



**National Council of
Women of New Zealand**
Te Kaunihera
Wahine O Aotearoa

National Office
Level 4 Central House
26 Brandon Street
PO Box 25-498
Wellington 6146
(04) 473 7623
www.ncwnz.org.nz

6 June 2006

S06.21

**Submission to the Government Administration Select Committee
on the
Law Reform (Epidemic Preparedness) Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 38 nationally organised societies. It has 32 branches throughout the country attended by representatives of those societies and many individual members. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ has a longstanding history of encouraging the promotion of social and health issues, particularly as they affect women and children. Ten Standing Committees, working by correspondence across the country, study specific issues.

While NCWNZ tries to refer pending legislation to its wide membership by means of email and its monthly "Circular", in this instance the legislation was sent only to Conveners of six Standing Committees with the request for comment on issues pertaining to their area of expertise. However the short deadline meant that not all were able to comment as they are already carrying substantial workloads. This submission which has been prepared by the Convener of the Health Standing Committee is a summary of the findings of those Conveners who were available to comment.

General Comment

NCWNZ acknowledges that while some of the provisions dealt with in this legislation would not ordinarily sit well with policy, it is an example of where the rights of the individual may, at times, have to be suspended for the greater good of the community, whether local or national.

The Convener of the Economics Standing Committee noted that the Government may be faced with a situation where borrowing funds becomes a necessity. The concern is that this may be completed through the Crown Bank account that is serviced through an overseas bank that stands to make a profit out of our adversity. It would be more appropriate to use our Central Bank credit lines which are interest free. Current legislation allows this. This latter option would then not add to our later debt servicing requirements. People may require financial support because they cannot work during the course of the epidemic, not through poor fiscal management.

Specific Comment

**Part 1
Enabling use of emergency powers**

Clause 3 Purpose

(2) This Act also has the following purposes:

- (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.”

NCWNZ is particularly pleased to see this section as one of the purposes, acknowledging that it is better to deal with these issues in this way rather than have to deal with uncertainties at a time of an emergency. It endorses the needs of organisations for forward planning for emergency situations. The purposes appear to have been well addressed and allowing for flexibility as situations change.

Part 2 Amendments to existing enactments

Births, Deaths, and Marriages Registration Act 1995 (P9)

Clause 10 Principal Act amended

NCWNZ supports the need to put in place alternative options for dealing with the issuing of medical certificates relating to deaths where the appropriate professionals are unavailable as per the new definition, i.e.

“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.”

The circumstances under which doctors or nurses may furnish medical certificates indicating cause of death are well defined.

Health Act 1956 (P13)

Clause 18 Special Powers of Medical Officer of Health

S18 (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.”

NCWNZ’s concerns here lie more at the Ministry level rather than with the Bill, regarding range of control over extended districts and with succession planning in the event that critical staff are no longer available to take on these stated roles especially where districts are large and surveillance complex.

Parole Act 2002 (P31)

In terms of this Act NCWNZ supporting the intention to limit the necessity for unnecessary gatherings of people and hence the more rapid spread of infection, agrees that powers to permit greater parole provisions are appropriate, provided that the degree of proof on which the Parole Board bases its findings is not compromised. The practicalities appear to be reasonable.



Resource Management Act 1991 (P34)

The proposed amendments seem reasonable, giving extraordinary power for certain actions to be taken without a requirement for the usual resource consent to be obtained, in the event of an epidemic emergency. The appropriate precautionary actions following the action taken are written in, in order to avoid undesirable consequences. NCWNZ therefore, has no reason to object to the proposed amendment to the Resource Management Act.

However, we are concerned that there appears to be no definition of the sort of person who could take the emergency action without getting the usual resource consent. It could be possible for anyone to cite the Health Act 1956 as his or her authority to do so. In addition to this, the Bill fails to adequately direct the enforcement of remedial action after the event.

Conclusion

NCWNZ thanks you for this opportunity to comment on what is inevitably a complex and wide ranging piece of legislation and while applauding the preparations being made by the government and its agencies, we hope the legislation will not be required.

Christine Low
National President

Catherine Gurnsey
Convener, Health Standing Committee