

Special Measures Order (HOA Exemption Order #2)

**Made pursuant to Section 28 of the
Public Health Protection and Promotion Act**

May 4, 2020

TO: All Members and employees of the House of Assembly

WHEREAS:

- A. While a declaration of a public health emergency is in effect, the Chief Medical Officer of Health may do one or more of the special measures authorized under section 28 of the **Public Health Protection and Promotion Act** for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency;
- B. On March 18, 2020, the Minister of Health and Community Services, on the advice of the Chief Medical Officer of Health, declared:
 - (i) a public health emergency as a result of the COVID-19 pandemic;
 - (ii) the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
 - (iii) the public health emergency is in effect for a period of 14 days effective immediately;
- C. The public health emergency has been extended for 14 day intervals and is currently still in effect;
- D. The Chief Medical Officer of Health made a Special Measures Order effective March 30, 2020 whereby gatherings of more than 5 people are prohibited;
- E. In accordance with section 13 of the **Public Health Protection and Promotion Act**, restrictions to an individual's rights or freedoms must be no greater than is reasonably required in the circumstances to respond to the public health emergency;
- F. The Chief Medical Officer of Health believes that it is appropriate for certain Members and employees of the House of Assembly to be exempted from the prohibition on gatherings of more than 5 people, for the purpose of reconvening the House of Assembly to adopt legislation necessary for the protection of the interests of the people of the province during the public health emergency, while still maintaining measures to protect the health of the population;

Pursuant to section 28 of the **Public Health Protection and Promotion Act**, I, **Dr. Janice Fitzgerald, Chief Medical Officer of Health**, **HEREBY MAKE THE FOLLOWING EXEMPTION TO THE PROHIBITION ON GATHERINGS OF MORE THAN 5 PEOPLE:**

1. Asymptomatic Members and asymptomatic employees of the House of Assembly are exempted from the requirement to limit gatherings to no more than 5 people.
2. The total number of members and employees permitted in the House of Assembly at any one time shall not exceed 20 people.
3. All individuals subject to this Exemption Order are to practice appropriate social distancing, closely self-monitor for symptoms of COVID-19, and self-isolate should symptoms develop. Please see: gov.nl.ca/covid-19 for more detailed information.

IT IS FURTHER ORDERED THAT:

1. This Exemption Order is in effect on May 5, 2020 only.
2. All other orders in the Special Measures Order remain in full force and effect.

TAKE NOTICE THAT:

1. Failure to comply with this order may result in an application to the Supreme Court, in accordance with section 42 of the **Public Health Protection and Promotion Act** to enforce the relevant provisions of this Order.
2. A person who is subject to an order made by the Chief Medical Officer of Health may request that the Chief Medical Officer of Health reconsider the order by filing a written request for reconsideration within 7 days after the day on which the order is served on a person. A written request for review or reconsideration of this order shall include:
 - (i) the reasons for the request;
 - (ii) a summary of the facts relevant to the request;
 - (iii) whether the order should be revoked or how it should be varied; and
 - (iv) the contact information of the person making the request and shall be sent to the following address:

The Chief Medical Officer of Health
Department of Health and Community Services
PO Box 8700
St. John's, NL A1B 4J6

3. The Chief Medical Officer of Health shall review this Order no less than once every 5 days while the Order is in effect.
4. This Order remains in effect during any review or reconsideration.
5. Failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 56 of the *Public Health Protection and Promotion Act*.
6. For greater certainty, compliance with this Order is required in addition to and not in substitution for any requirement imposed by or under any applicable law.

Signed at St. John's, Newfoundland and Labrador, this ^{4th} ___ day of May, 2020.



Dr. Janice Fitzgerald
Chief Medical Officer of Health