



Briefing: Future COVID-19 Legal Framework - work programme update

Date:	30 June 2022	Report No:	DPMC-2021/22-2261
		Security Level:	IN CONFIDENCE
		Priority level	High

	Action sought	Deadline
Hon Dr Ayesha Verrall Minister for COVID-19 Response	agree/disagree to recs	4 July 2022

Name	Position	Telephone
Alice Hume	Head of Strategy & Policy, COVID-19 Group	s9(2)(a)
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Minister's Office

Status:

Signed

Withdrawn

Comment for agency

Attachments: Yes/No

Briefing

Future COVID-19 Legal Framework - work programme update

To: Hon Dr Ayesha Verrall, Minister for COVID-19 Response			
Date	30/06/2022	Security Level	IN CONFIDENCE

Purpose

1. This briefing provides you with an overview of the Future COVID-19 Legal Framework work programme, and seeks your agreement to the proposed approach and timeframes to complete this work.

Recommendations

We recommend you:

1. **note** the Department of the Prime Minister and Cabinet is coordinating a project to develop the future COVID-19 Legal Framework, ensuring the legislative powers and instruments needed to deliver the longer-term COVID-19 response strategy continue to be available after the COVID-19 Public Health Response Act 2020 is repealed.
2. **note** the Epidemic Preparedness (COVID-19) Notice 2020 will be considered for renewal on 17 September 2022 for a further three months and the COVID-19 Act will expire in May 2023, unless repealed sooner.
3. **note** a stocktake of legislative powers and instruments implemented during the COVID-19 pandemic has identified many legal tools that will need to continue after the COVID-19 Public Health Response Act 2020 is repealed, including both COVID non-emergency (baseline) and COVID emergency (reserve) measures.
4. **note** most reserve measures will require empowering legislation to be implemented and these empowering provisions will need to be transitioned to enduring legislation (i.e. legislation that does not expire in May 2023, as the current COVID-19 Public Health Response Act 2020 does).
5. **note** some baseline measures may require empowering legislation to be implemented, and would need to be transitioned out of emergency legislation as soon as possible.
6. **note** the transition of the legislative powers and instruments referred to in recommendations 4 and 5 may require two tranches of legislative amendment:
 - 6.1 an omnibus bill to be enacted by December 2022 – to transition any COVID-19 non-emergency, or baseline measures, that require legislative backing and are not already


being transitioned as part of agencies' own legislative work programmes, out of emergency legislation; and


- 6.2 a bill to be enacted by May 2023 – to transition COVID-19 emergency, or reserve measures, to a new emergency legislative framework before the COVID-19 Public Health Response Act 2020 is repealed, ensuring appropriate empowering legislative provisions are in place to enable secondary legislation (e.g. COVID-19 Orders) to be made to respond to future pandemics while Parliament considers a bespoke piece of legislation, tailored to the new pandemic.
7. **note** if the Epidemic Preparedness (COVID-19) Notice 2020 expires before the December bill is enacted (if it is required), the availability of any baseline measures requiring legislative backing is not guaranteed because these measures would only be able to be used as they currently are within COVID-19 Orders to the extent that they have been authorised by the Prime Minister under section 8(c) of the COVID-19 Act.
8. **note** the risk outlined in recommendation 7 could be mitigated by enacting the legislation referred to in recommendation 6.1 (if required) before the September Epidemic Notice renewal point, however officials do not recommend this option given the work still required to confirm which baseline measures required to implement the longer-term response strategy require legislative backing, and because this pace would come at the cost of a severely truncated select committee process.
9. **note** officials are undertaking further work on which baseline measures require legislative backing and whether these measures are already being transitioned as part of administering agencies' own legislative work programmes, and will provide you with advice on the need for, and possible scope of, the bill referred to in recommendation 6.1 in early July 2022.
10. **note** officials are undertaking further work on the possible form of the new legislative framework referred to in recommendation 6.2, and will provide you with advice on possible options (amendment to existing legislation or a new Act) likely in October/November 2022.
11. **agree** to the high-level direction, approach, and timeframes for the Future COVID-19 Legal Framework project, noting that more detailed policy decisions will be sought from you throughout July 2022.
12. **note** the high-level approach and timeframes for this Future COVID-19 legal Framework project will be signalled to Cabinet via the post-winter strategy paper, being considered by Cabinet on Monday 4 July 2022.

YES / NO

13. **agree** that this briefing is proactively released, with any appropriate redaction where information would have been withheld under the Official Information Act 1982, at the same time as any resulting Cabinet paper is released.

YES / NO


Alice Hume
Head of Strategy & Policy, COVID-19
Group, DPMC
30/6/2022


Hon Dr Ayesha Verrall
Minister for COVID-19 Response
6/7/2022

Proactively Released

DPMC is coordinating a project to develop the future COVID-19 Legal Framework

2. The project will determine which of the legal powers and instruments that have been implemented during the pandemic will be needed in future, either to continue supporting the current response to the Omicron outbreak, or a future response to new variants of concern and future pandemics.
3. Figure 1 on page 4 of Attachment A provides an overview of how this project fits within the wider COVID-19 strategic landscape. At a high-level, the project underpins the longer-term COVID-19 response strategy and supporting plans, including the variant plan. This is because it will ensure the empowering legislative provisions or instruments are available to implement the baseline and reserve measures identified as being required in the proposed longer-term strategy. Cabinet considered the variant plan on Monday 13 June [CAB-22-MIN-0223 refers]. The longer-term response strategy is being considered by Cabinet on Monday 4 July.
4. Work will be carried out across Government, with the Department of the Prime Minister and Cabinet (DPMC) coordinating the project alongside the Ministry of Health (MOH) as co-lead. Regular engagement is carried out with a small cross-agency working group, comprising DPMC, MOH, Parliamentary Counsel Office, Crown Law Office, and New Zealand Customs Service. Engagement across the rest of Government is occurring on an as needed basis. Once the DPMC COVID-19 Group is disestablished, MOH will lead this project. A detailed project plan is attached as Attachment A, within which Figure 2 on page 6 provides more information about how the project is structured.
5. In terms of project progress to date, DPMC has completed the following steps.
 - a) A stocktake of powers and instruments implemented during the COVID-19 pandemic. To date, more than 150 items have been captured in this stocktake, which can be categorised as either COVID-19 non-emergency (baseline), COVID-19 emergency (reserve), or non-COVID tools.
 - b) Met with all affected agencies to confirm their legal tools have been captured and categorised correctly in the stocktake, and understand the urgency with which these powers or instruments need to be transitioned to a more enduring legislative framework.
 - c) Drafted governance documents, including the detailed project plan appended as Attachment A.

There are a range of legal powers and instruments there is utility in continuing or making available in future

6. The stocktake process identified many legislative powers and instruments that would be useful to continue beyond our current COVID-19 response phase. Most would continue to be reserved for emergency situations (e.g. emergency or reserve measures, such as mandatory gathering limits and mask requirements), with others retained as baseline measures, remaining in place irrespective of whether we are in emergency circumstances (e.g. non-emergency or baseline measures, such as enabling technology for virtual meeting attendance).
7. The issue is that many of the powers and instruments depend on an active Epidemic Notice being in force, or are contained in, or enabled by, the COVID-19 Act. The Epidemic Notice will next be considered for renewal on 17 September 2022. Parliament will next consider the continuation of the COVID-19 Act in December 2022, with the Act ultimately expiring in May 2023 if not repealed sooner.

8. To continue these legislative powers and instruments, legislative amendment will be required to transition them into a more enduring legislative framework. For COVID non-emergency (baseline) powers and instruments, this will require a transition out of emergency legislation into non-emergency legislation. For the COVID emergency (reserve) powers and instruments, the transition will be into new emergency legislation (given the May 2023 expiry of COVID-19 Act), the form of which is still being considered by officials.

The transition of these tools may require two tranches of legislative amendment

9. At this stage, officials are planning for the possibility of two bills to transition the legislative powers and instruments needed to support our longer-term COVID-19 response.
 - a) An omnibus bill to be enacted by December 2022. This bill would transition any COVID non-emergency (baseline) tools that require legislative backing and are not already being transitioned as part of administering agencies' own legislative work programmes.
 - b) A bill to be enacted in May 2023. This bill would transition COVID emergency (reserve) tools to a new emergency legislative framework, ensuring appropriate empowering provisions are in place to enable secondary legislation (e.g. COVID-19 Orders) to be made to respond to future pandemics while Parliament considers bespoke legislation that is tailored to the new pandemic at hand. Officials will provide further advice on whether this framework could be provided by amending existing legislation (e.g. the Epidemic Preparedness Act 2006, Health Act 1956 or COVID-19 Act), or by enacting new infectious diseases legislation.

s9(2)(f)(iv)

s9(2)(f)(iv)



14. These measures were implemented to respond to COVID-19 under the emergency powers in the COVID-19 Act, but which have subsequently been identified as being required on an ongoing basis as a baseline measure into the future when we are no longer in emergency circumstances.
15. Measures implemented under emergency powers may not have been subject to the accountability and scrutiny mechanisms that would be expected in non-emergency circumstances. Emergency circumstances justify limiting that accountability and scrutiny on a temporary basis, while the emergency remains. However, if these measures are to continue when there is no longer an emergency, they must be implemented under powers that have more appropriate checks and balances.
16. Given that we can now foresee the end of emergency circumstances, we must consider which baseline measures need to continue, whether there are already non-emergency powers that they could be continued under, or whether new non-emergency powers need to be enacted. For these reasons, it is important to transition these baseline measures as soon as practicable. Officials are proposing to achieve this via an omnibus bill, to be enacted in December 2022.
17. Most baseline measures will not require any legislative backing (e.g. guidance to stay home if sick). However, some baseline measures may require legislative backing and there are two key risks related to the transition of these measures:

s9(2)(g)(i)



18. These legislative instruments are generally COVID-19 Orders made by Ministers under the COVID-19 Act. Section 8 provides three alternative preconditions that must be in place before the Orders may be made when:

- an Epidemic Notice is in force
- a state of emergency or transition period is in force, or
- the Prime Minister has authorised the use of COVID-19 orders.

19. An epidemic notice has been in force since March 2020 so, to date, the COVID-19 orders have all been made under that precondition. There is no state of emergency currently in force (or likely to be in force) in respect of COVID-19. This means that when the Epidemic Notice expires, COVID-19 orders may only be made to the extent the Prime Minister has authorised their use.

20. [legally privileged] s9(2)(h)



21.

s9(2)(h)



s9(2)(h)

22. While the COVID-19 Act remains in force, there is therefore a mechanism to enable COVID-19 orders to be made or amended when the circumstances exist to justify one of the preconditions in paragraph 20 above. If the COVID-19 Act remains in force until May 2023, there will be options to continue responding to the current outbreak and any future variants of concern. This is why this second Omnibus Bill is progressing on a slower track, to align with the ultimate expiry of the COVID-19 Act.
23. The May bill will transition reserve measures to a new legislative framework that will contain the empowering provisions to implement these measures if needed to respond to future (post-May 2023) variants of concern or pandemics, while Parliament considers legislation bespoke to the new pandemic. Further policy work on the form of this legislation is currently being worked through by officials, and consideration is being given to both amendment to existing legislation, such as the Epidemic Preparedness Act 2006 or COVID-19 Act, or enactment of new infectious diseases legislation. You will receive advice, seeking your agreement to more detailed policy proposals for the May bill likely between October and November 2022.
24. Even if the COVID-19 Act remains in place until May 2023, officials will continue to provide advice on the revocation of existing COVID Orders when they are longer be justified or required. For example, you have agreed to revoke the COVID-19 Vaccination Certificate and Required Testing Orders, the Vaccination Assessment Tool Regulations and to limit the rights-limiting restrictions contained in the Vaccinations Order. Work is also in progress to remove most of the public health and administrative restrictions at the Air and Maritime borders. An overview of current COVID-19 Orders in place, and the plan for their future, is provided in Attachment B.

Next steps

25. The longer-term COVID-19 response Cabinet paper, which is being considered by Cabinet on Monday 4 July 2022, will signal the high-level approach to this work programme to Cabinet, including timeframes.
26. In early July 2022, you will receive separate advice seeking more detailed policy decisions relating to the need for, and possible scope of, the December 2022 bill.
27. Between October and November 2022 (tbc), you will receive advice seeking more detailed policy decisions relating to the scope of the May 2022 bill and form of the enduring legislative framework.

Attachments:	
Attachment A:	Detailed project plan – Future COVID-19 Legal Framework project
Attachment B:	Overview of current COVID-19 Orders and plans for their future

Project Plan: Future COVID-19 Legal Framework

Why are we doing this?

There is currently a significant amount of strategic work occurring across the system to plan and prepare for our continued response to the residual effects of the current COVID-19 outbreak, future variants of concern and future pandemics.

The Department of the Prime Minister and Cabinet (DPMC) is leading the development of the overarching future COVID-19 response strategy, which provides the strategic direction for our post-winter COVID-19 response. Sitting underneath this strategy are several plans reflecting how each part of the system plans to implement the strategy's baseline and reserve measures. These plans will ensure the measures we want to have in place all the time (e.g. baseline measures, such as enabling technology for virtual meeting attendance) and in response times (e.g. population-wide isolation requirements) can be implemented when needed. Underpinning both the strategy and supporting plans are two enabling work programmes, relating to future institutional arrangements and the future COVID-19 Legal Framework.

The future COVID-19 Legal Framework, which this project plan relates to, will determine which of the legal powers and instruments implemented during the pandemic would be useful to retain beyond the current response stage. Working across Government, DPMC has recently completed a stocktake of these legal powers and instruments, many of which have been identified for retention. Retaining these tools, or enabling them to be implemented quickly, will assist us to continue supporting our current response, and to respond to any future variants or pandemics. The powers and tools identified in the stocktake can be categorised as either:

- COVID-19 non-emergency (baseline measures), e.g. enabling technology for virtual meeting attendance, and
- COVID-19 emergency (reserve measures) and temporary management of future pandemics, e.g. population-wide isolation requirements or mask requirements.

The issue is that many of the powers and instruments identified for retention are time-limited. s9(2)(h)

s9(2)(h)

[Legally privileged] s9(2)(h)
s9(2)(h)

s9(2)(h)

The COVID-19 Act is subject to automatic repeal unless renewed regularly by Parliament, with Parliament next considering the continuation of the Act in December 2022. In any event, the Act will be automatically repealed on 13 May 2023. New Orders made under the COVID-19 Act can only be made in certain circumstances, such as where an Epidemic Notice is in force or where the Prime Minister has authorised the use of COVID-19 Orders.

COVID-19 Orders made under the Act are increasingly being revoked as they are no longer required, or proportionate.² However, for the instruments and powers that need to be retained, this project will ensure these are available to the Government as the COVID-19 response strategy evolves, including after the COVID-19 Act is repealed. This will be achieved by transitioning baseline powers and instruments out of emergency legislation and transitioning reserve powers to enduring emergency legislation (i.e. legislation that does not expire in May 2023, as the COVID-19 Act does). This transition will involve legislative amendment, progressed in two tranches.

Objective

The objective of this project is to ensure the appropriate legal powers and instruments continue to be available to the Government once the Epidemic Notice and COVID-19 Act are repealed, to support:

- our evolving strategy to respond to the residual effects of the current Omicron outbreak,
- future responses to any new COVID-19 variants of concern, and
- future pandemics (including, but not limited to, COVID-19).

This will be achieved through legislative amendment to transition required baseline legislative powers and instruments out of emergency legislation, into non-emergency legislation, and required reserve powers into a enduring emergency legislation (legislation that will endure beyond May 2023, when the current COVID-19 Act expires). Lessons learnt from our establishment of the current COVID-19 legislative framework will be used to inform the shape of the future COVID-19 legal framework where appropriate.

What will we achieve?

The key outputs of this project will include:

Output	Explanation
s9(2)(g)(i)	

² The Orders that have been revoked include the COVID-19 Public Health Response (Alert Level Requirements) Order 2020 and other associated Alert Level Orders, COVID-19 Public Health Response (COVID-19 Testing) Order 2020, COVID-19 Public Health Response (Election and Referendums) Order 2020, COVID-19 Public Health Response (Requirements for Close Contacts) Order 2022, COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020, COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021, COVID-19 Response (Requirements For Entities—Modifications and Exemptions) (Extension) Order 2020, Food (COVID-19 Exemption from Compliance with Verification Requirements) Regulations 2021, Social Security (COVID-19 Increase to Rates of Orphan’s Benefit and Unsupported Child’s Benefit) Order 2020. At that time of preparing this plan, Ministers have also agreed to revoke the COVID-19 Public Health Response (Required Testing) Order and COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021 and these are expected to be revoked in mid-June 2022. Thirteen active COVID-19 Orders remain in force.

s9(2)(g)(i)

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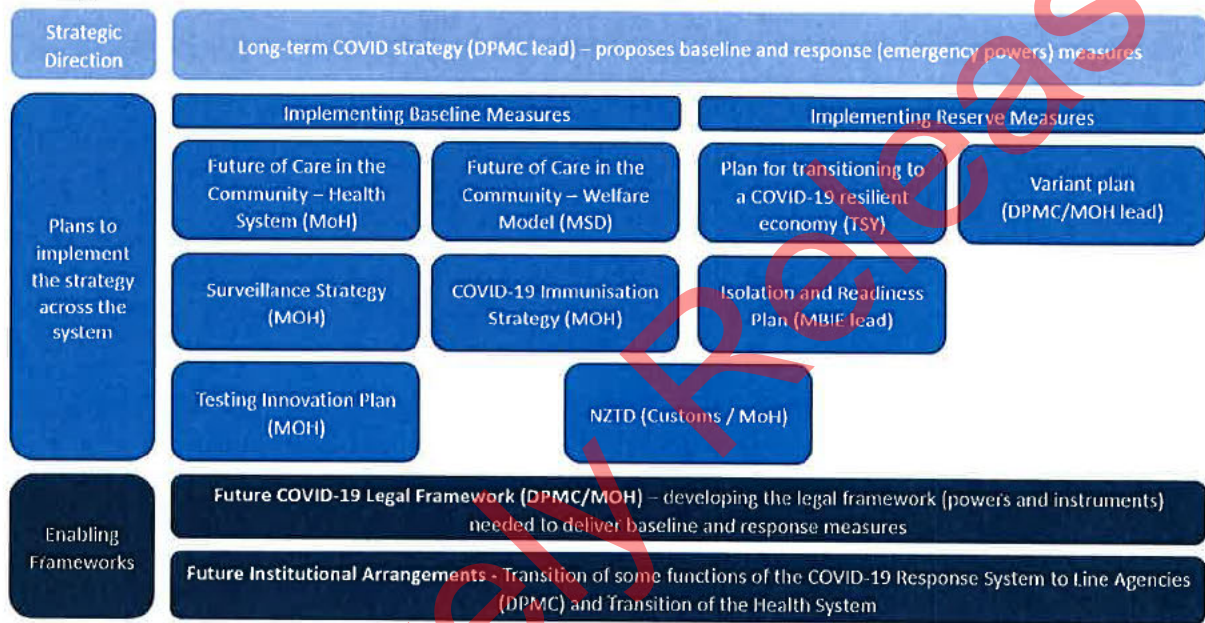
Initiative priority and strategic alignment

This project supports the Government’s ongoing response to COVID-19.

This project enables the longer-term (post-winter) COVID-19 response by ensuring the legislative powers and instruments to support the current COVID-19 response, and future pandemics, are available after the COVID-19 Act is repealed.

Urgency for delivery of this work programme – 4-12 months.

Figure 1 below provides an overview of how this project fits within the wider COVID-19 response strategy



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Scope

What is in scope – we will do this	What is out of scope – we won't do this
<p>Stocktake of legal powers and instruments implemented during the COVID-19 pandemic.</p> <p>Categorisation exercise of legal measures captured in stocktake – into either COVID non-emergency (baseline) or COVID emergency (reserve).</p> <p>Consider and advise on the transition of COVID non-emergency (baseline) powers and instruments that need to be transitioned as part of this project (i.e. those that are not already being transitioned as part of agencies' own legislative work programmes) – by the end of 2022.</p> <p>Consider and advise on the transition of COVID emergency powers and instruments that need to be transitioned before the COVID-19 Act expires in May 2023.</p> <p>Linked to the transition of COVID emergency powers and instruments, advise on the form of enduring emergency legislation to respond to future variants of concern or pandemics, which Parliament considers bespoke legislation for the new variant or pandemic.</p> <p>Consider and advise on the transition of any non-COVID powers and instruments that may need to be transitioned as part of this project.</p> <p>Seek policy decisions from Ministers and Cabinet agreement to proposed legislative amendment recommended by this project.</p> <p>Capture key measures and lessons learnt to inform any plan for future pandemics or emergency frameworks.</p>	<p>Stocktake or review of non-COVID-19 specific legal measures that are not dependent on COVID tools.</p> <p>Review of any COVID-19 policies e.g. vaccination mandates, settings within the COVID-19 Protection Framework, isolation periods etc.</p> <p>Epidemic Preparedness (COVID-19) Notice 2020 renewal process (Ministry of Health lead).</p> <p>COVID-19 Public Health Response Act 2020 House Resolution process (Ministry of Health lead).</p> <p>Responsibility for revocation or unwinding of current legislative instruments in place, such as Immediate Modification Orders or provisions tied to the Epidemic Notice (administering agency responsibility, unless expressly identified for inclusion in one of the proposed Omnibus vehicles).</p> <p>Individual agency lessons learnt and future pandemic planning activities.</p>

How the project is organised

Figure 2 provides a visual of how this project is organised



Approach

The work within scope of this project will broadly be completed in three stages, based on the type of legal power or instrument being transitioned (COVID emergency (reserve) or COVID non-emergency (baseline)) and the urgency with which these instruments and tools need to be transitioned out of emergency legislation.

Table 1 below provides more indicative information about the transition of the two categories of legislative powers and instruments identified in the stocktake

Category of power or instrument	COVID-19 non-emergency (baseline measures)	COVID-19 emergency (reserve measures) and temporary management of future pandemics
Example	Enabling technology for virtual meeting attendance	Population-wide isolation requirements, mask requirements, capacity limits
Transition timing	If there are baseline measures that require legislative backing, which are not already being transitioned as part of agencies' own legislative work programmes, a bill to transition these measures, for enactment by December 2022, may be required. This would allow these measures to be implemented under new powers that have more checks and balances (compared to the emergency powers they were initially implemented under)	By May 2023 – linked to the duration of the COVID-19 Act
Proposed legislative vehicle	TBC Omnibus Bill to be enacted in December 2022	TBC – bill to be enacted in late April/early May 2023 (to align with the section 3 expiry of the COVID-19 Act)
Why we're transitioning these tools	Measures identified in the longer- term COVID-19 response strategy (yet to be considered by Cabinet) that may be required as on-going (baseline) measures. These are	Identified in the longer- term COVID-19 response strategy (yet to be considered by Cabinet), and supporting variant plan, as tools we may need to respond to future

	<p>powers or instruments that require legislative backing and are not already being transitioned as part of agencies' own legislative work programmes. They are intended to be kept in place irrespective of whether we are in emergency circumstances and are intended to support our COVID-19 response by e.g. building resilience and protecting those most vulnerable to the impacts of COVID-19. These tools should not continue to be used under emergency powers.</p> <p>[Legally privileged] s9(2)(h)</p>	<p>COVID-19 variants of concern or future pandemics.</p>
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DPMC has completed initial meetings with all agencies who identified legislative powers or instruments as part of the stocktake process. The purpose of these meetings was to confirm the stocktake had accurately captured and categorised powers and instruments as either COVID non-emergency (baseline) or COVID emergency (reserve). DPMC will continue to keep agencies connected on this project by sharing papers for their information, and for review and input where appropriate.

The cross-agency working group (DPMC, Ministry of Health (MOH), Crown Law Office (CLO), Parliamentary Counsel Office (PCO) and New Zealand Customs Service) are meeting weekly to discuss the project's progress and next steps. Weekly email updates on project progress are being provided to DPMC and MOH management by DPMC. Engagement with other stakeholder groups on this project will be led by DPMC and occur on an as needed basis.

DPMC will keep the Minister for COVID-19 response updated on the project's progress via the Weekly Report or weekly officials' meeting. The Minister's office will have visibility of the project as part of the weekly Orders meeting with the Minister's office.

DPMC will hold the pen on briefings and Cabinet papers that will be delivered by this project. Agencies will have the opportunity to review and provide feedback on this advice. DPMC and MOH will co-lead the legislative amendment process, with MOH picking up the lead for the project in full following the likely disestablishment of DPMC's COVID-19 Group in December 2022.

s9(2)(f)(iv)



s9(2)(f)(iv)



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Key stakeholders and consultation

Stakeholder	Type of consultation
COVID Chief Executives' Board	Engage and advise
All of Government Deputy Chief Executives' Group	
Regulatory Chief Executives	
Reconnecting New Zealanders Ministerial Group	

COVID-19 Independent Continuous Review, Improvement and Advice Group	
Iwi (National Iwi Chairs Forum Pandemic Response Group)	
Minister For COVID-19 Response's Office	
Policy Advisory Group	
Ministry of Health	Cross-agency working group - regular consultation and contribution
Crown Law Office	
Parliamentary Counsel Office	
New Zealand Customs Service	
Ministry of Education	Contribute (via stocktake email process) & consult (on draft pieces of advice)
Ministry of Social Development	
Oranga Tamariki	
Ministry for Pacific Peoples	
Ministry of Justice	
Ministry for Primary Industries	
Ministry of Transport	
New Zealand Police	
Ministry of Business, Innovation and Employment	
Ministry of Housing and Urban Development	
Ministry of Culture and Heritage	
Ministry of Foreign Affairs and Trade	
Ministry for the Environment	
Te Puni Kōkiri	
Te Arawhiti	
Department of Internal Affairs	
Department of Conservation	
Department of Corrections	
Inland Revenue Department	
Public Service Commission	
The Treasury	
Statistics New Zealand	
Serious Fraud Office	
New Zealand Defence Force	
New Zealand Security Intelligence Service	
Government Communications Security Bureau	
Land Information New Zealand	
Education Review Office	
Ministry for Ethnic Communities	Consult (on draft pieces of advice)
Ministry for Women	
WorkSafe	
Office for Disability Issues	
Office for Seniors	
Ministry for Youth Development	
Business New Zealand (via MBIE)	
Hospitality New Zealand (via MBIE)	
Restaurant Association of New Zealand (via MBIE)	
Retail New Zealand (via MBIE)	
Sport New Zealand	
Office of the Privacy Commissioner	
National Emergency Management Agency	
Human Rights Commission	

Assumptions, constraints, and dependencies

Type	Explanation	Mitigation
People	<p>Assumption that all staff who are required to assist with this project will be made available and have capacity to contribute as needed.</p> <p>DPMC's COVID-19 Group likely to be disestablished by December 2022</p>	<p>Set expectations with clear project timeframes</p> <p>DPMC and MOH co-leading project so MOH can resume lead following the DPMC group's disestablishment</p>
Time	Timeframes have been developed based on current workloads. If any substantial response is required in the short-term (e.g. new variant of concern), timeframes would likely be pushed out.	Set expectations with clear project timeframes
Dependencies	<p>Decisions relating to the renewal of the Epidemic Notice or continuation of the COVID-19 Public Health Response Act 2020 will influence how quickly this project needs to progress. E.g. if the Epidemic Notice expires earlier than anticipated, work will need to progress more quickly.</p> <p>The recommendations of this project will be influenced by Cabinet's direction on the COVID-19 longer-term strategy work. The direction of the COVID-19 post-winter strategy work will shape this project's advice on the future legal framework.</p>	<p>DPMC and MOH will maintain regular communication</p> <p>DPMC project leads will maintain regular communication about the direction and progress of their respective projects</p>

Attachment B: Overview of current COVID-19 Orders and plans for their future

Current Orders	Measures enabled	Upcoming changes
COVID-19 Public Health Response (Air Border) Order 2021	<p>Specifies the conditions travellers must satisfy before, on, or after arrival with associated DG notices providing NZTD, vaccinations, PDT requirements and exemptions.</p> <p>These include:</p> <ul style="list-style-type: none"> • Make a traveller health declaration and hold a traveller pass • Undertake arrival testing • Be vaccinated (if not exempt) • Have undertaken a PDT • Not exhibiting COVID-19 symptoms or being subject to public health directions in another country • Wearing a face covering, and maintain physical distancing, in certain places 	<p>Some ongoing legislative platform is required to provide a legal requirement for travellers to complete the New Zealand Traveller Declaration until an enduring solution has been implemented via the Customs and Excise Act. This is also the case to give effect to scenarios outlined in the New Variants Plan.</p>
COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021	<p>Specifies eligibility and exemption criteria, processes for applying and issuing for COVID-19 Vaccination Certificates.</p>	<p>Revoked on 9 June.</p>
COVID-19 Public Health Response (Infringement Offences) Regulations 2021	<p>Defines and prescribes classes of infringement offences.</p>	<p>Nil</p>
COVID-19 Public Health Response (Isolation and Quarantine) Order 2020	<p>Enables travellers to be required to isolate or be quarantined upon arrival into New Zealand (not currently in use) and, restricts entry to Managed isolation and quarantine facilities.</p>	<p>Policy work underway to establish a MIQ readiness plan.</p>
COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020	<p>Prescribes charges to recover the costs of a person's stay in a managed isolation or quarantine facility.</p>	<p>In order to continue to recover costs these regulations will need to be continued beyond the expiry of the Act.</p>
COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020	<p>Specifies the classes of ships that are able to enter New Zealand and the arrival testing requirements for those who arrive by ship.</p>	<p>Policy work underway to finalise the implementation of vaccination requirements for travellers arriving at the maritime border via recreational</p>

		vessels or cruise ships, and removal of the ban on foreign ships from 31 July 2022.
COVID-19 Public Health Response (Point-of-care Tests) Order 2021	Restricts importation, manufacture, supply, sale and use of point-of-care tests to authorised persons and associated exemptions	Policy work underway to consider the ongoing level of regulation required and the appropriate legal instrument to give effect to this.
COVID-19 Public Health Response (Protection Framework) Order 2021	<p>Specifies the requirements within the COVID-19 Protection Framework at Red, Orange and Green. It also includes the requirements for crossing boundaries (inactive) and associated Orders which specify tests and provide exemptions.</p> <p>Requirement under the Order include (when active):</p> <p>Red (inactive):</p> <ul style="list-style-type: none">• Face mask requirements (including requirements for workers in specified settings to wear medical grade face masks)• Outlines certain premises in which a person may not be denied access on vaccination grounds• Physical distancing and capacity limits• Permitted gatherings and events• Requirements for food and drink businesses. <p>Orange:</p> <ul style="list-style-type: none">• Face mask requirements (including requirements for workers in specified settings to wear medical grade face masks)• Outlines certain premises in which a person may not be denied access on vaccination grounds <p>Green (inactive): Nil – guidance only.</p>	Nil
COVID-19 Public Health Response (Required Testing) Order 2020	Specifies testing requirements for Border Workers.	Revoked in the week commencing 13 June 2022.
COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022	Specifies self-isolation periods and conditions for COVID-19 cases, their household contacts, and specified close contacts or critical workers for specified events.	The next review of self-isolation periods will be provided via DPMC in the week of 25 July 2022.

COVID-19 Public Health Response (Testing for COVID-19) Order 2022	Allows the Director-General to specify requirements for persons undergoing testing for COVID-19 includes associated DG notice setting testing requirements.	Nil
COVID-19 Public Health Response (Vaccination Assessment Tool) Regulations 2021	Prescribes the assessment tool that PCBU's may use to ascertain whether it is reasonable to require workers of the PCBU not to carry out work for the PCBU unless the workers are vaccinated.	Revoked on 12 May 2022
COVID-19 Public Health Response (Vaccinations) Order 2021	Requires border, health and disability, and prison workers to meet a specified standard of vaccination in order to carry out certain work.	Order to be updated to revoke requirements for border workers and update the definition of health and disability workers. Corrections are providing advice to their Minister regarding the enduring requirements for prison staff.

Proactively Released