



Proactive Release

The following briefing has been proactively released by the Department of the Prime Minister and Cabinet (DPMC), and National Emergency Management Agency, on behalf of Hon Peeni Henare, Minister of Civil Defence:

Third Extension of the State of National Emergency for COVID-19

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it. Where information has been withheld in accordance with section 9(2)(h) of the Act, the redacted information relates to legal advice being sought and given by DPMC Legal and/or Crown Law.

Key to redaction code:

- 9(2)(a), to protect the privacy of individuals, and
- 9(2)(h), to maintain legal professional privilege.



Briefing

THIRD EXTENSION OF THE STATE OF NATIONAL EMERGENCY FOR COVID-19

To Minister of Civil Defence (Hon Peeni Henare)			
Date	13/04/2020	Priority	Urgent
Deadline	14/04/2020	Briefing Number	20/39

Purpose


1. This briefing seeks your agreement and signature to further extend the duration of the State of National Emergency to manage the impact of the COVID-19 pandemic on New Zealand. The State of National Emergency expires on Wednesday 15 April at 12.21pm, and must be extended before this time if it is to remain in place for a further 7 days.

Recommendations

1. **Agree** to extend the State of National Emergency for a further 7 days from 15 April 2020 and **sign and date** the attached declaration.
Agree/disagree/discuss
2. **Agree** that your Office forward a photo of the declaration and cover memo to the Bills Office immediately after you have signed it so that the House can be immediately informed of this extension.
Agree/disagree/discuss
3. **Agree** that your Office release a media statement once the extension is made.
Agree/disagree/discuss
4. **Forward** a copy of this briefing to the Prime Minister and Deputy Prime Minister and **refer** a copy to the COVID Ministerial Group for noting.
Agree/disagree/discuss

4. **Agree** to proactively release a copy of this briefing on the covid19.govt.nz website.

Agree/disagree/discuss

 Sarah Stuart-Black Deputy Chief Executive, NEMA and Director CDEM		Hon Peeni Henare Minister of Civil Defence
13/4/2020	/4/2020

Contact for telephone discussion if required:

Name	Position	Telephone		1st contact
Sarah Stuart-Black	Deputy Chief Executive, NEMA and Director, CDEM	9(2)(a)	9(2)(a)	
Annabel Ritchie	Acting Corporate Legal Services Manager, DPMC	9(2)(a)	9(2)(a)	✓

Minister's office comments:

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

Proactively Released

THIRD EXTENSION OF THE STATE OF NATIONAL EMERGENCY FOR COVID-19

Purpose

1. This briefing provides advice on extending the State of National Emergency in response to the impact of the COVID-19 pandemic on New Zealand. The State of National Emergency expires on Wednesday 15 April at 12.21pm and must be extended before this time if it is to remain in place for a further 7 days.

Overall situation: State of National Emergency for COVID-19


2. On Wednesday 25 March 2020, you declared a State of National Emergency over all New Zealand to curtail the spread of COVID-19. You extended the State of National Emergency at 9.27am on Tuesday 31 March 2020 and again at 9.25am on Tuesday 7 April 2020. The declaration expires on Wednesday 15 April 2020 at 12.21pm unless extended prior.
3. While the number of cases of COVID-19 continue to rise in New Zealand, and there is evidence of community transmission, I acknowledge the number of new confirmed and probable cases detected each day appears to be slowing. On Sunday 12 April, a total of 18 new confirmed and probable cases were reported, down from 29 cases the previous day. Despite this, we need to maintain current restrictions on movement supported by the powers under the Civil Defence Emergency Management (CDEM) Act if we are to fully realise the benefits of the measures in place.
4. Since the State of National Emergency was first declared on 25 March, CDEM Groups have used powers under the CDEM Act to direct non-essential businesses to close, direct freedom campers to relocate, requisition a carpark for COVID-19 testing, provide for essential supplies, undertake important maintenance, and close some roads. A table summarising the use of powers by CDEM Groups since 25 March is attached at **Appendix Four** for your information. This is for illustrative purposes; it does not reflect powers used by the Director/National Controller, Police constables or others.
5. For further information on powers available under the CDEM Act by a declaration of a State of National Emergency, and the overall process to extend a State of National Emergency please refer to Briefing 20/32.

Interplay between the State of National Emergency and Alert Levels

6. The State of National Emergency and COVID-19 alert levels are two distinct things. The alert levels specify the range of measures that the government is taking against COVID-19, and are informed by public health advice from the Ministry of Health. A State of National Emergency provides the people managing the response in an emergency, in this case COVID-19, access to powers they would not normally have, but may require to implement and enforce these measures.

7. The alert levels can be set without a State of National Emergency, and a State of National Emergency can be declared or extended without specific, or any, alert levels being in place.
8. In preparation for any possible shift in alert levels in the coming weeks, officials are developing advice to ensure any conversations about these changes also consider the CDEM Act framework, whether there remains a need to access the emergency powers in the CDEM Act, or whether alternative arrangements are more appropriate (for example transition periods or local states of emergency in certain areas).

Advice on extending the State of National Emergency this week

9. The State of National Emergency expires on Wednesday 15 April at 12.21pm. An extension to a State of National Emergency should only be made if the situation remains an emergency and the emergency is, or is likely to be, of such extent, magnitude, or severity that the CDEM necessary or desirable in respect of it is, or is likely to be, beyond the resources of CDEM Groups whose areas are affected by the emergency.
10. Each week, officials consider a wide range of factors when formulating advice on whether it is necessary to extend the State of National Emergency. These are:
 - a) whether the statutory tests have been met;
 - b) the severity and impact/consequences of the current situation/emergency;
 - c) the degree of complexity of the necessary response (including the need for coordination at the national level);
 - d) the potential need for powers under the CDEM Act to manage the response; and
 - e) the effectiveness of measures in place to manage and eliminate COVID-19.
11. 9(2)(h) 
12. As Director CDEM, I consider extending the State of National Emergency is an appropriate action to take in response to the ongoing and serious impact of COVID-19. While the number of new confirmed and probable cases appears to be slowing, maintaining a State of National Emergency will enable us to respond as necessary should the situation change, and ensure we continue to have full access to the resources available to preserve human health, society and the economy. I therefore recommend you agree to extend the State of National Emergency by signing the form attached at Appendix One.
13. Once you have signed the extension form, the next steps are to:
 - a) ask your Office to forward a photo of the declaration and the cover memo (attached at Appendix Two) to the Bills Office so that the House can be immediately informed of the extension;
 - b) release a media statement informing the public of the extension (attached at Appendix Three); and
 - c) forward a copy of this briefing to the Prime Minister and Deputy Prime Minister and refer a copy to the COVID Ministerial Group for noting.

APPENDIX ONE

Declaration by Minister extending State of National Emergency

Section 71, Civil Defence Emergency Management Act 2002

I, **Peeni Ereataa Gladwyn Henare**, further extend the State of National Emergency declared at 12.21pm, on Wednesday 25 March 2020, which I extended at 9.27am on Tuesday 31 March 2020 and again at 9.25am on Tuesday 7 April 2020, over the whole of New Zealand owing to the impact of COVID-19.

This extension comes into force at 12.21pm on Wednesday, 15 April 2020 and will expire at 12.21pm on Wednesday, 22 April 2020.

Declared by: _____
signature

Designation: **Minister of Civil Defence**

Time and date of declaration: ____ am/pm on ____ April 2020

Notes

1. The Minister must advise the House of Representatives as soon as practicable of the making of this declaration.
2. This declaration must also be—
 - a. notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - b. published in the Gazette as soon as practicable. It is recommended that publication in the Gazette occur within 20 working days after the state of emergency is terminated.
3. Calculating the extension of “7 days” for a declaration extending the state of emergency: If the extension came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the extension came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.
4. If this is a second or subsequent extension of a state of emergency, specify the time and date when each previous extension took effect and the time and date when the state of emergency was first declared.

APPENDIX TWO

Memo describing the extension of State of National Emergency, to be provided to the House together with a copy of the signed extension form.

To: Clerk of the House, and the leader of each political party

CC: Bills Office

From: Hon Peeni Henare, Minister Civil Defence

For immediate presentation to the House

Please see attached a declaration extending the current State of National Emergency (due to COVID-19) signed by Hon Peeni Henare, Minister Civil Defence, at TIME/ DATE. This extension comes into force at 12.21 pm on Wednesday, 15 April 2020 and will expire at 12.21 pm on Wednesday, 22 April 2020, unless terminated earlier. There is no limit as to how many times a State of National Emergency may be extended.

This extension has been made on the advice of the Director of Civil Defence Emergency Management, and after consultation with the Prime Minister. The effect of the declaration is that the control of the response to COVID-19 will be managed at the national level and will ensure local and regional level compliance with instructions issued. The aim is to ensure the health system capacity is not exceeded through strengthening public health measures and supporting the enforcement of COVID-19 interventions to reduce and eliminate sustained and intensive transmission of the disease.

The State of National Emergency and the COVID-19 alert levels are two distinct and separate things. The alert levels specify the range of measures that we are taking against COVID-19. A State of National Emergency provides the people managing the response in an emergency, in this case COVID-19, access to powers they would not normally have, but require now to implement and enforce these measures.

APPENDIX THREE

Draft Media Statement regarding the extension of a State of National Emergency due to COVID-19

State of National Emergency extended

The State of National Emergency to support the COVID-19 response will be extended a third time, for a further seven days.

The initial declaration was made on March 25, and the seven-day declaration can be extended as many times as necessary. It does not change the length of the Alert Level 4 lockdown.

“On the advice of the Director of Civil Defence Emergency Management and after consultation with the Prime Minister, I consider the State of National Emergency should remain in place to support the COVID-19 response,” Minister of Civil Defence Peeni Henare said.

“While the recent COVID-19 case numbers have shown that we are turning a corner, it is essential that we continue to have the powers activated by the State of National Emergency available to maintain the Level 4 restrictions and ensure we do not backslide.

“The powers activated by the State of National Emergency enable civil defence emergency management professionals to carry out critical work during this time including managing roads, traffic and public places; providing first aid, food, shelter and accommodation.

“Since the State of National Emergency was first declared on 25 March, these powers have been used to direct non-essential businesses to close, direct freedom campers to relocate, requisition a carpark for COVID-19 testing, and close some roads.

“As we enter the fourth week under a State of national Emergency I would like to thank all New Zealanders for their commitment to helping us break the chain of transmission.

“The plan is working and now is the time to stay the course and stay home. Stay home and stay strong – kia kaha Aotearoa.”

The State of National Emergency and the COVID-19 Alert Levels are two distinct and separate things. The Alert Levels specify the range of measures that we are taking against COVID-19. A State of National Emergency provides the people managing the response in an emergency, in this case COVID-19, access to powers they would not normally have, but might require now to implement and enforce these measures.

This declaration by the Minister of Civil Defence extending the State of National Emergency can be found in the Gazette <https://gazette.govt.nz/>

ENDS

APPENDIX FOUR: SUMMARY OF CDEM ACT POWERS USED

Powers used	Date used	CDEM Group / Local Authority	Description of power used	Describe the issue and outcome achieved
s90(2)(a)	26-Mar-20	Canterbury	Requisition Church Corner Mall carpark from Christchurch City Council and place it under the direction and control of a person authorised by the Controller (Canterbury District Health Board (CDHB)) (necessary for the preservation of human life)	The CDHB required a Community Based Assessment Centre (CBAC) but was not able to direct activities on Council owned property. The property was requisitioned and placed under the control of the CDHB to establish the CBAC (enabling resources, including containers /Portacoms to be located on the site).
s88	26-Mar-20	Hawkes Bay	Road closure (to prevent or limit the extent of the emergency)	Close rural road leading to forest park to hunters – to prevent hunters accessing the area (and also reducing risks of requiring emergency assistance). Outcome is no further traffic to the area.
s91	26-Mar-20	Taranaki	Direct a business trading non-essential products to stop trading. (stop an activity which may substantially contribute to the emergency (COVID-19))	To cease members of the public making non-essential trips by closing a non-essential activity. Therefore, minimised risk of infection of others / community outbreak.
s85	27-Mar-20	Taranaki	Provide food to vulnerable people (through the Rapid Relief Team)	To ensure a reliable source/availability of food packs for the provision of vulnerable people by CDEM
s91	27-Mar-20	Taranaki	Direct a business trading non-essential products to stop trading. (stop an activity which may substantially contribute to the emergency (COVID-19))	To cease members of the public making non-essential trips by closing a non-essential activity (reducing risk of store staff working in close proximity). Therefore, minimised risk of infection of others / community outbreak.
s91	27-Mar-20	Taranaki	Direct a group of freedom campers at a designated freedom camping site at Lake Rotomanu in New Plymouth to move to a pre-arranged, secure campsite (stop an activity which may substantially contribute to the emergency (COVID-19))	To move the freedom campers to a controlled environment which will reduce the risk of community transmission.
s91	28-Mar-20	Taranaki	Direct freedom campers at Tarata Domain in New Plymouth to move to a pre-arranged, secure campsite (stop an activity which may substantially contribute to the emergency (COVID-19))	To move the freedom campers to a controlled environment which will reduce the risk of community transmission
s91	28-Mar-20	Nelson-Tasman	Direct a campground facility and its management to make its facilities available as required by the Nelson Tasman CDEM Group (stop an activity which may substantially contribute to the emergency (COVID-19))	The campground was directed to make its facilities available (in accordance with the Nelson Tasman CDEM Plan), and to work with CDEM Group staff. This enabled a place for freedom campers to self-isolate
s91(1)(a)	31-Mar-20	Nelson-Tasman	Direct persons in the Nelson-Tasman region not to light outdoor fires (on either public or private land) for the duration of the emergency) without prior approval from Fire and Emergency New Zealand (stop an activity which may substantially contribute to the emergency (COVID-19))	Following a request from FENZ and noting a high regional fire risk, this decision was taken to: reduce the number of responses required to fire related emergencies and thus reduce the risk of infection spread, especially in relation to emergency services and their families
s91	1-Apr-20	Taranaki	Authorised District Council Environmental Health Officers to direct businesses trading non-essential products to stop trading. (stop an activity which may substantially contribute to the emergency (COVID-19))	To cease members of the public making non-essential trips by closing a non-essential activity. Therefore, minimised risk of infection of others / community outbreak.

Powers used	Date used	CDEM Group / Local Authority	Description of power used	Describe the issue and outcome achieved
s88	1-Apr-20	Taranaki	Road closure (to prevent or limit the extent of the emergency)	To close or install gates or barriers to prevent access to the roads leading to Dawson Falls and Stratford Plateau/Mountain House. This removes access to hard to patrol freedom camping spots. Activities stopped that might result in the need for rescue activity, putting strain on emergency services and place emergency services personnel at risk. Ensures people are compliant with national direction on isolation.
S88	1-Apr-20	Canterbury	Road closure (to prevent or limit the extent of the emergency)	Vehicular access to roads inhibited to prevent people accessing the back country to the north of Hanmer Springs and the potential for the need to rescue them if they became lost or injured.
S91	6-Apr-20	Taranaki	Authorise noise control officers (from Local Authority) to issue directions to persons. (to direct any person to stop any activity that may cause or substantially contribute to an emergency)	Noise Control Officers able to respond to noise complaints in order to maintain law and order and ensure that there is compliance with national Alert Level 4 measures (physical distancing/isolation) during State of National Emergency.
S85	8-Apr-20	Taranaki	Designate a local manufacturer as an essential service to enable the provision of essential supplies. (to enter into arrangements to enable the supply of essential supplies)	Enabled a local manufacturer to operate as an essential service, therefore helping to ensure the availability of hospital scrubs for Taranaki District Health Board for safe, appropriate health service delivery.
S85	8-Apr-20	Taranaki	Designate named contractors as an essential service to undertake works associated with CDEM.	Designating specified contractors as essential services enabled them to undertake necessary maintenance on the New Plymouth Waste Water Treatment Plant (WWTP) and the Thermal Drying Facility (TDF).

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