

Briefing

ALERT LEVEL REQUIREMENTS: AMENDMENT ORDER FOR SIGNING

To Minister for COVID-19 Response (Hon Chris Hipkins)			
Date	8/10/2021	Priority	URGENT
Deadline	8/10/2021	Briefing Number	DPMC-2021/22-518

Purpose

Attached to this briefing is the proposed COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021, which we recommend you sign. This order extends the Waikato Alert Level 3 area line with the recommendation considered by Ministers this morning, and makes other minor adjustments and corrections to other Alert Level 3 settings.

- 1 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

IN CONFIDENCE


3. **Sign** the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (Signature Copy) (**Attachment A**).

YES / NO



Alice Hume
**Manager, Strategy and Policy
 COVID-19 Group, DPMC**

07/10/2021



Hon Chris Hipkins
Minister for COVID-9 Response

07/10/2021

Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Alice Hume	Manager, Strategy and Policy, COVID-19 Group, DPMC	s9(2)(a)	
Matt McGrath	Senior Solicitor, DPMC	s9(2)(a)	✓

Minister's office comments:

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- Withdrawn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

ALERT LEVEL REQUIREMENTS AMENDMENT ORDER FOR SIGNING

Summary of the Amendments

1. The proposed amendments will:
 - a) Extend the Waikato Alert Level 3 Area to include the Waipā, Ōtorohanga and Waitomo Districts;
 - b) Mandate that face coverings are to be worn in police stations in the Alert Level 3 Area (consistent with existing Alert Level 2 settings);
 - c) Enable legal services to be provided in-home at Alert Level 3 for the purposes of executing documents that are urgently required; and
 - d) Exempt lifesaving, maritime assistance, search, and rescue services provided by the Royal New Zealand Coastguard and Surf Life Saving New Zealand (LSNZ) from the Order, which will enable them to conduct their public safety functions required in light of the recent relaxing of restrictions on certain maritime recreation activities in the Auckland Alert Level.

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. This Amendment Order extends the Waikato Alert Level 3 Area and mandates that face coverings are to be worn in police stations in Alert Levels 3 areas, both of which are additional restrictions. We consider that, in order for these amendments to be effective measures to limit the spread of COVID-19, they should be applied immediately.
5. This Amendment Order also makes corrections or clarifications that will have the effect of reducing requirements imposed by a COVID-19 Order (for example, making it easier for in-home legal services to be provided where urgent execution of documents is required and enabling the Coastguard and LSNZ to operate in Auckland). Therefore, the notice period is not required to be observed in respect of those changes.

Ministerial Consultation

- 6. 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.
- 7. Ministerial consultation on the various amendments was conducted as follows:
 - a) The extension of the Waikato Alert Level 3 area was discussed with the Ministers of Justice and Health in today's Ministers' meeting. The Prime Minister was not at that meeting but we are advised that her office has been consulted.
 - b) The other amendments were provided in summary to your office, and the offices of the specified Ministers were consulted on the basis of those summaries.

Public Health Advice

- 8. 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.
- 9. The Ministry of Health has advised that the indicated changes are consistent with the Director-General's current advice on the appropriate AL3 settings.

New Zealand Bill of Rights Act 1990

- 10. 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).

11. s9(2)(h)



Attachments:	
Attachment A:	COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (Signature Copy)