



# Briefing

## COVID-19 ORDER FOR SIGNING: COVID-19 PUBLIC HEALTH RESPONSE (ALERT LEVEL REQUIREMENTS) ORDER (NO 12) AMENDMENT ORDER (NO 14) 2021

To: Hon Chris Hipkins  
Minister for COVID-19 Response

Date	11/11/2021	Priority	[URGENT]
Deadline	11/11/2021	Briefing Number	DPMC-2021/22-789

### 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 upper Northland to Alert Level 2, enables face to face learning to commence in schools in the Alert Level 3 area from 17 November, and makes some minor adjustments to the settings for performers in hospitality settings, Land Search and Rescue, Amateur Radio Emergency Communication staff, and the Transport Accident Investigation Commission.

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

3. **Sign** the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021

**YES** / NO

  
Alice Hume  
**Policy Manager**  
  
11/11/2021

  
Hon Chris Hipkins  
**Minister for COVID-19 Response**  
  
11/11/2021

**Contact for telephone discussion if required:**

Name	Position	Telephone	1st contact
Alice Hume	Manager, Strategy and Policy, COVID-19 Group, DPMC	Section 9(2)(a)	
Matt McGrath	Senior 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- Withdrawn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

# COVID-19 ORDER FOR SIGNING - COVID-19 PUBLIC HEALTH RESPONSE (ALERT LEVEL REQUIREMENTS) ORDER (NO 12) AMENDMENT ORDER (NO 14) 2021

## Summary of the Amendments

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### *Removing Northland from the Alert Level 3 area*

1. As considered at Cabinet on Monday 8 November [CAB-21-MIN-0463 refers] this order removes Upper Northland from the Alert Level 3 area and moves the area to Alert Level 2.

### *Enabling Face to Face Onsite Education for Alert Level 3 Areas*

2. As considered at Cabinet on Monday 8 November [CAB-21-MIN-0462 refers] this order enables attendance at schools for students in years 0 to 10 within Alert Level 3 Areas (in addition to years 11 to 13, who are already permitted to attend). These changes will commence from 17 November 2021.
3. The Order will also require students in Years 4 to 8, and any staff members, to wear face coverings while indoors within an education facility. However, staff and students in years 4 to 8 will be exempt if the classroom contains fifty percent or more students within year 3 or below.
4. In addition to the above, the Order introduces a requirement for Schools to have systems and processes in place to manage numbers in attendance (including by part-time physical attendance).

### *Other Amendments to the Order*

5. The Order includes an exemption to the face covering requirements within the Alert Level 2 area to allow performers in hospitality venues, while they are working as such and maintaining 2 metre physical distancing, to remove any face covering required by the order. This brings the requirements in these settings into line with equivalent requirements for event venues, such as theatres.
6. In addition to those already exempted from the order, Land Search and Rescue and Amateur Radio Emergency Communication staff will no longer be subject to the Order while providing lifesaving, maritime assistance, search, and rescue services.
7. An additional permission for travelling between alert levels is included for people working for the Transport Accident Investigation Commission for the purposes of carrying out the Commission's essential work. Such workers will be subject to surveillance testing requirements.

## Procedural Requirements for a COVID-19 Order

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8. 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*

9. 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.
10. 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*

11. 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.
12. Ministerial consultation was undertaken regarding upper Northland and attendance at schools through the Cabinet process on 8 November 2021 [CAB-21-SUB-0462 and CAB-21-SUB-0463 refer].
13. We provided a summary of the remaining amendments to your office and we understand that your office has undertaken Ministerial consultation on those.

### *Public Health Advice*

14. 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.
15. Public Health advice was provided regarding upper Northland and enabling face to face education through the Cabinet process on 8 November 2021 [CAB-21-SUB-0462 and CAB-21-SUB-0463 refer].
16. The remaining amendments are supported by Public Health.

### ***New Zealand Bill of Rights Act 1990***

17. Section 9(2)(h)

18. Section 9(2)(h)

19. Section 9(2)(h)

Attachments:	
Attachment A:	COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (Signature Copy)

Proactively Released

# ATTACHMENT A

COVID-19 Public Health Response (Alert Level Requirements) Order  
(No 12) Amendment Order (No 14) 2021 (Signature Copy)

Proactively Released

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