epidemic Notice.
- My recommendation is that the Prime Minister give an Epidemic Notice because the effects of a COVID-19 outbreak are likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand significantly.
- Giving an Epidemic Notice will trigger some self-executing provisions in some enactments.
- As soon as possible after giving an Epidemic Notice, the Prime Minister must present a copy to Parliament.
- Once an Epidemic Notice is given, the Prime Minister, with the agreement of the Minister responsible for the enactment concerned, may give Epidemic Management Notices. Epidemic Management Notices trigger a number of other self-executing provisions in other enactments.
- In addition, once an Epidemic Notice is given, some legislative requirements and restrictions can be lifted via Modification Orders by Ministers making a recommendation to the Governor General.
- I recommend that you discuss this with your Cabinet colleagues on Monday 23 March 2020

I recommend that you:

Evolving COVID-19 situation

- a) **Note** that the global situation regarding COVID-19 is developing rapidly, with 66 confirmed cases and 4 probable cases in New Zealand as at 22 March 2020.

*The Prime Minister's decision to **give** an Epidemic Notice*

b)	Note that the Prime Minister has authority to give an Epidemic Notice, on the recommendation of the Director-General of Health and with the agreement of the Minister of Health.	
c)	Note the Director-General of Health advises that the effects of an outbreak of COVID-19 are likely to significantly disrupt (or continue to disrupt) essential government and business activities in New Zealand and that issuing an Epidemic Notice is justified to mitigate some of the actions the Government is taking to respond to the outbreak.	
d)	Note that the Director-General recommends that the Prime Minister give an Epidemic Notice.	
e)	Minister of Health: Agree with the Director-General's recommendation that the Prime Minister should give an Epidemic Notice.	Yes / No
f)	Prime Minister Agree to give the attached Epidemic Notice under s 5 of the Epidemic Preparedness Act 2006 (attached), effective 25 March 2020.	Yes / No
g)	Note you may wish to discuss this decision with your Cabinet colleagues on Monday 23 March 2020.	
<i>Epidemic Management Notices</i>		
h)	Note that once an Epidemic Notice has been given, the Prime Minister can give Epidemic Management Notices under s8 of the Epidemic Preparedness Act 2006, with the agreement of the Ministers responsible for the legislation concerned	
i)	Minister of Social Development Agree the Prime Minister should give an Epidemic Management Notice (effective 25 March 2020) for the purposes of ss64, 299, 443 of the Social Security Act 2018, to allow emergency grants to be made to those not entitled under existing provisions, remove the requirement to inquire into claims, and provide for the making of regulations for benefits, rates of benefits and exercise of other powers not currently available.	Yes / No

j)	Minister of Immigration Agree the Prime Minister should give an Epidemic Management Notice (effective 2 April 2020) for the purposes of ss78, 337-341 of the Immigration Act 2009, to enable extension of temporary visas and management of court processes	Yes / No
k)	Prime Minister: Agree you are satisfied that the effects of the COVID-19 outbreak make it, or are likely to make it, reasonably necessary to give an Epidemic Management Notice in respect of ss64, 299, 443 of the Social Security Act 2018, and ss78, 337-341 of the Immigration Act 2009.	Yes / No
l)	Prime Minister: Agree to give the attached Epidemic Management Notices under s8 of the Epidemic Management Act 2006.	Yes / No
<i>Modification Orders</i>		
m)	Note that giving an Epidemic Notice would allow the Governor-General to make Modification Orders under ss14 and 15 of the Epidemic Preparedness Act 2006 that make targeted modifications to some provisions of primary legislation (to modify requirements or restrictions)	
n)	Note that officials are not proposing any Modification Orders at this time, but that other Ministers and their departments, e.g. Department of Internal Affairs are likely to seek s15 orders to modify legislation. Officials are establishing processes for drafting and approvals. Giving an Epidemic Notice will enable the Government to move quickly as needs are identified.	
<i>Commencement</i>		

o)	Note that the Epidemic Notice and the Epidemic Management Notice will take effect on 24 March 2020 by notice in the Gazette and will expire 3 months after its commencement date, with the exception of the Immigration Act changes, which come into effect on 2 April 2020 and expire 3 months afterwards.	
p)	Note that the Prime Minister, and other appropriate Ministers and agencies, can publicly announce these decisions immediately, including those Immigration Act changes that do not come into effect until 2 April 2020.	
q)	Agree , once the Epidemic Notice is signed, to present a copy of the notice as soon as possible to Parliament.	Yes / No
<i>Further decisions may be required</i>		
r)	Note that further decisions may be sought in relation to these notices, depending how the situation regarding COVID-19 continues	



Dr Ashley Bloomfield
Director-General of Health
Date:

Rt Hon Jacinda Ardern
Prime Minister
Date:

Hon Dr David Clark
Minister of Health
Date:

Hon Carmel Sepuloni
Minister for Social Development
Date:

Hon Iain Lees-Galloway
Minister of Immigration
Date:

Proposal

1. This paper recommends that the Prime Minister give an Epidemic Notice, under the Epidemic Preparedness Act 2006, and seeks agreement from the Minister of Health.
2. This paper also recommends that the Prime Minister give an Epidemic Management Notice, and seeks agreement from the Ministers of Social Development and Immigration.
3. The Prime Minister may wish to discuss this with her Cabinet colleagues on 23 March 2020.

Background

4. Giving an Epidemic Notice is a tool to support the Government's response to COVID-19, and can help ensure the continuity of essential government services in the changing COVID-19 environment.
5. With confirmed COVID-19 cases in 18 of the 20 District Health Boards, it is critical that New Zealand acts decisively and rapidly to protect communities both from the virus, and the disruption caused by Government's activity to respond to it. Government agencies need to be able to respond effectively, and in an agile way, as the situation continues to evolve.
6. The Government has chosen to go hard and go early in the response to COVID-19 for public health reasons. The package of measures introduced since 14 March 2020 have helped New Zealand take a precautionary approach to managing COVID-19. It has also had flow-on impacts on other parts of the system (e.g. welfare and immigration systems).
7. This paper recommends the Prime Minister give an Epidemic Notice to strengthen the government's ability to respond to the effects of COVID-19. An Epidemic Notice triggers a number of self-executing provisions in other enactments.
8. Once an Epidemic Notice is given, the Prime Minister, with the agreement of the Minister responsible for the enactment concerned, may give Epidemic Management Notices. Epidemic Management Notices trigger a greater number of self-executing provisions in other enactments.
9. The paper also recommends that an Epidemic Management Notice be given to ensure the continuity of social security and immigration services in the COVID-19 context.
10. If given by the Prime Minister, an Epidemic Notice and Epidemic Management Notice would be published in the Gazette on Tuesday 24 March 2020. The Epidemic Notice would be presented in Parliament as soon as possible.
11. In the coming weeks, Ministers and their departments, e.g. Department of Internal Affairs are likely to seek s15 orders to modify legislation. Once an Epidemic Notice has been given, this can be done on Ministers recommendation to the Governor General (in consultation with Cabinet colleagues). Depending on the volume of requests, these may need to be streamlined and triaged.

Legislative provisions in the current context

12. On 11 March 2020, COVID-19 was declared a notifiable infectious disease, and a quarantinable disease under the Health Act 1956. This decision has enabled a range of broad powers under the Health Act 1956. These are already being used to respond to COVID-19.
13. From a public health perspective, the current powers under the Health Act 1956 are deemed broadly appropriate - at this time.
14. However, from a whole-of-government perspective, some changes to current requirements in the law are highly likely to be needed to allow agencies to respond to the changing environment. While it is possible to create new legislation to allow agencies to respond, this is time-consuming and resource-intensive.

In a pandemic response, the Government should use legislative provisions in a way that is proportionate and appropriate to the emerging pandemic

15. The Epidemic Preparedness Act has additional powers to facilitate the management of epidemics or quarantinable diseases.
16. Officials advise that the Epidemic Preparedness Act provides an effective platform to manage some of the direct and flow-on implications of COVID-19.
17. This Act has been designed to ensure that there is adequate statutory power for:
 - a. government agencies to prevent and respond to epidemics in New Zealand
 - b. certain activities to continue during an epidemic, and
 - c. the relaxation of some statutory requirements that might not be able to be fully complied with during an epidemic.
18. Using the process as set out under Epidemic Preparedness Act allows certain modifications to be activated immediately, and provides a platform for further modifications to be considered as the context around COVID-19 evolves.

Giving an Epidemic Notice - More Context

Using the Epidemic Preparedness Act

19. To unlock the process under the Epidemic Preparedness Act, the Prime Minister must first give an Epidemic Notice.
20. This decision is for the Prime Minister, with the agreement of the Minister of Health, and on the recommendation from the Director-General of Health. This decision can be taken once she is satisfied that the effects of an outbreak are likely to significantly disrupt or continue to disrupt essential government and business activity in New Zealand.

21. The Director-General recommends an Epidemic Notice be given as the situation continues to change rapidly and New Zealand cannot rule out community transmission (for more detail, see paragraphs 27-29).
22. An Epidemic Notice must be published in the Gazette.

What an Epidemic Notice involves, and the flexibility it provides

23. Giving an Epidemic Notice triggers a number of specific effects in three pieces of legislation.
 - a. Health Act 1956
 - b. Corrections Act 2004
 - c. Epidemic Preparedness Act 2006
24. These are automatic (i.e self-executing) changes designed to help agencies respond in an epidemic, and are listed in more detail in Appendix 2.
25. Perhaps more significant in the current, rapidly evolving context, giving an Epidemic Notice provides a platform to activate additional changes, or modify existing legislation as the situation around COVID-19 continues. These are set out in paragraphs 38-41.

Certain tests must be met

26. An Epidemic Notice can only be given if the Prime Minister is satisfied the effects of COVID-19 are likely to disrupt, or continue to disrupt essential government and business activity significantly.
27. Significant disruption has already been experienced in New Zealand to government and business activity at levels 1 and 2 of the COVID-19 Alert framework.
28. Disruption to government activity includes: pressures on the health system (including the Ministry of Health, as well as DHBs and PHUs to prepare for and manage cases and containment), as well as flow on pressures to the welfare, immigration, police and border control eco-systems as agencies respond to the changing COVID-19 environment.
29. Disruption to business activity has already been significant. Disruptions include reduced demand for services (especially tourism, hospitality, transport and other service sectors) given domestic and international border restrictions, as well as increasing costs associated with COVID-19 related leave. Compliance pressures on businesses are also increasing, and are likely to increase further under higher levels of alert.
30. Given the growing risk of community transmission, the Director-General of Health confirms that COVID-19 is likely to continue to disrupt essential government and business activity significantly. In particular, social welfare and immigration activities are being impacted. See the sections below on immigration and welfare for additional information on the current impact to activities.

An Epidemic Notice would also result in effects to the health system

31. An Epidemic Notice will activate the 'Activation - Code Red' phase of the National Health Sector Emergency Plan, 2015. Under this phase, DHBs are required to activate Coordinated Incident Management Response Structures (CIMS) via four regional coordination teams.
32. DHBs are required to act as a single point of contact for the Ministry of Health on behalf of hospital, primary care, and community-based contracted services. Maintenance of core clinical capacity and prioritisation of services are to be managed as per individual DHB emergency response protocols and the Influenza Pandemic Plan, 2017. Note these activations are not legislative, they flow from the design of the Ministry of Health's epidemic plan.
33. An Epidemic Notice will devolve special powers to Medical Officers of Health under s71 of the Health Act without need for prior approval of the Minister of Health. This includes the ability to authorise temporary use of any site for a special hospital or place of isolation.
34. The special powers under s70 of the Health Act are already available to all Medical Officers of Health, under the authorisation of the Minister of Health (but in practice are being exercised by the Ministry of Health - rather than DHB - employees). Reauthorisations will no longer be required during the period of an Epidemic Notice.

The Epidemic Notice should be given for the whole of New Zealand, for three months

35. Individual modification orders considered in relation to the Epidemic Notice may apply to parts or the whole of New Zealand as required for their individual application.
36. The imperatives noted in this paper in regards to immigration and welfare requirements may apply to individuals within any part of New Zealand. It is therefore recommended that the Epidemic Notice be issued for the whole of New Zealand.
37. Epidemic Notices are renewable, and the Director-General of Health is required to keep the situation under review. If no longer required it must be promptly revoked.

Epidemic Preparedness Act - Further changes and modifications available

38. Once an Epidemic Notice has been given, Epidemic Management Notices - activating a number of immediate powers and modifications - can be given by the Prime Minister, with the agreement of the Minister responsible for the relevant legislation. In order to give such a Notice the Prime Minister must be satisfied that the effects of COVID-19 make it, or are likely to make it, reasonably necessary for her to do so.
39. In addition, Modification Orders - lifting some legislative requirements and restrictions can be made by Ministers making a recommendation to the Governor General in consultation with Cabinet to make an Order in Council. In order to recommend such an Order, the Minister responsible for the enactment must be satisfied that the effects of COVID-19 make it, or are likely to make it, impossible or impracticable to comply with a requirement or restriction. This is a high bar – but appropriately so, given that the Order in Council

would modify legislation enacted by Parliament. Modification Orders are subject to disallowance by Parliament.

40. This paper is proposing an Epidemic Management Notice to help the Ministry of Business, Innovation and Employment, and the Ministry of Social Development, respond to difficulties with emergency benefits, temporary visas expiring and difficulties detaining deportees, where there is limited ability to leave New Zealand, as set out below. The full range of powers that can be activated under Epidemic Management Notices (e.g changes to courts and prisons) are not being sought at this time.
41. No Modification Orders are not being sought in this paper, but some are likely to be sought in future advice (for example from the Department of Internal Affairs).

Specific Epidemic Management Notices being sought in this paper

42. Epidemic Management Notices can be given if "the effects of the outbreak [of COVID-19] make it, or are likely to make it, reasonably necessary to do so".
43. The sub-sections below set out two challenges officials wish to resolve through Epidemic Management Notices.

Immigration and visas - current challenges

44. Travel restrictions in New Zealand and globally mean there are approximately 85,000 people in New Zealand on temporary visas (a) whose visas are due to expire prior to 31 July 2020 and (b) who may be unable to travel to their country of origin¹. This means that unless they apply for a new visa, they will be in New Zealand unlawfully at the expiration of their visa.
45. The closure of all three of the MBIE's offshore visa processing centres has severely restricted New Zealand's visa processing capacity. This means that MBIE's domestic processing centres are at capacity and are unable to process visa extensions at the volume and speed required.
46. MBIE's domestic visa processing capacity will be further impacted if community transmission increases in New Zealand and if New Zealand moves to alert Level 3.
47. This is because privacy concerns and system limitations mean it is very difficult to process visas through remote working arrangements. As staff are increasingly required to self-isolate due to exposure to COVID-19, or work from home due to school closures, existing visa processing capacity will be further reduced.

¹ Some of these individuals may be intending to re-apply for visas and remain in New Zealand, while others would have been expecting to leave New Zealand at the expiry of their visa.

Immigration and visas - the benefits of giving an Epidemic Management Notice

48. Once an Epidemic Notice is given, the Prime Minister, in consultation with the Minister of Immigration can give a further Epidemic Management Notice to activate powers in the Immigration Act 2009.
49. This would ensure that all current temporary visa holders whose visas are expiring in the epidemic period (plus 14 days) will have their visas extended for the duration of the epidemic management notice plus three months.
50. This applies to all people who (a) hold a temporary visa that is valid immediately prior to the notice being given, and (b) people whose temporary visa is due to expire within 14 days of the end of the Epidemic Notice (i.e. June 2020). The visa holder must also be in New Zealand.
51. This deemed bulk extension will enable people on valid visas to continue to study or work (therefore maintaining the continuity of eligibility for their visa), and visitors to remain lawfully in the country. This extension can be automated (and affected visa holders informed), removing the need for Immigration New Zealand (INZ) to manually process individual applications from individuals whose visas are expiring. This will present a major relief for INZ's now limited processing capacity which can be instead focused on new visa or essential case-by-case changes to conditions if needed (potentially providing limited work rights to visitors stranded here who need financial support).
52. The extension will also provide confidence to businesses that existing staff can lawfully remain in their current roles during the epidemic period, removing the need to recruit a replacement that may be difficult to find or a distraction from more pressing business concerns (such as falling demand).

Unintended consequences associated with changing immigration settings

53. The deemed extension applies to all visas expiring during the period, and cannot be limited to specific visa types or visa holder circumstances. This may mean that some travellers could choose to stay longer than intended, or some workers may remain in jobs that may have otherwise been offered to a New Zealander.
54. However, the reality is that foreigners are already becoming stranded in New Zealand due to a lack of viable flight routes home and retaining a job provides financial support for those stranded. Officials advise that the benefits of the certainty for visa holders and businesses, and the significant reduction of visa processing requirements for INZ, outweigh these concerns.
55. There will be people who, due to COVID-19 related restrictions, are unable to fulfil the conditions on their visas (e.g. because their work hours need to be reduced). To ensure visa conditions can continue to be met, MBIE is considering options that can be progressed by the Minister of Immigration, such as varying the definitions of 'full time work' and 'full time study' in instructions for a temporary period. This does not require an Epidemic Management Notice.

Welfare - current challenges

56. s 9(2)(f)(iv)

57. s 9(2)(f)(iv)

58. s 9(2)(f)(iv)

59. MSD has been, and continues, to actively explore ways to change the way it interacts with clients to reduce face to face interactions and any wider interactions that its processes drive, which are not dependent on the notice being given or legislative changes.

Welfare - the effects of giving an Epidemic Management Notice

60. If an Epidemic Management Notice is given there are three statutory provisions in the Social Security Act 2018 that would become available (s64, s299 and s443). These provisions would allow more people to receive support, faster, and are described below:

a. s 9(2)(f)(iv)

b. s299 provides that during the period of the notice, MSD may grant a benefit to a person even if their claim has not been at all, or has not been fully, inquired into as required by s298 of the Act. This may be required where staffing priorities mean conducting the usual inquiries are not feasible.

c. s443 provides for regulations to be made authorising MSD to do the following. MSD considers this an important tool as the COVID-19 situation continues to evolve²:

- i. cause benefits to be paid to people otherwise not entitled to them because of stand-down periods or suspensions of benefits (noting this should not be required because the government has already enacted regulations to override stand down periods for the next 8 months);

² Any regulations made under s443 made would be subject to usual processes, including the scrutiny of the Regulations Review Committee

- ii. reinstate cancelled benefits;
- iii. grant benefits to or reinstate the benefits for, people who are subject to non-entitlement periods;
- iv. cause benefits to be paid at a rate not higher than the maximum rate but higher than a lower rate to which people would otherwise be entitled (being a lower rate because of a reduction, variation, suspension, or direct deduction, or because of a sanction, penalty, or non-entitlement period, imposed on a spouse or partner);
- v. refrain from exercising a power, or from meeting a requirement in this Act, to cancel, suspend, or vary benefits or payments of benefits, in circumstances where the holders satisfy the normal criteria for, or the requirement in this Act applies and requires, cancellation, suspension, or variation of benefits or payments.

61. Ss64 and 229 apply to the period in which an Epidemic Management Notice remains in force, and a period after the notice expires that the Minister of Social Development thinks reasonable in the circumstances.

Modification Orders

62. No Modification Orders are being sought at this time. However, some modifications will be required to enable councils' decision-making processes to function effectively and this advice is expected in the coming week.
63. Further Modification Orders are likely to be required should the epidemic persist for a prolonged time.

Links with other advice

Moving through COVID-19 Alert levels

64. CVD will receive a paper on 25 March 2020 that provides advice on whether and how to move from a Level 2 to either Level 3 or Level 4 in response to COVID-19.
65. That advice sets out a package of measures to move New Zealand to Level 3, and the legal authority required to do so.
66. Many of the measures discussed in that paper can be enacted using the authority of the Minister of Health under the Health Act (a) as it stands, or (b) under the augmented powers associated with issuing an Epidemic Notice.

System perspective - a state of emergency

67. Officials have tested whether, from a legal perspective, it would be preferable to bypass the Epidemic Notice process and move straight to declaring a state of emergency under the CDEM Act.

68. While the CDEM Act has specific powers that may be required later in the COVID-19 response (e.g. entry onto premises or evacuations), the CDEM Act was not designed to address the systems of flow-on implications Immigration New Zealand, the Ministry of Social Development or Local Government Authorities are currently facing.
69. In particular, it does not allow for modifications to other pieces of legislation. Officials will provide Cabinet with further advice if this assessment changes.
70. See Appendix 1 for more information on the difference between Epidemic Management Notices and a state of emergency.

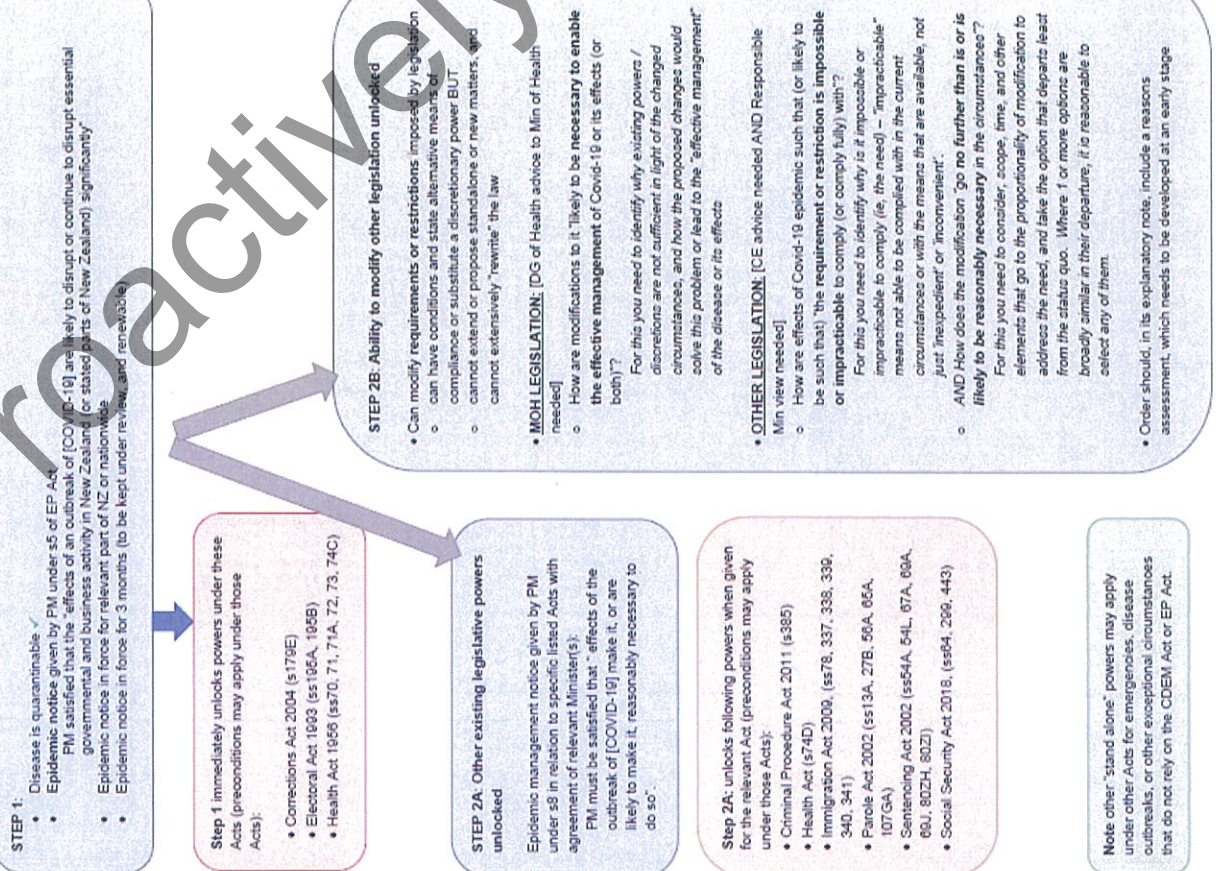
Timing

71. As soon as possible after giving an Epidemic Notice (by way of publication in the Gazette), the Prime Minister must present a copy of it to Parliament. If Parliament is not due to sit until a day more than 7 days after the day on which the notice is given, then Parliament must organise to sit within that 7 day period.
72. Parliament is not sitting 20 March 2020 to 30 March 2020. We therefore recommend the Epidemic Notice come into effect on 24 March 2020. It may then be presented to Parliament as soon as possible. Parliament could meet to consider it on 31 March 2020 (a regularly scheduled sitting).
73. However, officials recommend activating the visa extension powers under the Immigration Act from 2 April 2020. This will ensure the extension applies to the interim open study rights visa that is automatically granted to students with visa applications still awaiting processing on 1 April. Bringing these powers into force earlier than 2 April would create more processing rework for Immigration New Zealand.

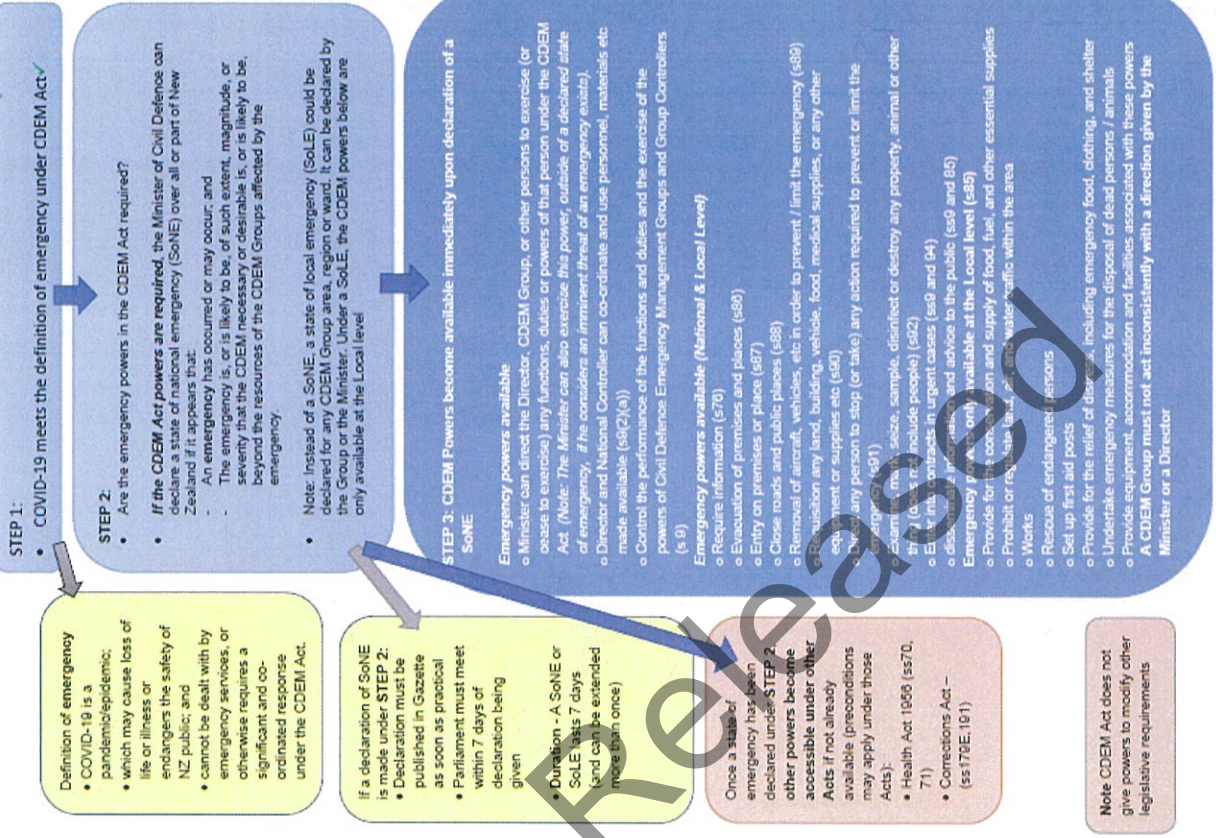
Appendix 1 - Accessing Powers under the Epidemic Preparedness Act 2006

Legally privileged 22/5/2020

ACCESSING POWERS UNDER EPIDEMIC PREPAREDNESS ACT 2006



ACCESSING POWERS UNDER THE CDEM ACT 2002: NATIONAL STATE OF EMERGENCY



Appendix 2 - Schedule 1 — Legislative powers activated by an Epidemic Notice (under section 5 of the Epidemic Preparedness Act 2006)

2. An epidemic notice is a necessary condition for activating the provisions identified in the table. However, other conditions may also need to be met (for example, a person involved in the exercise of the power may need to be satisfied that certain circumstances exist).

Act	Section	Section heading	Notes
Corrections Act 2004	179E	Exclusion of liability while epidemic notice in force or during emergency	
Electoral Act 1993	195A	Adjournment of poll on polling day	This power may be available without an epidemic notice being in force (see s 195)
	195B	Alternative voting processes to respond to polling disruption	As above
Epidemic Preparedness Act 2006	8	Activating other measures while epidemic notice in force	Notices under this section may only be given if an epidemic notice has been given under s 5
	11	Prospective modification of statutory requirements and restrictions to facilitate management of serious outbreaks of disease	Orders under this section may only be brought into force by an epidemic management notice under s 8 (see s 13)
	12	Prospective modification of statutory requirements and restrictions to enable	Orders under this section may only be brought into force by an epidemic management notice under s 8 (see s 13)

		compliance during epidemic	
	14	Immediate modification of statutory requirements and restrictions to facilitate management of quarantinable disease	Orders under this section may only be made while an epidemic notice given under s 5 is in force
	15	Immediate modification of statutory requirements and restrictions to enable compliance during epidemic	Orders under this section may only be made while an epidemic notice given under s 5 is in force
	24	Some Judges may modify rules of court during epidemic	Does not apply to all judicial officers, including District Court Judges and Coroners
Health Act 1956	70	Special powers of medical officer of health	These powers are available in relation to an infectious disease (which COVID-19 is) without an epidemic notice being in force, provided that the medical officer of health's intended actions are authorised by the Minister of Health
	71	Powers of medical officer of health on outbreak of infectious disease	These powers are available in relation to an infectious disease (which COVID-19 is) without an epidemic notice being in force, provided that the medical officer of health's intended actions are authorised in writing by the Minister of Health
	71A	Power of constables to assist medical officer of health in relation to infectious diseases	This section is operative whenever sections 70 or 71 are operative

	72	Offences relating to obstructing medical officer of health or people assisting medical officer of health	This section is operative whenever sections 70 or 71 are operative
	73	Medical officer of health may cause sanitary works to be undertaken	This section is operative whenever sections 70 or 71 are operative
	74C	Priorities for medicines	

Appendix 3 - Schedule 2 — Legislative powers activated by an Epidemic Management Notice under section 8 of the Epidemic Preparedness Act 2006

3. An epidemic notice is a necessary condition for activating the provisions identified in the table. However, other conditions may also need to be met (for example, a person involved in the exercise of the power may need to be satisfied that certain circumstances exist).

Criminal Procedure Act 2011	385	Application of section 168 during epidemic	Relates to dealing with defendants on adjournment	
Epidemic Preparedness Act 2006	13	Application of prospective modifications	Provides for an epidemic management notice to bring into force a prospective modification order under s 11 or 12	
Health Act 1956	74D	Redirection of aircraft		
Immigration Act 2009	78	Deemed extension of temporary entry class visa expiring during epidemic		
	337	During epidemic District Court may deal with certain matters on basis of documents only		
	338	Modification during epidemic of requirements to bring people before District Court Judge		

	339	During epidemic certain warrants to have effect for 28 days	<u>Although unnecessary, INZ intend to request new warrants from the District Court to regularise the paperwork.</u>
	340	Application of section 320 during epidemic	<u>Immigration Officer may agree to vary conditions of release without approval from a District Court Judge</u>
	341	Calculation of consecutive period of detention for purposes of section 323	<u>Relaxes the conditions for obtaining a warrant of commitment where total detention is more than 6 months</u>
Parole Act 2002	13A	Procedure of Board during epidemic	
	27B	Consideration of offenders for parole during epidemic	
	56A	Application of section 56 during epidemic	Relates to applications for variation or discharge of conditions
	65A	Application of section 65 during epidemic	Relates to the procedure for determining recall applications
	107GA	Application of section 107G during epidemic	Relates to the procedure following applications for extended supervision orders

Sentencing Act 2002	54A	Application of section 54 during epidemic	Relates to the variation or cancellation of sentences of supervision
	54L	Application of section 54K during epidemic	Relates to the variation or cancellation of sentences of intensive supervision
	67A	Remission of community work hours during epidemic	
	69A	Extension during epidemic of period within which community work must be done	
	69J	Application of section 69I during epidemic	Relates to the variation or cancellation of sentences of community detention
	80ZH	Application of section 80F during epidemic	Relates to applications for variation or cancellation of sentences of home detention
	80ZI	Application of section 80R during epidemic	Relates to the variation or discharge of post-detention conditions
Social Security Act 2018	64	Emergency benefit: grant during epidemic in New Zealand	Provides for MSD to grant emergency benefits to those not entitled or eligible under existing provisions
	299	Exception during epidemic	Provides for an exception to the requirement to inquire into claims for a benefit that is otherwise required

	443	Regulations: payments during epidemic in New Zealand	Provides for the making of regulations for benefits, rates of benefits, and the exercise of other powers not available under existing provisions
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