



la Ara Aotearoa Transporting New Zealand

submission to:

Health Select Committee

on:

**COVID-19 Public Health Response Amendment Bill
(No 2)**

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1. Representation

- 1.1 Ia Ara Aotearoa Transporting New Zealand (Transporting New Zealand) provides unified national representation for the four regional trucking associations that make the Road Transport Association NZ (RTANZ). That is, 1500 members with about 13,000 trucks.
- 1.2 Transporting New Zealand members are predominately involved in the operation of commercial freight transport services both urban and inter-regional. These services are entirely based on the deployment of trucks both as single units for urban delivery and as multi-unit combinations that may have one or more trailers supporting rural or inter-regional transport.
- 1.3 The road freight transport industry employs 32,868 people (2.0% of the workforce), has a gross annual turnover of \$6 billion, and according to Ministry of Transport research (National Freight Demands Study 2018) transports 93% of the total tonnes of freight moved in New Zealand.

2. Introduction

- 2.1 Transporting New Zealand provides sector leadership and believes we all need to operate in an environment where the following must be managed and co-exist:
 - The safety and wellbeing of our drivers and other road users; our drivers are our most valuable asset
 - The impacts of transport on our environment
 - The transport of goods by road is economically feasible and viable and it contributes the best way it can to benefit our economy.
- 2.2 Transporting New Zealand welcomes the opportunity to comment on the COVID-19 Public Health Response Amendment Bill (No 2) [the Bill].

3. Comments on the approach to date and the Bill

- 3.1 Transporting New Zealand acknowledges a pandemic like COVID-19 unavoidably presents a great deal of volatility and uncertainty which makes it inherently difficult and challenging to manage the associated risks.
- 3.2 We would like to take this opportunity to recognise and show our appreciation for the extraordinary efforts of all the essential workers including but not limited to: those managing MIQ facilities, border controls, health workers and the road freight sector that we represent which have all played critical roles in continuing to drive our economy.

- 3.3 Transporting New Zealand appreciates there is a need to continue to adapt to the challenging global and domestic circumstances of the pandemic. However, the degree of agility and flexibility enabled by the legislation needs to be balanced with transparency of decision making, and sound execution of policy initiatives. We do not consider that the legislation in its current form has strong enough settings for transparency and accountability of the Executive and officials.
- 3.4 We are also concerned that this is the second time within a relatively short period that Government has taken the approach of rushing through a broadening and expansion of ministerial powers. The earlier example is covered in our submission to the Education and Workforce Select Committee in the Immigration (Covid-19 Response) Amendment Bill in April this year. We have not changed the view and position we took with that Bill and for convenience we have copied the following excerpts from that submission:
- “far-reaching ministerial powers should only be considered appropriate, or necessary, in a true emergency situation.”
 - “The ‘state of emergency’ that filled the early months of the pandemic response should be well over now – more than one year on - as New Zealand adjusts and plans for recovery and the vaccine roll out provides herd immunity, allegedly by the end of 2021. As such, reliance on emergency powers should no longer be necessary other than in exceptional circumstances. As the pandemic will be with us for years, there has to be a move back to normality, rather than fostering fear and exclusion for years to come.”.
- 3.5 The return of COVID-19 to a community in Aotearoa New Zealand was completely predictable and in February this year we proactively sought ministerial assistance in getting road freight drivers vaccinated. We are astounded that Government sat on its hands for such a long period, rather than prepare for the scenario of managing external and internal border controls. Rushing through legislation as it proposes now is an unacceptable approach and in itself introduces new risks, in particular the commercial risks related to the proposed powers to requisition testing consumables, which we do not support.
- 3.6 We are concerned that the ad-hoc policy making and unrealistic lead times to implement changes that has been occurring over the past several weeks is becoming more prevalent as a modus operandi for this Government. There is little, if any, quality consultation being undertaken and policies, often with significant operational impacts, are poorly communicated at television press conferences.
- 3.7 We note the quantum level of increases in the penalties for infringement offences and while we agree that the current penalties are not a sufficient deterrent to stop many people from breaching the rules, we are concerned that the ad hoc decision making and the respective operating requirement are routinely confusing and implemented poorly, which creates a risk that people may unintentionally breach the rules and be unfairly penalised.

- 3.8 We believe the Ministry of Health should justify why it needs to extend the COVID-19 Public Health Response Act 2020 from May 2022 to May 2023. It appears to us that the new expiry date is completely arbitrary and we have no confidence that Government will change its approach to a more proactive, strategic, risk-based one.
- 3.9 Page one of the Explanatory Note (the Note), accompanying the Bill, refers to a specific purpose of the Bill being to “ensure that the empowering and enforcement provisions are fit-for-purpose to prevent and manage the risk of outbreak or spread of COVID-19”. None of the policy changes in this Bill (page 2 of the Note refers) give us confidence that the Government will improve its management of the risk of outbreak or spread of COVID-19. In fact, we think it disingenuous that Government is, by implication, suggesting that to date it has not had available the appropriate empowering and enforcement provisions to better manage the risks of COVID -19.

4. Concluding comments

- 4.1 Transporting New Zealand does not consider that the Bill provides sufficiently for transparency and accountability of the Executive and officials and nor has the Ministry of Health’s consultation provided sufficient detail to justify these changes.
- 4.2 With the exception of the increasing of the penalties, the relatively minor tweaking that this Bill seeks to effect cannot be a proxy for failures in the Government’s recent approach managing COVID-19. We urge the Ministry of Health to seriously reflect on the real issues hampering the effectiveness of the Government’s response and seek to resolve those issue rather than changing the law. In the absence of that the Government is showing a lack of ambition and real commitment to New Zealand’s recovery from the COVID-19 pandemic.
- 4.3 Transporting New Zealand urges the Government to genuinely engage the industry and use wider expertise to develop its forward plans.

5. Appearing before select committee

- 5.1 Transporting New Zealand would welcome the opportunity to appear before Select Committee to discuss our submission.