

13th May 2020

Hon David Parker
Attorney-General
Parliament Buildings
WELLINGTON



Dear Attorney-General

COVID-19 Public Health Response Bill - For urgent consideration

I write to you as this important Bill makes its passage through the House under urgency. I wish to acknowledge the welcome flexibility that the Government is demonstrating in order to render this legislation more proportionate and appropriate given its obvious limiting effect on human rights.

I also wish to note that Human Rights Commission has strongly and publicly commended the government's COVID efforts, while providing constructive comment in line with its statutory responsibilities.

In keeping with the Commission's role, I wish to note that I continue to have grave concerns about the Bill's potential to breach New Zealand's national and international human rights and Te Tiriti commitments.

One short simple amendment, recommended in our earlier written comments, would go a long way to allay my concerns, viz: clause 4(c) of the Bill amends the purpose of the legislation as follows [suggested amended wording is in bold]:

*The purpose of this Act is to support a public health response to COVID-19 that—
(c) is co-ordinated, orderly, proportionate, and **consistent with New Zealand's domestic and international human rights commitments and the Crown's duties under Te Tiriti o Waitangi.***

This type of purposive clause is used in other legislation that involves the balancing and limiting of rights. A good example in recent years is the inclusion of the human rights commitments in s 3 of the Intelligence and Security Act 2017 to balance the expanded surveillance powers that legislation introduced.

Crucially, the inclusion of the above wording in clause 4 of the Bill would **not** be an obstacle to the government's effective and suitably robust measures. On the contrary, it will help to ensure those measures are reasonable, fair, non-discriminatory and proportionate.

In this way, the amendment will help to ensure that the Government retains the trust, confidence and support of the public.

Thank you for your urgent consideration.

Ngā mihi

A handwritten signature in black ink that reads 'Paul Hunt'.

Paul Hunt
Chief Commissioner

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