



Cabinet Business Committee

Minute of Decision

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Powers and Authorisations to Give Effect to Alert Level 3

Portfolio **Attorney-General**

On 22 April 2020, the Cabinet Business Committee, in accordance with the Power to Act authorised by Cabinet [CAB-20-MIN-0145]:

- 1 **noted** that the COVID-19 Ministerial Group directed Crown Law, in consultation with Health, Police and NEMA, to report back to CVD on 21 April 2020 on the authorisations and powers that will be or have been put in place to give effect to the decision of Cabinet on 20 April to remain at Level 4 or move New Zealand to another level;
- 2 **noted** Cabinet's decision on 20 April 2020 that New Zealand will move to Alert Level 3 for a minimum of two weeks effective from 11.59pm on 27 April 2020 [CAB-20-MIN-0176];
- 3 **noted** that implementation of Alert Level 3 rests upon a suite of powers and authorisations under the Civil Defence Emergency Management Act 2002, the Epidemic Preparedness Act 2006 and the Health Act 1956 in combination with other regulatory regimes such as the Health and Safety at Work Act 2015;
- 4 **noted** that an order under section 70 of the Health Act 1956 is the primary mechanism for imposing restrictions consistent with the agreed Alert Level 3 measures discussed by Cabinet and that the order must be issued by the Medical Officer(s) of Health based on the public health evidence available to them when making the order;
- 5 **noted** that on 21 April 2020 the Director-General of Health, acting as a Medical Officer of Health, amended the existing orders under section 70 as needed to extend Alert Level 4 and enable maintenance activities and preparation for Alert Level 3;
- 6 **noted** that officials have prepared a new draft section 70 order for consideration of a Medical Officer of Health based on the detailed tables published on 16 April 2020 on covid19.govt.nz;
- 7 **noted** that some or all of the existing section 70 orders may be revoked by a Medical Officer of Health if the new draft order is made;
- 8 **noted** that the section 70 order for Alert Level 3 may be amended by a Medical Officer of Health if needed to accommodate unforeseen details or practical matters of implementation;

- 9 **directed** AOG officials to report to Cabinet on any legislative change to implement Alert Level 2 and to provide further advice on an appropriate infringement notice regime to assist with enforcing compliance.

Vivien Meek
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni
Hon Dr David Clark
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Damien O'Connor
Hon Kris Faafoi
Hon Ron Mark
Hon Shane Jones
Hon Tracey Martin
Hon Peeni Henare
Hon James Shaw

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet
Treasury
Ministry for Culture and Heritage
State Services Commission
Solicitor-General
New Zealand Police