



Briefing

ALERT LEVEL REQUIREMENTS AMENDMENT ORDER FOR SIGNING - COVID-19 PUBLIC HEALTH RESPONSE (ALERT LEVEL REQUIREMENTS) ORDER (NO 12) AMENDMENT ORDER (NO 8) 2021

To: Hon Chris Hipkins
Minister for COVID-19 Response

Date	19/10/2021	Priority	[URGENT]
Deadline	19/10/2021	Briefing Number	DPMC-2021/22-610

Purpose

Attached to this briefing is the proposed COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021 which we recommend that you sign. This order moves Northland to Alert Level 2.

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

Recommendations


1. **Note** that 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

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3. Sign the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021

YES / NO



Alice Hume
Policy Manager

19/10/2021



Hon Chris Hipkins
Minister for COVID-19 Response

19/10/2021

Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Alice Hume	Policy Manager , 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- Withdrawn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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Summary of the Amendments

Removing Northland from the Alert Level 3 area

1. As agreed by Cabinet on Monday 18 October this order removes Northland from the Alert Level 3 area and moves the region to Alert Level 2.

Procedural Requirements for a COVID-19 Order

2. This proposed 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 provides for more permissive settings within the Northland region. 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 through the Cabinet decision making process on 18 October 2021 [CAB-21-SUB-0422 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.

- Public Health advice was provided through the Cabinet decision making process on 18 October 2021 [CAB-21-SUB-0422 refers].

New Zealand Bill of Rights Act 1990

- In addition to the specified requirements from the Act, a further matter for you to consider each time a COVID-19 order is proposed is whether the exercise of your power to do so is appropriate in the circumstances. In particular, the power to make an order under section 11 of the Act must be exercised consistently with the New Zealand Bill of Rights Act 1990 (NZBORA).
- Section 9(2)(h)

Attachments:	
Attachment A:	COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021 (Signature Copy)

ATTACHMENT A

COVID-19 Public Health Response (Alert Level Requirements) Order
(No 12) Amendment Order (No 8) 2021 (Signature Copy)

Proactively Released

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