

CORPORATE OFFICE

Level 1
32 Oxford Terrace
Christchurch Central
CHRISTCHURCH 8011

Telephone: 0064 3 364 4160
Fax: 0064 3 364 4165
carolyn.gullery@cdhb.health.nz

4 June 2020

9(2)(a)

RE Official information request CDHB 10308 and WCDHB 9425

We refer to your email dated 7 May 2020 requesting the following information from Canterbury DHB and West Coast DHB under the Official Information Act regarding the use of requisitioning powers.

In terms of the Official Information Act, please provide me with detail on your organisation's use of requisitioning powers authorised under the state of emergency or under the epidemic notice. I would like to know what sorts of goods have been requisitioned, how frequently this has happened, and what compensation has been offered.

Note that I am making the same request of the Ministry of Health, the District Health Boards, and Civil Defence.

- 1. I would like copies of any requisition orders provided under 90(3) of the Civil Defence Emergency Management Act, as well as copies of any requisition orders produced under 90(5) of the same Act. I also request detail of any compensation provided.**

There was one requisition implemented pursuant to section 90(3) and 91(1)(b) of the Civil Defence Emergency Management Act (CDEM). This was done in collaboration with the Christchurch City Council. Please find documentation attached as **Appendix 1**. No compensation was provided.

Note we have redacted information pursuant to Section 9(2)(a) i.e. *"....to protect the privacy of natural persons, including that of deceased natural persons"*.

- 2. I would also like copies of any requisition orders produced under 71 (1) of the Public Health Act, also with detail of any compensation provided.**

No requisitions pursuant to section 71(1) of the Public Health Act were exercised by Canterbury DHB or West Coast DHB Medical Officers of Health.

3. Please also provide any background papers, policies, guidelines, advice, or related documents on the use of requisitioning powers

We do not hold any local guidelines in our Community and Public Health Units. Guidance that the Medical Officers of Health have regarding the use of s70 and 71 powers is that they are expected to inform the Ministry of Health (usually the Director of Public Health or one of the Deputies) if we are considering using them.

I trust that this satisfies your interest in this matter.

You may, under section 28(3) of the Official Information Act, seek a review of our decision to withhold information by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz; or Freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Canterbury DHB website after your receipt of this response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gullery', with a long, sweeping horizontal stroke extending to the right.

Carolyn Gullery
Executive Director
Planning, Funding & Decision Support

From: Higgins, John [<mailto:John.Higgins@ccc.govt.nz>]
Sent: Wednesday, 6 May 2020 5:06 p.m.
To: Kathy O'Neill (P&F) <Kathy.O'Neill@cdhb.health.nz>; 9(2)(a) [REDACTED]
 9(2)(a) [REDACTED] <[9\(2\)\(a\)@riccartonclinic.co.nz](mailto:9(2)(a)@riccartonclinic.co.nz)>
Cc: 9(2)(a) [REDACTED] <[9\(2\)\(a\)@ccc.govt.nz](mailto:9(2)(a)@ccc.govt.nz)>
Subject: RE: CDHB Letter for Requisition of CCC Leslie Street Carpark

Hi Kathy/9(2) [REDACTED]

Yes I'm fine with this for Level 2.

If any issues do arise, please let me know.

Regards
 John

From: Kathy O'Neill (P&F) <Kathy.O'Neill@cdhb.health.nz>
Sent: Wednesday, 6 May 2020 4:13 PM
To: 9(2)(a) [REDACTED] <[9\(2\)\(a\)@riccartonclinic.co.nz](mailto:9(2)(a)@riccartonclinic.co.nz)>; Higgins, John <John.Higgins@ccc.govt.nz>
Cc: 9(2)(a) [REDACTED] <[9\(2\)\(a\)@ccc.govt.nz](mailto:9(2)(a)@ccc.govt.nz)>
Subject: RE: CDHB Letter for Requisition of CCC Leslie Street Carpark

Thanks 9(2) [REDACTED]. Based on this John are you in agreement the current arrangements for land use can continue and we will update you again when changes are being indicated or if anything is emerging as an issue?
 Thanks Kathy

From: 9(2)(a) [REDACTED] <[9\(2\)\(a\)@riccartonclinic.co.nz](mailto:9(2)(a)@riccartonclinic.co.nz)>
Sent: Wednesday, 6 May 2020 4:08 p.m.
To: Higgins, John <John.Higgins@ccc.govt.nz>
Cc: 9(2)(a) [REDACTED] <[9\(2\)\(a\)@ccc.govt.nz](mailto:9(2)(a)@ccc.govt.nz)>; Kathy O'Neill (P&F) <Kathy.O'Neill@cdhb.health.nz>
Subject: RE: CDHB Letter for Requisition of CCC Leslie Street Carpark

Hi John

We have granted and maintained access for the businesses in West Link Mall throughout Level 4 and Level 3 so I see no impediment to them operating when we move to Level 2. I must admit that we questioned their appropriateness of operating under the higher levels but nevertheless have allowed them unrestricted access which includes giving the combination lock code to their refuse collection contractor so they can obtain access at 5am.

As you know, there is copious parking for their customers to the north of West Link Mall and it is most unlikely that we will need #21 Leslie Street so that whole parking area is available to customers of those businesses.

As and when we move to Level 1 they will be increasing pressure on parking in the wider Leslie Street carpark area and at that time we may be able to reconfigure our space to reduce it slightly. For the moment we have passenger vehicles arriving every 15 minutes for COVID-19 swabbing from 9am through to 5pm, seven days a week and can have several cars waiting in line. With our current configuration these can be contained within the fenced off area and avoids any traffic disruption on Leslie Street itself.

Regards

9(2)

9(2)(a)

Riccarton Clinic

PO Box 6081, 4-6 Yaldhurst Road, Upper Riccarton, Christchurch 8442

www.riccartonclinic.co.nz

9(2)(a)



From: Higgins, John <John.Higgins@ccc.govt.nz>

Sent: Wednesday, 6 May 2020 3:54 pm

To: 'Kathy O'Neill (P&F)' <Kathy.O'Neill@cdhb.health.nz>

Cc: 9(2)(a) <[9\(2\)\(a\)@ccc.govt.nz](mailto:9(2)(a)@ccc.govt.nz)>; 9(2)(a)

9(2)(a) <[9\(2\)\(a\)@riccartonclinic.co.nz](mailto:9(2)(a)@riccartonclinic.co.nz)>

Subject: RE: CDHB Letter for Requisition of CCC Leslie Street Carpark

Hi Cathy

From my perspective, the only issue we probably need to work through is any impact on the surrounding business – in particular the side access to West Link. They might be restarting some activity under Level 2.

9(2) will be in the best position to confirm whether there are likely to be any access issues – maybe he will need to confirm with those businesses.

While the activity is also occupying car parks, I doubt that is going to be an issue under Level 2 as there is still other car parks in the vicinity. I'm not so worried about that now but that might become more of a consideration with a move to Level 1.

Regards

John

From: Kathy O'Neill (P&F) <Kathy.O'Neill@cdhb.health.nz>

Sent: Wednesday, 6 May 2020 3:14 PM

To: Baxendale, Dawn <Dawn.Baxendale@ccc.govt.nz>

Cc: JEOC.Controller <JEOC.Controller@ccc.govt.nz>; 9(2)(a) <[9\(2\)\(a\)@cdemcanterbury.govt.nz](mailto:9(2)(a)@cdemcanterbury.govt.nz)>

9(2)(a) <[9\(2\)\(a\)@cdemcanterbury.govt.nz](mailto:9(2)(a)@cdemcanterbury.govt.nz)>; Higgins, John <John.Higgins@ccc.govt.nz>; 9(2)(a)

9(2)(a) <[9\(2\)\(a\)@ccc.govt.nz](mailto:9(2)(a)@ccc.govt.nz)>; 9(2)(a) <[9\(2\)\(a\)@riccartonclinic.co.nz](mailto:9(2)(a)@riccartonclinic.co.nz)>

9(2)(a)

Subject: RE: CDHB Letter for Requisition of CCC Leslie Street Carpark

Hi Dawn, I have received a request from our EOC that health are needing to continue to operate a Community Based Assessment Centre from that site. To do so without risking infection control issues

Riccarton Clinic will continue to need the use of the carpark. Pre-empting a possible move to Level 2 do you have any concerns about the continued use of the car park land by Riccarton Clinic?
And if so what would be required to satisfy any emerging issues?
Thanks Kathy

KATHY O'NEILL
TEAM LEADER
PLANNING AND FUNDING
CANTERBURY AND WEST COAST DISTRICT HEALTH BOARDS
DDI 337 8659 OR EXT 68659
CELLPHONE 9(2)(a)

Canterbury
District Health Board
Te Poari Hauora o Waitaha



From: Kathy O'Neill (P&F) <Kathy.O'Neill@cdhb.health.nz>
Sent: Saturday, 28 March 2020 1:00 PM
To: ECC Manager (CDHB) <ECCManagerCDHB@cdhb.health.nz>
Cc: Carolyn Gullery <Carolyn.Gullery@cdhb.health.nz>
Subject: FW: CDHB Letter for Requisition of CCC Leslie Street Carpark

FYI: The approval to take control of the land for the Riccarton Clinic Carpark. Regards Kathy

From: Baxendale, Dawn [<mailto:Dawn.Baxendale@ccc.govt.nz>]
Sent: Saturday, 28 March 2020 12:33 p.m.
To: Kathy O'Neill (P&F) <Kathy.O'Neill@cdhb.health.nz>
Cc: JEOC.Controller <JEOC.Controller@ccc.govt.nz>; 9(2)(a) @cdemcanterbury.govt.nz'
9(2)(a) @cdemcanterbury.govt.nz>; Higgins, John <John.Higgins@ccc.govt.nz>; 9(2)(a)
9(2)(a) @ccc.govt.nz>; 9(2)(a) @riccartonclinic.co.nz'
9(2)(a)
Subject: RE: CDHB Letter for Requisition of CCC Leslie Street Carpark

Dear Kathy,

Thank you for your letter. I confirm that this satisfies the requirement of a written statement under Section 90 of the CDEM Act. I can confirm that CDHB will be able to take control of the land as soon as possible. John Higgins will confirm with you when CDHB are able to take control of the land.

Keep well and safe

Dawn

Dawn Baxendale

Chief Executive

Christchurch
City Council 

DDI 9(2)(a)
 Email dawn.baxendale@ccc.govt.nz
 Web ccc.govt.nz

Christchurch City Council
 Civic Offices, 53 Hereford Street
 PO Box 73016, Christchurch, 8154

Please consider the environment before printing this email

FYI - INSTRUCTION FROM CONTROLLER TO COUNCIL and CDHB

From: JEOC.Controller <jeoc.controller@ccc.govt.nz>
Sent: Thursday, March 26, 2020 1:01 PM
To: Higgins, John; 9(2)(a)
Cc: IMTLeader; CDEM Canterbury; 9(2)(a)
 sue.nightingale@cdhb.health.nz; ramon.pink@cdhb.health.nz; Gibbs, Megan;
 9(2)(a)@cdemcanterbury.govt.nz
Subject: FW: URGENT REQUEST FOR APPROVAL & ASSISTANCE to commandeer Church Corner Mall carpark as part of setting up COVID-19 testing site

Hi John, 9(2)(a)

Further to our conversation, I have met with the Regional Controller and he had agreed that I (as Local Controller) utilise Section 91 (1) (b) of the CDEM Act 2002 in regards to resolving the issue at Church Corner Mall.

Therefore I advise that under Section 91 (1) (b) of the CDEM Act that I request

- a) you provide the Canterbury District Health Board (CDHB) with control of such parts of your Church Corner Mall carpark as may be necessary to use as a COVID-19 testing site in response to the COVID-19 pandemic. This requisition request is made as provided for under section 90 (2) (a) of the CDEM Act; and to place the property under the control of the CDHB for the purpose of establishing a Community Based Assessment Centre (CBAC). The CDHB may delegate day-to-day control of the site to a relevant service directed by it for this purpose.
- b) The CDHB is requested to provide to the CCC a written statement as provided for at section 90(3) of the CDEM Act specifying the details of the property that is to be requisitioned, and the name of the person under whose control the property is to be placed; with a copy to the Regional Controller for completeness.
- c) There is a waiving of consent for this activity at Church Corner Mall.
- d) CDHB are instructed to provide temporary fencing to the site for health and safety and security reasons

Mary Richardson
Local Controller

From: Kathy O'Neill (P&F) <Kathy.O'Neill@cdhb.health.nz>
Sent: Friday, 27 March 2020 3:24 PM
To: Baxendale, Dawn <Dawn.Baxendale@ccc.govt.nz>; Richardson, Mary <Mary.Richardson@ccc.govt.nz>
Cc: 9(2)(a) <[REDACTED]@riccartonclinic.co.nz>; Higgins, John <John.Higgins@ccc.govt.nz>
Subject: CDHB Letter for Requisition of CCC Leslie Street Carpark

Hi Dawn and Mary, This letter has been written with the assistance of 9(2)(a) [REDACTED] Riccarton Clinic and John Higgins. I hope it meets requirements.
 Thank you for your support.
 Regards Kathy

KATHY O'NEILL
TEAM LEADER
PLANNING AND FUNDING
CANTERBURY AND WEST COAST DISTRICT HEALTH BOARDS
DDI 337 8659 OR EXT 68659
CELLPHONE 9(2)(a) [REDACTED]

Canterbury
 District Health Board
 Te Poari Hauora o Waitaha

 **West Coast**
 District Health Board
 Te Poari Hauora a Rohe o Tai Poutini



Dawn Baxendale
Chief Executive
Christchurch City Council

Mary Richardson
Local Controller
Christchurch City Council
27 March 2020

Dear Dawn and Mary,

This is the required written statement to support requisition of land use as provided for under section 90 of the Civil Defence Emergency Management Act 2002 (CDEM). When approved the Canterbury District Health Board (CDHB) will have control of such parts of a Christchurch City Council owned car park off Leslie Street as identified below. The carpark is to be used exclusively by Riccarton Clinic as a COVID-19 Community Based Assessment Centre (CBAC) site in response to the COVID-19 pandemic.

The controller as designated by the CDHB is the signatory of this letter. As agreed by Civil Defence the CDHB may delegate day-to-day control of the site to a relevant service directed by it for this purpose. It should be noted that the intention will be to delegate day to day control to Riccarton Clinic. The date of control will be from the point of approval and will continue until the site is no longer required as a CBAC or as otherwise directed by the Civil Defence Local Controller. The site will be returned to the Christchurch City Council in a good condition with all buildings and equipment removed and any damage made good.

The property required is identified in the aerial photo attached below as 19 and 21 Leslie Street. The property forms a component part of the Leslie Street carpark. Initially only 19 Leslie Street is intended to be used but should additional space be required the adjoining property, 21, is the more useful.

Note that Riccarton Clinic is shown at 4 Yaldhurst Road.

The following points need to be noted:

- that Riccarton Clinic 9(2)(a) checked with the Westlink Centre staff who were clearing out stock on 26 March 2020 and were using the main trade entry/exit which connects to 19 Leslie Street. When asked Westlink Centre staff said if access needed to be maintained and they said that they didn't. They have now secured the gates for that entry/exit and are using the entrance doors to the North which they can use from their carpark area. There are no other business impacted by the proposed use of 19, or 21, Leslie Street.
- that the CDHB is instructed to provide temporary fencing to the site as needed for health and safety and security reasons. It is the intention that this instruction will be delegated by the controller to Riccarton Clinic.

Canterbury

District Health Board

Te Poari Hauora o Waitaha

I trust that this letter satisfies the requirement of a written statement under Section 90 of the CDEM Act and that the CDHB will receive formal confirmation of their control of the land as soon as possible.

Yours sincerely



Kathy O'Neill
Team Leader
Primary Care and Disability
Canterbury District Health Board

