

16 December 2021

Reference: IR-01-21-32267

M Murphy
fyi-request-17387-d165ed28@requests.fyi.org.nz

Dear M Murphy

I am writing in response to your request dated 29 October 2021. Your request has been considered pursuant to the Official Information Act 1982 (OIA). Specifically, your request stated:

1) Please provide all enforcement guidance and/or policies provided to your staff around shared custody and children and accompanying guardians movement between regions in Alert Levels 4 & 3 to regions in Alert Level 2 or lower for the period 17 August 2021 to the present.

2) Please provide enforcement guidance and/or policies provided to your staff around whether or not this exemption allows parents or guardians with shared custody the ability to solely travel to collect or drop off their children in one trip. Or whether there is also leeway for parents to utilise this exemption to spend time with their children in a different Alert Level than their Alert Level of residence.

ie. Parent A resides in (Auckland) Alert Level 3, travels to Parent B's home in Alert Level 2, collects the children and then stays in alternative accomodation in Alert Level 2 with the children for a week prior to returning to their home in Alert Level 3.

In the scenario you have described, the relevant legislation is the COVID-19 Public Health Response Act 2020 and COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021. Both are publicly available at the links below. These provide the basis for the operation of the checkpoints and are the basis for briefings to staff.

<https://www.legislation.govt.nz/act/public/2020/0012/latest/LMS344134.html>

<https://www.legislation.govt.nz/regulation/public/2021/0263/latest/whole.html>

Operational Policing Guidelines outline how staff operate in these environments. These guidelines are provided to staff and are based on the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021.

The Covid 19 Website provides further guidance: <https://covid19.govt.nz/travel/permitted-travel-at-different-alert-levels/personal-travel-across-an-alert-level-boundary/list-of-permitted-personal-travel-across-an-alert-level-boundary/#collecting-or-accompanying-others>

Police National Headquarters

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The following is an extract from the above site:

Childcare (Shared Custody)

Children can travel to visit or stay at the home of a shared caregiver. This includes travelling to maintain a whāngai arrangement.

They may be accompanied by a member of either household to or from the home of the other shared caregiver.

You can cross the boundary in either direction.

You can also travel from Alert Level 2 to another Alert Level 2 area (in 1 trip). You should not stop on your journey through the Alert Level 3 area. You can stop in an emergency, to use a toilet or get petrol, but you must follow Alert Level 3 guidance

You have a right under section 28(3) of the OIA to ask the Ombudsman to seek an investigation and review of my decision.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Barry Taylor', with a long horizontal stroke extending to the right.

Superintendent Barry Taylor
Director: Major Events