



30 September 2022



Dear 

Ref: OIA-2022/23-0136

### Official Information Act request relating to the status of COVID-19 response legislation

Thank you for your Official Information Act 1982 (the Act) request received on 14 September 2022. You requested:

1. Which legislation/statute/Act created for and during the COVID response is still active and enforceable
2. When that legislation lapses (if it has an expiry) or if it is enduring

### Response to your request

The list of current legislation (primary and secondary legislation) created for and during the COVID-19 response is available on:

- the Unite Against COVID-19 website: <https://covid19.govt.nz/about-our-covid-19-response/legislation-and-key-documents/>, and
- the Ministry of Health website: <https://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-response-planning/covid-19-epidemic-notice-and-orders#section70>

In relation to your second question, the below statutes have provided the legislative basis for our response to COVID-19. The powers in the Health Act 1956 supported our initial response to COVID-19, with a shift to using the powers in the Epidemic Preparedness Act 2006 and COVID-19 Public Health Response Act 2020 to support our ongoing management of the virus:

- **Health Act 1956** – section 70 enables medical officers of health to exercise powers to manage the immediate risk of infectious diseases. There are no current section 70 notices in force.
- **Epidemic Preparedness Act 2006** – enables the Prime Minister to create an Epidemic Notice where an outbreak of a quarantinable disease is likely to significantly disrupt essential government and business activity. The Epidemic Notice triggers powers in other legislation to support an epidemic response.
  - The Epidemic Preparedness Act does not expire, however the Epidemic Notice itself needs to be reviewed and renewed every three months for it to stay in force. The current Epidemic Notice will expire on 20 October if it is not renewed earlier.
  - A list of current Epidemic Preparedness Immediate Modification Orders is available on <https://covid19.govt.nz/about-our-covid-19-response/legislation-and-key-documents/>. These expire either when the Epidemic Notice expires or is revoked, or as set out in the individual orders (see Attachment 1).

- **COVID-19 Public Health Response Act 2020** – is bespoke legislation which was specifically enacted to support the public health response to COVID-19.

The Act gives powers to the Director-General of Health and the Minister for COVID-19 Response to support the ongoing management of COVID-19 using COVID-19 Orders.

- The Act is due to self-repeal in May 2023. Any COVID-19 Orders that are still current when the Act self-repeals will also self-repeal at that time. A list of Orders currently in force can be found on <https://covid19.govt.nz/about-our-covid-19-response/legislation-and-key-documents/>
- There are two active sets of Regulations about infringements and Managed Isolation and Quarantine (MIQ) charges made under the Act which can be found online:  
<https://legislation.govt.nz/regulation/public/2021/0393/latest/LMS600702.html> and  
<https://legislation.govt.nz/regulation/public/2020/0186/latest/LMS389306.html>

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

You have the right to ask the Ombudsman to investigate and review this decision under section 28(3) of the Act.

Yours sincerely



Ruth Fairhall  
**Deputy Chief Executive**  
**COVID-19 Response**

**Attachment 1: Immediate Modification Orders currently in force.**

Immediate Modification Order title	Revocation
<a href="#">Epidemic Preparedness (Customs and Excise Act 2018—Appeals) Immediate Modification Order 2020</a>	This does not have a revocation clause
<a href="#">Epidemic Preparedness (Employment Relations Act 2000—Collective Bargaining) Immediate Modification Order Revocation Order 2022</a>	This order will be revoked on 1 July 2023.
<a href="#">Epidemic Preparedness (Local Government Act 2002) Immediate Modification Order 2020</a>	This order is revoked when the <a href="#">Epidemic Preparedness (COVID-19) Notice 2020</a> expires or is revoked.
<a href="#">Epidemic Preparedness (Oaths and Declarations Act 1957) Immediate Modification Order 2020</a>	This order is revoked when the <a href="#">Epidemic Preparedness (COVID-19) Notice 2020</a> expires or is revoked.
<a href="#">Epidemic Preparedness (Protection of Personal and Property Rights Act 1988—Enduring Powers of Attorney) Immediate Modification Order 2020</a>	This order is revoked when the <a href="#">Epidemic Preparedness (COVID-19) Notice 2020</a> expires or is revoked.
<a href="#">Epidemic Preparedness (Sale and Supply of Alcohol Act 2012—Licence Application Inquiries) Immediate Modification Order 2020</a>	This order is revoked 30 working days after the <a href="#">Epidemic Preparedness (COVID-19) Notice 2020</a> expires or is revoked.
<a href="#">Epidemic Preparedness (Social Security Act 2018—Temporary Additional Support) Immediate Modification Order 2020</a>	This does not have a revocation clause
<a href="#">Epidemic Preparedness (Wills Act 2007—Signing and Witnessing of Wills) Immediate Modification Order 2020</a>	This order is revoked when the <a href="#">Epidemic Preparedness (COVID-19) Notice 2020</a> expires or is revoked.