



14 October 2021



Reference: OIA-2021/22-0348

Dear 

**Official Information Act request relating to the State of National Emergency during the August 2021 COVID-19 resurgence**

Thank you for your Official Information Act 1982 (the Act) request received on 28 September 2021. You requested:

*"1) For the current Covid-19 lockdown from August 2021 please provide the Gazette notice of the current National State of Emergency.*

*2) We can not find the Gazette notice at (1), so if the legislation has changed so it does not require the same treatment, please explain what the change is and how notice is provided via Gazette?*

*3) Lastly can you confirm the current Covid-19 Lockdown is a "State of National Emergency" or if it is not what type of "Emergency" is it?"*

The then Minister of Civil Defence, Hon Peeni Henare declared a State of National Emergency for the whole of New Zealand in March 2020. This declaration was made under the Civil Defence Emergency Management Act 2002 and was done to help stop the spread of COVID-19.

The declaration provided the National Controller (a role established under the Civil Defence Emergency Management Act) and others (for example, local controllers and constables) with a range of powers to contribute to the Government's response. Other legislation, such as the Health Act 2010 and the Epidemic Preparedness Act 2006 also enabled a range of powers to respond to COVID-19.

Since the March 2020 outbreak, special purpose legislation was put in place to manage the pandemic. The COVID-19 Public Health Response Act 2020, which came into force on 13 May 2020, is now the primary legislation for addressing the COVID-19 response and recovery, including the management of any resurgence. The Act for example allows the Minister of Health to make orders including setting Alert Levels, to give effect to the public health response to COVID-19 in New Zealand.

As the COVID-19 Public Health Response Act provides a comprehensive set of provisions to support the Government's response to COVID-19 a declaration of a State of National Emergency was not needed for the recent resurgence. A Gazette notice was similarly, therefore, not issued.

The Orders, including the Order for the current resurgence, and information about the COVID-19 Alert Level system can be found at [Legislation and key documents | Unite against COVID-19 \(covid19.govt.nz\)](https://www.legislation.govt.nz/legislation-and-key-documents/unite-against-covid-19).

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Dave Gawn  
**Chief Executive, National Emergency Management Agency**