



Briefing

PROTECTION FRAMEWORK AMENDMENT ORDER FOR SIGNING – COVID-19 PUBLIC HEALTH RESPONSE (PROTECTION FRAMEWORK) AMENDMENT ORDER 2022

To Associate Minister of Health (Hon Ayesha Verrall)			
Date	14/01/2022	Priority	URGENT
Deadline	14/01/2022	Briefing Number	DPMC-2021/22-1179

Purpose

Attached to this briefing is the proposed COVID-19 Public Health Response (Protection Framework) Amendment Order 2022, which we recommend that you sign. This order removes the boundary around the extended Auckland area and the requirements for travellers leaving the extended Auckland area to either hold a valid CVC or have met a specified testing requirement.

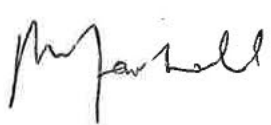
This briefing summarises the effect of the amendments and confirms that the necessary procedural requirements for the making of COVID-19 Orders have been complied with.

Recommendations

1. **Note** that this briefing 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

3. Sign the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (Signature Copy) (Attachment A)

YES / NO


Ruth Fairhall
Head of Strategy and Policy
COVID-19 Group, DPMC
13/1/22


Hon Ayesha Verrall
Associate Minister of Health
14/1/22

Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Ruth Fairhall	Head of Strategy and Policy, COVID-19 Group, DPMC	s9(2)(a)	
Matt McGrath	Senior Solicitor, DPMC		✓

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- Withdrawn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 the extended Auckland area boundary and associated travel restrictions

1. Currently, travellers leaving the Auckland and Port Waikato areas (the extended Auckland area) are generally required either:
 - a) to hold a COVID-19 vaccination certificate; or
 - b) to have evidence of a negative result from a COVID-19 test administered no more than 72 hours before their journey began.
2. This order removes all cross-boundary travel restrictions that apply in relation to the extended Auckland area, including those noted above.
3. It also makes consequential amendments to the COVID-19 Public Health Response (Required Testing) Order 2020, removing testing requirements for the education sector which applied in the previous Alert Level 3 Area and that are now redundant.

Procedural Requirements for a COVID-19 Order

4. 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

5. 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.
6. The Amendment Order provides only for more permissive settings. Accordingly, the 48-hour notice period does not need to be observed with respect to these amendments.

Ministerial Consultation

7. 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.

- 8. As this policy was a matter considered by Ministers at Cabinet, on 15 November 2021, Ministerial consultation was undertaken as part of the Cabinet decision making process [CAB-21-MIN-0477].

Public Health Advice

- 9. 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.
- 10. Public Health advice was provided as part of the Cabinet decision making process on 15 November 2021 [CAB-21-MIN-0477].

New Zealand Bill of Rights Act 1990

- 11. The Act also requires that you are satisfied that an order under section 11 of the Act does not limit, or is a justified limit, on the rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA).
- 12. Crown Law advice was provided as part of the Cabinet decision making process on 15 November 2021 [CAB-21-MIN-0477].

Attachments:	
Attachment A:	COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (Signature Copy)