

COVID-19

COVID-19 Public Health Response Amendment Act (No 2) 2021

November 2021

Fact Sheet 10: Management of Police checkpoints during restricted movements under COVID-19 response

Previous state

The COVID-19 Public Health Response Act defines an enforcement officer as:

- the Director-General of Health;
- a medical officer of health;
- a constable; and
- in relation to any function or power, a person or a class of persons authorised to perform that function or power under section 18.

The COVID-19 Public Health Response Act currently provides enforcement officers with various powers including under section 22(2) of the Act. This section states that an enforcement officer can assist with prohibiting or restricting public access, with or without vehicles, to any road or public place within an area specified in an Order.

This means enforcement officers can assist Police with establishing and maintaining roadblocks or checkpoints for the purpose of enforcing or monitoring compliance with Orders that provide for the total or partial prohibition of public access to a road or public place.

The approach of NZ Police to checkpoints to date has been effective in maintaining positive relationships with Iwi and communities. However, those groups have expressed an interest in collaborating more with Police to manage checkpoints, due to welfare concerns for whānau living in isolated communities.

On 25 March 2021, the Commissioner of Police received a delegation from the Director-General of Health under section 18 of the Act. This delegated power enables the Commissioner to authorise enforcement officers to assist Police with the management of Alert Level boundaries that have been mandated by any Order.

What has changed?

The change amends the Act to enable enforcement officers, acting under the supervision of a constable, to assist Police with the management of Orders that provide for restricted movements by stopping vehicles and people at roadblocks and checkpoints. For the specific power of stopping vehicles and people, enforcement officers undertaking these duties may consist only of:

- staff of the Armed Forces,
- Māori wardens,
- nominated representatives of Iwi organisations,
- Pasifika wardens or
- Community Patrollers.

These class of persons will be considered through a formal process that includes nomination, assessment and training. Enforcement officers will only be authorised on completion of all elements of the selection process.

How will this impact you?

Police only operate roadblocks and checkpoints where movement is restricted. The amendment will mean that if a restricted movement Order is in place that requires or permits checkpoints or roadblocks to be set up in your area, in addition to a Police constable, it will now be possible for an enforcement officer to direct you to stop your vehicle. If the enforcement officer stops you, they will be required to show you their identification. They may also discuss with you the purpose of your travel, do an initial review of exemption documentation, or direct your movement to manage traffic.

Police will retain decision making powers and enforcement officers will be acting under the direction and supervision of a constable at all times.

Want to know more?

For further information about the COVID-19 Public Health Response Amendment Act visit the Ministry of Health [website](#).

Read the [Regulatory Impact Statement](#).