

Provided by email from Matt McGrath, Senior Solicitor, DPMC to Minister Hipkins' Office
[Thursday, 19 August 2021 6:08 pm]

Hi Erin/Morehu,

Could you please ensure that the following is provided to the Minister together with this evening's Amendment Order, which should be with you shortly directly from PCO.

High Level Summary of the Amendment Order

Extending the "Return Home" Grace Period for those travelling from Queenstown by Air or travelling on a Cook Strait Ferry:

- The most substantial change in this amendment is to extend the period during which people are not subject to "stay at home" requirements for the purposes of returning to their homes or places of residence. However, this is only extended for the purposes of people travelling by air from Queenstown or travelling on a Cook Strait ferry, as these have been identified as having capacity issues over the initial 48-hour period.
- The period will be initially extended for 24 hours, but we are advised that it may be extended further if required. This will require a further amendment to the order.

Quality Assurance and Proof-Reading Changes:

- Because of the speed required to bring the principal order into force, PCO's quality assurance and proof-reading processes had to be abridged. That process has since been undertaken and a number of minor amendments are included here to correct minor typographical errors.

48 Hour Notification Period

The COVID-19 Public Health Response Act 2020 (the Act) requires that a COVID-19 order must be published a gazetted at least 48 hours before it comes into force. However, this notice period is not required to be observed where the Minister is 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.

In this instance, amendments to the order are a reduction of requirements otherwise imposed by the order. Accordingly, observation of the 48-hour period is not required in this case.

Consultation

The Act requires that before making a COVID-19 order, you consult with the Prime Minister, the Minister of Justice, and the Minister of Health.

The Ministerial consultation required under the Act took place on the basis of the advice received and agreed to by Ministers this morning.

Public Health Advice

The Act requires that before making a COVID-19 order, you must have had regard to advice from the Director-General 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.

We are advised that the Director General provided this advice directly to the meeting of Ministers this morning and that this requirement has therefore been complied with.

New Zealand Bill of Rights Act 1990

A matter for you to consider each time an order is proposed is whether the exercise of such powers will be appropriate. 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).

s9(2)(h)



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