

25 March 2020

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: COVID-19 Response (Urgent Measures) Legislation Bill

1. We have considered whether the COVID-19 Response (Urgent Management Measures) Legislation Bill is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990. We understand that the Bill will be introduced into the House of Representatives on 25 March 2020 with the intention of passing it through all stages under urgency.
2. The purpose of the Bill is to put in place the necessary arrangements for an effective response to COVID-19. The Bill is an omnibus bill that amends the following Acts:
 - Education Act 1989 (to enable the Secretary of Education to exercise all or any of the powers of a Board of Trustees, the professional leader of a registered school, or the manager of a private school and to issue specified binding directions to these people).
 - Epidemic Preparedness Act 2006 (to add judges of the District Court to the list of those that can alter the rules of court);
 - Local Government Act 2002 (to enable Civil Defence Emergency Management Groups to attend meetings by audio link or audio-visual link); and
 - Residential Tenancies Act 1986 (to enact rent and eviction freezes).
3. We have reviewed a draft version of the Bill (PCO 22838/4.0) and have not identified any unjustified inconsistencies with the New Zealand Bill of Rights Act.
4. Crown Law has reviewed the provision of the Bill that relate to the powers of the District Court to alter the rules of the court because, while those amendments are made to the Epidemic Preparedness Act, they relate to the Justice portfolio. Crown Law has advised us that it has not identified any unjustified inconsistencies with the New Zealand Bill of Rights Act in those provisions.
5. We understand the Bill could be subject to further revisions and will advise you immediately if any of these changes appear to limit any rights of freedoms contained in the New Zealand Bill of Rights Act.

Jeff Orr

Chief Legal Counsel