

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOTEAROA  
TE WHANGANUI-A-TARA ROHE**

**CIV-2020-485-194**

UNDER	the Judicial Review Procedure Act 2016
IN THE MATTER	of an application for judicial review
BETWEEN	ANDREW BORROWDALE Applicant
AND	DIRECTOR-GENERAL OF HEALTH First Respondent
	ATTORNEY-GENERAL Second Respondent

Counsel: T Mijatov for Applicant  
V E Casey QC, V McCall and E M Jamieson for Respondents  
T C Stephens, J B Orpin-Dowell and M R G van Alphen Fyfe for Intervener

Minute: 20 August 2020

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**MINUTE OF THOMAS J  
(Slip correction under r 11.10)**

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[1] The terms of the declaration made at the conclusion of our judgment released yesterday ([2020] NZHC 2090) contained a slip which is to be corrected under r 11.10. The judgment will be reissued today, with the declaration now reading as follows:

By various public and widely publicised announcements made between 26 March and 3 April 2020 in response to the COVID-19 public health crisis, members of the executive branch of the New Zealand Government stated or implied that, for that nine-day period, subject to limited exceptions, all New Zealanders were required by law to stay at home and in their “bubbles” when there was no such requirement. Those announcements had the effect of limiting certain rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990 including, in particular, the rights to freedom of movement, peaceful assembly and association. While there is no question that the requirement was a necessary, reasonable and proportionate response to the

COVID-19 crisis at that time, the requirement was not prescribed by law and was therefore contrary to the New Zealand Bill of Rights Act.

[2] The correction made to the declaration is that the words “s 5 of” have been removed from the final sentence. Apart from the addition of an “and” in the heading before paragraph [47] there has been no other correction or change to any other aspect of the judgment.

**Thomas J**

Solicitors:  
Impact Legal, Wellington for Applicant  
Crown Law, Wellington for Respondents  
Bronwyn Jones, New Zealand Law Society, Wellington