



# Meeting of the COVID-19 Ministerial Group

## Minute of Decision

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### Epidemic Preparedness (Local Government Act 2002) Immediate Modification Order 2020

The group of Ministers with Power to Act on COVID-19 matters [CAB-20-MIN 0130] convened on 9 April 2020 at 10.30am, and in accordance with their Power to Act:

- 1 **noted** that on 23 March 2020, Cabinet:
  - 1.1 noted that the Minister of Local Government is proposing that a modification order be made to enable local government to operate under the COVID-19 Alert Level 4;
  - 1.2 invited the Minister of Local Government to issue drafting instructions to the Parliamentary Counsel Office for the preparation of an appropriate order and to submit it to the group of Ministers with Power to Act on COVID-19 for consideration;

[CAB-20-MIN-0135]
- 2 **noted** that clause 14 of Schedule 7 of the Local Government Act 2002 (LGA02) requires newly elected members to sign a written declaration witnessed by another member or the chief executive of the local authority before they can act as members;
- 3 **noted** that the COVID-19 Response (Urgent Management Measures) Legislation Act 2020 amended the LGA02 so that a member of a local authority has the right to attend any meeting by audio or audio-visual link;
- 4 **noted** that the requirement in clause 14 will be impossible or impracticable for local authorities to comply with, or comply fully with, while close contact restrictions relating to COVID 19 are in place;
- 5 **noted** that the modification order will:
  - 5.1 remove the requirement in clause 14(1)(b) for a written declaration before a person can act as a member;
  - 5.2 create a new obligation for a signed declaration to be provided to the Chief Executive as soon as is reasonably practicable;
  - 5.3 remove the requirement for the written declaration to be witnessed as set out in subclause (2) and (3);

**IN C O N F I D E N C E**

- 6 **noted** that the Minister of Local Government has received written advice from the Chief Executive of the Department of Internal Affairs that he considers the test in section 15(2)(a) of the Epidemic Preparedness Act 2006 to make a modification order is met;
- 7 **noted** that the Minister of Local Government considers the test is met, as per the requirement in section 15(2)(b);
- 8 **noted** that a waiver of the 28-day rule is sought:
- 8.1 so that the regulations can come into force as soon as possible;
- 8.2 on the grounds that the Order is made in response to an emergency to enable council decision-making. It is important that local authorities can continue to fully function to enable an effective COVID-19 response;
- 9 **agreed** to waive the 28-day rule so that the regulations can come into force on the day following their publication by Gazette notice;
- 10 **authorised** the submission to the Executive Council of the Epidemic Preparedness (Local Government Act 2002) Immediate Modification Order 2020 [PCO 22834/4.0].

Rachel Hayward  
for Secretary of the Cabinet

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**Distribution:**

The Cabinet  
Hon James Shaw

Copied to officials via email