

Health Report

Health Act (COVID-19 Alert Level 3) Order 2020

Date due to MO: 24 April 2020	Action required by: N/A
Security level: IN CONFIDENCE	Health Report number: 20200641
To: Hon Dr David Clark, Minister of Health	

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)
Maree Roberts	Deputy Director-General System Strategy and Policy	s 9(2)(a)

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:

Health Act (COVID-19 Alert Level 3) Order 2020

Purpose of report

This report informs you that on 24 April 2020, the Director-General of Health may issue a new Health Act 1956 (Health Act) section 70 order.

Key points

- On 24 April 2020 a new order under s70(1)(f) and (m) of the Health Act 1956 was drafted to give effect to Alert Level 3. The Director-General of Health, Dr Ashley Bloomfield, exercising the functions of a medical officer of health for New Zealand, will consider whether this order is appropriate to protect New Zealand from the risk to public health that COVID-19 poses. If so, he will make the order to come into effect on 27 April 2020.
- The powers under section 70 of the Health Act are available due to the COVID-19 epidemic notice issued by the Prime Minister on 24 March 2020 which remains in effect for three months unless earlier revoked or renewed. The order will be issued on the basis the epidemic notice was issued: that the action is necessary to prevent the further outbreak or spread of COVID-19.
- The range of measures incorporated in the notice align with those measures anticipated in the Alert Levels Framework, which Ministers considered at the Cabinet Business Committee on 15 April [CBC-20-MIN-0041].
- The order will outline the terms of quarantine/isolation that all persons in New Zealand will need to adhere to while we are in Alert Level 3. If signed, it will come into effect at 11:59pm on Monday 27 April 2020. It will be subject for review if Cabinet decide to change to Alert Level 2.
- Crown Law has led the drafting of this new order. If signed, a copy will be provided to your office for your awareness (a draft order is provided in Appendix One).
- The effect of the order is to:
 - Require all persons in New Zealand to be isolated or quarantined as a Medical Officer of Health sees fit, and as set out in the terms of the order;
 - Forbid outdoor congregations in places of amusement or recreation; and
 - Close all premises without appropriate infection control measures in place.
- The order will revoke the following orders:
 - The section 70(1)(f) order made on 3 April 2020 (and renewed on 22 April 2020) which set out the terms of quarantine/isolation for all persons in New Zealand and gave effect to Alert Level 4;
 - The section 70(1)(m) order made on 25 March 2020 (amended on 22 April 2020) which forbid outdoor congregations in places of recreation or amusement and closes all premises except for essential businesses.


- The measures in the new order are designed to address the public health risks of COVID-19. The order is founded on public health evidence and recalibrates a range of infection control measures (put in place by the 3 April order) in a managed way to contain the risk of new outbreaks of COVID-19. A summary of the changes from the previous orders (which gave effect to Alert Level 4) have been included in the new order (which could give effect to Alert Level 3) are included at Appendix Two.

Recommendations

The Ministry recommends that you:

- a) **Note** that on 24 April 2020, the Director-General of Health may issue a new order under section 70 of the Health Act 1956 which could give effect to Alert Level 3 if made.

Maree Roberts
Deputy Director-General
Policy and Strategy



Hon Dr David Clark
Minister of Health
Date: 26 April 2020

Appendix One is withheld in full under section 9(2)(g)(i) of the Official Information Act, in order to maintain the effective conduct of public affairs through the free and frank expression of opinions.

Appendix One: Draft Health Act (COVID-19 Alert Level 3) Order 2020

Attached separately.

Proactively released

Appendix Two: Summary of changes

The following changes from the previous orders (which gave effect to Alert Level 4) have been included in the new order (which could give effect to Alert Level 3):

- business and services may operate if the business has relevant infection control measures in operation;
- there are different infection control measures for three different categories of business or services – some services may allow clients or customers on the premises (e.g. hospitals, primary care clinics, supermarkets) and others may not (e.g. retail stores, restaurants);
- educational entities (for students up to year 10) may open, if relevant infection control measures are in place (e.g. sufficient physical distancing and systems to support contact tracing);
- some controlled gatherings of up to 10 persons are allowed, including weddings, funerals and tangihanga;
- people may leave their homes or places of residence to access those businesses or services, educational entities or controlled gatherings;
- people may leave their region for a funeral service or tangihanga;
- “bubbles” may be extended to include close whānau, caregivers or individuals who live alone or are otherwise isolated;
- people may relocate their home or place of residence, or business premises;
- people are able to leave their home for recreation or exercise, as long as it does not include: flying manned aircraft, water-based activities involving motorised craft or equipment, scuba diving, or any other activities that put the participant in danger.