



# Briefing

## PROTECTION FRAMEWORK AMENDMENT ORDER FOR SIGNING – COVID-19 PUBLIC HEALTH RESPONSE (PROTECTION FRAMEWORK) AMENDMENT ORDER (NO 3) 2022

To Minister for COVID-19 Response (Hon Chris Hipkins)			
Date	23/01/2022	Priority	URGENT
Deadline	23/01/2022	Briefing Number	DPMC-2021/22-1241

### Purpose

Attached to this briefing is the proposed COVID-19 Public Health Response (Protection Framework) Amendment Order (No 3) 2022, which we recommend that you sign. This order moves all of New Zealand into the 'Red' settings of the COVID Protection Framework


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 (Protection Framework) Amendment Order (No 3) 2022 (**Attachment A**)


YES / NO



Ruth Fairhall  
Head of Strategy and Policy,  
COVID-19 Group, DPMC

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23/1/2022



Hon Chris Hipkins  
Minister for COVID-19 Response

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23/1/22

**Contact for telephone discussion if required:**

Name	Position	Telephone	1st contact
Ruth Fairhall	Head of Strategy and Policy, COVID-19 Group, DPMC	s9(2)(a)	
Matt McGrath	Senior Solicitor, DPMC	s9(2)(a)	✓

**Minister's office comments:**

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- Withdrawn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

# PROTECTION FRAMEWORK AMENDMENT ORDER FOR SIGNING – COVID-19 PUBLIC HEALTH RESPONSE (PROTECTION FRAMEWORK) AMENDMENT ORDER (NO 3) 2022

## Summary of the Amendments

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1. This amendment has the effect of moving New Zealand to the red settings of the COVID-19 Protection Framework (CPF). This is proposed as a result of the Omicron variant of the COVID-19 virus having been identified in the community on 22 January 2022.

## Procedural Requirements for a COVID-19 Order

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2. 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*

3. 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.
4. Officials advise that these changes are required urgently to limit the further spread of the Omicron variant. Accordingly, if you agree, the 48-hour notification period is not required to be observed.

### *Ministerial Consultation*

5. 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.
6. We are advised that, in accordance with the recommendation in [DPMC-2021/22-1240], the specified Ministers have been consulted and that this requirement has accordingly been complied with.

### *Public Health Advice*

7. 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.

- 8. This proposed change is as recommended by the Director General of Health following a Public Health Risk Assessment [DPMC-2021/22-1240 refers]. As such, this requirement has been complied with.

*New Zealand Bill of Rights Act 1990*

- 9. 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).
- 10. Crown Law have advised that (this section is subject to legal professional privilege):

a) s9(2)(h)

[Redacted content]

<b>Attachments:</b>	
<b>Attachment A:</b>	COVID-19 Public Health Response (Protection Framework) Amendment Order (No 3) 2022 (Signature Copy)