



BRIEFING

Amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to give legal effect to the self-isolation pilot

Date:	14 October 2021	Priority:	High
Security classification:	In Confidence	Tracking number:	2122-1338

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Agree to the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021 to give legal effect to the self-isolation pilot.	17 October 2021

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Christina Sophocleous-Jones	General Manager, Self-Isolation Pilot	s 9(2)(a), s 9(2)(g)(ii)	✓

The following departments/agencies have been consulted
Crown Law Office, Ministry of Health

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments

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Purpose

To seek your agreement to the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021 to give legal effect to the self-isolation pilot.

Recommended action

The Ministry of Business, Innovation and Employment (MBIE) recommends that you:

- a **Note** that to amend a COVID-19 order you must have had regard to advice from the Director-General about (i) the risks of the outbreak or spread of COVID-19, and (ii) the nature and extent of measures that are appropriate to address those risks. *Noted*
- b **Note** that to amend a COVID-19 order you must be satisfied that the order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990. *Noted*
- c **Note** that to amend a COVID-19 order you must consult with the Prime Minister, Minister of Health, and Minister of Justice. *Noted*
- d **Agree** to the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021 to give legal effect to the self-isolation pilot.

Agree / Disagree

Christina Sophocleous-Jones
General Manager, Self-Isolation Pilot
Managed Isolation and Quarantine, MBIE

14 / 10 / 2021

Hon Chris Hipkins
Minister for COVID-19 Response

14 / 10 / 2021

Background

1. On 27 September, Cabinet agreed to the design parameters of the self-isolation pilot [CAB-21-MIN-0386 refers]. Cabinet was advised that amendments to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 ('the Order') would be necessary to give legal effect to the self-isolation pilot.
2. This briefing seeks your agreement to the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021 ('the Amendment Order') for such purpose.

COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021

3. The Amendment Order adds a new Part, which is specific to the self-isolation pilot, to the Order. By way of overview, this Part:
 - a. Requires participants to:
 - i. Comply with requirements set out in this Part, and any conditions of the self-isolation pilot (eg that a \$1000 fee be paid)
 - ii. Remain at their place of self-isolation for 14 days unless permitted or required to leave in a very limited set of circumstances
 - iii. Physically distance and use PPE in specific circumstances
 - iv. Not permit anyone to enter their place of self-isolation, except in very limited circumstances, and subject to certain conditions
 - v. Report for and undergo medical examination and testing for COVID-19
 - vi. Comply with monitoring requirements
 - vii. Display a notice provided by MBIE at every entry point to their place of self-isolation
 - viii. Exercise (while wearing a face covering) only within the boundary of their place of self-isolation, and where any outside area is used by no one other than those permitted to enter the place of self-isolation
 - b. Provides for a person to enter managed isolation or quarantine if they breach the requirements or conditions of the pilot, or test positive for COVID-19
 - c. Requires that a person not enter a participant's place of self-isolation unless otherwise permitted
 - d. Requires employers of participants to take all reasonable steps to ensure participants comply with the requirements of the pilot
 - e. Makes breaching a requirement or condition (by an employer, participant, or a person not permitted to enter a place of self-isolation) a breach of the Order.
4. The only design matter on which a decision was not expressly sought from Cabinet, but which is included in this Part, is that participants must display notices that make clear their location is a place of self-isolation. Officials have determined that this requirement is necessary to give effect to Cabinet's decision that it be an offence for a person to enter a participant's place of self-isolation, unless otherwise permitted [CAB-21-MIN-0386 refers].

5. No consequential amendments to the COVID-19 Public Health Response (Air Border) Order 2020 are required at this time. Participants will be manually issued an offline Managed Isolation Allocation System voucher to be compliant with the requirement to have evidence of a confirmed allocation.

Public health justification

6. Under the COVID-19 Public Health Response Act 2020, to make a COVID-19 order you must have had regard to advice from the Director-General about (i) the risks of the outbreak or spread of COVID-19, and (ii) the nature and extent of measures that are appropriate to address those risks.
7. Cabinet noted that the self-isolation pilot will increase the risk of introducing COVID-19 into the community, compared to the risk associated with participants entering Managed Isolation and Quarantine [CAB-21-MIN-0386 refers]. Cabinet also noted that, given the inherent risk associated with running a pilot of this nature, the design parameters of the pilot may be more restrictive than those used for a wider scale roll-out of self-isolation.

Consistency with the Bill of Rights Act 1990

8. Under the COVID-19 Public Health Response Act 2020, to make a COVID-19 order you must be satisfied that the order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990.

9.  s 9(2)(h)
- 10.
- 11.
- 12.

Ministerial consultation

13. Under the COVID-19 Public Health Response Act 2020, to make a COVID-19 order, you must consult with the Prime Minister, the Minister of Justice and the Minister of Health.
14. These Ministers were consulted on the design parameters of the self-isolation pilot – to which Cabinet agreed, and the Amendment Order gives legal effect.

Next steps

15. If you agree to the Amendment Order, it will come into effect 48 hours after it has been notified in the New Zealand Gazette.
16. In the week of 18 October, we will provide you with final operational plans for the self-isolation pilot for your approval. These plans will detail the end-to-end participant journey,

including details of the testing regime agreed with MOH, monitoring technology, and the evaluation approach.

Annexes

Annex One: COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021

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**Annex One: COVID-19 Public Health Response (Isolation and Quarantine)
Amendment Order (No 3) 2020**

Attached for signature.

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