



Briefing

PROTECTION FRAMEWORK AMENDMENT ORDER FOR SIGNING – COVID-19 PUBLIC HEALTH RESPONSE (PROTECTION FRAMEWORK) AMENDMENT ORDER (NO 2) 2022

To: Hon Chris Hipkins
Minister for COVID-19 Response

Date	20/01/2022	Priority	Urgent
Deadline	20/01/2022	Briefing Number	DPMC-2021/22-1217

Purpose

Attached to this briefing is the proposed COVID-19 Public Health Response (Protection Framework) Amendment Order (No 2) 2022, which we recommend you sign. This Order moves Northland to the Orange setting, in line with the rest of the country.


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; and

3. **Sign** the COVID-19 Public Health Response (Protection Framework) Amendment Order (No 2) 2022 (**Attachment A**)

YES / NO


Kay Baxter
Policy Manager
COVID-19 Group, DPMC
20/1/22


Hon Chris Hipkins
Minister for COVID-9 Response
20/1/22

Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Kay Baxter	Manager, Strategy and Policy, COVID-19 Group, DPMC	s9(2)(a)	
Matt McGrath	Senior Solicitor, DPMC		✓

Minister's office comments:

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- Withdrawn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

[Empty box for Minister's office comments]

PROTECTION FRAMEWORK AMENDMENT ORDER FOR SIGNING – COVID-19 PUBLIC HEALTH RESPONSE (PROTECTION FRAMEWORK) AMENDMENT ORDER (NO 2) 2022

Summary of the Amendments

1. This Order will move Northland from the Orange setting of the COVID-19 Protection Framework (the Framework) to the Red setting from 11.59pm tonight, Thursday 20 January.
2. Ministers agreed to this change on Wednesday 19 January as part of a review of the Framework settings [DPMC-2021/22-1197 refers].
3. Following this change the whole country will be at Orange.

Procedural Requirements for a COVID-19 Order

4. 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

5. 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.
6. The Order only reduces restrictions in Northland, and so a 48-hour notification period is not required.

Ministerial Consultation

7. 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.
8. Your office has advised that Ministerial consultation occurred as part of the 19 January Framework settings review.

Public Health Advice

9. 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.

- 10. Advice from the Director-General of Health was included in advice provided for the 19 January Framework settings review [DPMC-2021/22-1197]. This amendment is consistent with that advice.

New Zealand Bill of Rights Act 1990

- 11. The Act also requires that you are satisfied that an order under section 11 of the Act does not limit, or is a justified limit, on the rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA).

- 12. s9(2)(h)



Attachments:	
Attachment A:	COVID-19 Public Health Response (Protection Framework) Amendment Order (No 2) 2022