



# Briefing

## ALERT LEVEL REQUIREMENTS AMENDMENT ORDER FOR SIGNING – COVID-19 PUBLIC HEALTH RESPONSE (ALERT LEVEL REQUIREMENTS) ORDER (NO 12) AMENDMENT ORDER (NO 15) 2021

To: Hon Chris Hipkins  
Minister for COVID-19 Response

Date	16/11/2021	Priority	URGENT
Deadline	16/11/2021	Briefing Number	DPMC-2021/22-833

### Purpose

Attached to this briefing is the proposed COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021 which we recommend you sign. This Order moves the Waikato Alert Level 3 area to Alert Level 2.

This briefing summarises the effect of the amendments and confirms the necessary procedural requirements for the making of COVID-19 Orders have been complied with.


### Recommendations


1. **Note** this brief provides a summary of the key provisions of the proposed Order.
2. **Note** that the necessary procedural requirements for the making of COVID-19 Orders have been complied with.



**Sign the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021 (Attachment A)**

**YES / NO**


Ben White <b>Policy Manager</b>
16 / 11 / 2021


Hon Chris Hipkins <b>Minister for COVID-19 Response</b>
16 / 11 / 2021

**Contact for telephone discussion if required:**

Name	Position	Telephone	1st contact
Ben White	Manager, Strategy and Policy, COVID-19 Group, DPMC	Section 9(2)(a)	
Jessica Gorman	Principal Solicitor, DPMC	Section 9(2)(a)	✓

**Minister's office comments:**

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

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# ALERT LEVEL REQUIREMENTS AMENDMENT ORDER FOR SIGNING – COVID-19 PUBLIC HEALTH RESPONSE (ALERT LEVEL REQUIREMENTS) ORDER (NO 12) AMENDMENT ORDER (NO 15) 2021

## Summary of the Amendments

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### *Moving the Waikato Alert Level 3 area to Alert Level 2*

1. The amendment Order removes the Waikato from the Alert Level 3 area. This is done by revoking all provisions in the Order relating to Waikato specifically. Waikato becomes part of the Alert Level 2 area, which covers all of New Zealand except Auckland. Provisions relating to travel between different Alert Level 3 areas are also revoked as there is now only one Alert Level 3 area.

## Procedural Requirements for a COVID-19 Order

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2. This amendment Order amends a COVID-19 Order, which you can do pursuant to sections 11 and 15 of the COVID-19 Public Health Response Act 2020 (the Act). The Act imposes certain requirements for the form, publication and making of COVID-19 Orders. You must be sure that these requirements have been complied with before making a COVID-19 Order.

### *48 Hour Notification Period*

3. The Act requires that a COVID-19 Order must be published and gazetted at least 48 hours before it comes into force. However, this notice period is not required to be observed where you are satisfied that the Order should come into force urgently to prevent or contain the outbreak or spread of COVID-19 or where the effect of the Order is only to remove or reduce requirements imposed by a COVID-19 Order.
4. The Amendment Order only provides for more permissive settings. Accordingly, the 48-hour notice period does not need to be observed with respect to these amendments.

### *Ministerial Consultation*

5. The Act requires that before making a COVID-19 Order, you must consult with the Prime Minister, the Minister of Justice and the Minister of Health. You may also consult with any other Minister you think fit.
6. Ministerial consultation was undertaken regarding moving the Waikato Alert Level 3 area to Alert Level 2 through the Cabinet process on 15 November 2021 [CAB-21-MIN-0476 refers].

*Public Health Advice*

- 7. The Act requires that before making a COVID-19 Order, you must have had regard to advice from the Director-General of Health about the risks of the outbreak or spread of COVID-19 and the nature and extent of measures (whether voluntary or enforceable) that are appropriate to address those risks.
- 8. Public Health advice was provided regarding moving the Waikato Alert Level 3 area to Alert Level 2 through the Cabinet process on 15 November 2021 [CAB-21-MIN-0476 refers].

*New Zealand Bill of Rights Act 1990*

- 9. Section 9(2)(h) [Redacted]
- 10. Section 9(2)(h) [Redacted]

Attachments:	
<b>Attachment A:</b>	COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021 (Signature Copy)

Proactively Released

# ATTACHMENT A

**COVID-19 Public Health Response (Alert Level Requirements) Order  
(No 12) Amendment Order (No 15) 2021 (Signature Copy)**

Proactively Released

ALERT LEVEL REQUIREMENTS AMENDMENT ORDER FOR SIGNING - COVID-19  
PUBLIC HEALTH RESPONSE (ALERT LEVEL REQUIREMENTS) ORDER (NO 12)  
AMENDMENT ORDER (NO 15) 2021

DPMC-2021/22-833