



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

Patsy Reddy, Governor-General

Order in Council

At Wellington this 9th day of April 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under section 15 of the Epidemic Preparedness Act 2006—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Local Government made after being satisfied of the matters required by section 15(2)(b) of that Act and on a written recommendation from the chief executive of the Department of Internal Affairs stating the matters required by section 15(2)(a).

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Order

1 Title

This order is the Epidemic Preparedness (Local Government Act 2002) Immediate Modification Order 2020.

2 Commencement

This order comes into force on 10 April 2020.

3 Enactment to which modifications made

This order modifies requirements imposed by the Local Government Act 2002 (the Act).

4 Requirement for declaration by member is modified

(1) The modifications set out in this clause apply to a person who makes the declaration required by clause 14(1)(a) of Schedule 7 of the Act—

- (a) on or after 10 April 2020; and
- (b) while the Epidemic Preparedness (COVID-19) Notice 2020 is in force.

(2) Clause 14(1)(b) of Schedule 7 of the Act does not apply.

(3) Clause 14(2) and (3) of Schedule 7 of the Act applies as if it were replaced with:

(2) As soon as is reasonably practicable after the meeting at which the person makes their oral declaration, the person must—

- (a) sign a written version of the declaration; and
- (b) provide a copy of that signed version to the chief executive of the local authority (for example, by emailing a scanned copy).

(3) The form of the declaration must consist of the following elements:

Declaration by mayor or chairperson or member

“I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [*region or district*], the powers, authorities, and duties vested in, or imposed upon, me as [*mayor or chairperson or member*] of the [*local authority*] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act

Dated at: [*place, date*]

Signature:”

(4) A failure to comply with subclause (2) does not affect the person’s ability to act as a member.

5 Revocation

This order is revoked when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.

Rachel Hayward,
for the Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order is made under the Epidemic Preparedness Act 2006 and its effect is temporary. It comes into force on 10 April 2020 and is revoked when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked. It modifies requirements imposed by the Local Government Act 2002 (the **Act**) that may be impossible or impracticable to comply with during an epidemic.

Clause 1 states the Title of the order.

Clause 2 states that the order comes into force on 10 April 2020.

Clause 3 states that the order modifies requirements imposed by the Act.

Clause 4 modifies clause 14 of Schedule 7 of the Act, which prohibits a person from acting as a member of a local authority until—

- they have made an oral declaration in the required form at a meeting of the local authority; and
- a written version of the declaration has been attested in the required way (which involves the declaration being signed by the member and witnessed by the chairperson, mayor, or another member of the local authority or by the chief executive or another officer of the local authority).

Clause 4 modifies those requirements so that the person may act as a member of the local authority once they have made their oral declaration. The person must then sign a written version of the declaration and provide a copy to the chief executive of the local authority. The signing does not need to be witnessed.

Clause 5 provides that the order is revoked when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.

Statement of reasons

The Minister of Local Government is satisfied of the matters required by section 15(2)(b) of the Epidemic Preparedness Act 2006 for the reasons that follow.

The *New Zealand Influenza Pandemic Plan: A framework for action* identifies the roles and responsibilities of local authorities in the response phase as being to provide local leadership, maintain essential local government services, provide a local Civil Defence Emergency Management (**CDEM**) response to pandemic influenza, and support the activities of their CDEM Group to address the community consequences of pandemic influenza.

Several members elected at recent by-elections have yet to make their declarations, a number of by-elections are currently underway, and further by-elections may be required.

The COVID-19 Response (Urgent Management Measures) Legislation Act 2020 amended the Local Government Act 2002 to allow local authority meetings to be conducted wholly by audio or video conferencing while the Epidemic Preparedness (COVID-19) Notice 2020 is in force. Most local authority meetings over this period will be conducted by audio, rather than video, conferencing.

It is not possible for the signing of the written declaration to be witnessed by another participant in a meeting conducted by audio conference. This modification is necessary to enable new local authority members to make the declaration and assume their role as members while the Epidemic Preparedness (COVID-19) Notice 2020 is in force.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 9 April 2020.

This order is administered by the Department of Internal Affairs.