

Reprint  
as at 20 August 2021



## COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021

(LI 2021/210)

This order is made by the Minister for COVID-19 Response under section 11 of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

### Contents

		Page
1	Title	3
2	Commencement	3

#### Part 1

##### Preliminary provisions

3	Purpose	3
4	Interpretation	3
5	How requirements apply to businesses and services	8
6	Transitional, savings, and related provisions	9
7	Application	9

#### Part 2

##### Alert level requirements to prevent outbreak or spread of COVID-19 that apply at all alert levels

###### *QR codes*

8	Display of QR codes in workplaces	9
9	Display of QR codes on public transport services	9

###### *Contact tracing records in workplaces*

10	Contact tracing records in workplaces	10
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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry of Health.**

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*Face covering requirements on public transport services*

11	Face covering requirements on public transport services	10
12	Face covering requirements on domestic air transport services	11
13	Exemptions from face covering requirements	11

*Physical distancing requirements*

14	Meaning of 1-metre and 2-metre physical distancing rules	12
----	----------------------------------------------------------	----

**Part 3**  
**Additional alert level 4 requirements to prevent outbreak or  
spread of COVID-19**

*Stay-at-home requirements*

15	Stay-at-home requirements	12
16	Permissions for essential personal movement within alert level 4 area	12

*Physical distancing and face covering requirements for individuals*

17	Physical distancing requirements for all individuals in alert level 4 area	16
17A	Face covering requirements for individuals in alert level 4 businesses and services	17
17B	Exemptions from face covering requirements in clause 17A	18

*Workplace requirements*

18	Closure of premises in alert level 4 area	19
19	Workplaces to have systems and processes in place for physical distancing requirements	19
20	Adjusted alert level 4 requirements for businesses and services	20

*Prohibition on gatherings in outdoor places*

21	Prohibition on gatherings in outdoor places	20
----	---------------------------------------------	----

**Part 4**  
**Miscellaneous**

22	Exemption for emergencies	21
23	Other exemptions from this order	21
24	Power for Director-General to grant exemptions from this order	22

*Revocation*

25	Revocation	23
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**Schedule 1** 23  
**Transitional, savings, and related provisions**

**Schedule 2** 25  
**Alert level 4 businesses or services**

## Order

### 1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021.

### 2 Commencement

This order comes into force at 11.59 pm on 17 August 2021.

## Part 1

### Preliminary provisions

### 3 Purpose

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 and to otherwise support the purposes of the Act.

### 4 Interpretation

(1) In this order, unless the context otherwise requires,—

**1-metre physical distancing rule** means the rule described in clause 14(1)

**2-metre physical distancing rule** means the rule described in clause 14(2)

**accommodation service**—

(a) means accommodation provided by a business or service in which multiple groups of 1 or more residents share facilities (such as a kitchen, bathroom, or laundry) or common areas (such as a lounge or recreation space), for example,—

(i) a hotel:

(ii) tertiary student accommodation:

(iii) a boarding house:

(iv) a backpacker hostel:

(v) seasonal worker accommodation; but

(b) excludes a school hostel

**accommodation service bubble arrangement** means an arrangement—

(a) between not more than 10 residents of the same accommodation service; and

(b) in which the residents who are aged 18 years or over have agreed—

(i) to comply with this order as if they were 1 home or place of residence for the length of their stay at the accommodation service; and

- (ii) to not be part of any other arrangement of the kind described in paragraphs (a) and (b)(i)

**Act** means the COVID-19 Public Health Response Act 2020

**alert level 4 area** means the whole of New Zealand

**alert level 4 business or service** means a business or service listed in Schedule 2

**alert level 4 requirement** means a requirement or condition referred to in clause 19 or 20

**businesses and services** includes—

- (a) voluntary and not-for-profit services; and
- (b) both public sector and private sector businesses and services; and
- (c) businesses and services that provide space for other businesses and services to operate within (for example, shopping malls and marketplaces); and
- (d) businesses and services that provide facilities or venues for events or activities if people pay to attend an event or participate in an activity or pay to hire a facility or venue; and
- (e) the playing of sports professionally or semi-professionally

**category A social service** means a service of the kinds described in item 20 of Schedule 2

**contact details**, in relation to a person, means—

- (a) the name of the person; and
- (b) a telephone number that may be used to easily contact the person

**contact tracing record** means a record of a person entering a workplace or attending a gathering that contains—

- (a) the name of the person; and
- (b) the date on which and time at which the person entered the workplace or attended the gathering; and
- (c) a telephone number that may be used to easily contact the person

**customers and clients**—

- (a) includes any non-paying customer or client; but
- (b) in relation to an education entity, excludes students attending the education entity

**defined space**—

- (a) means any single indoor space or outdoor space (*see* subclause (2)); and
- (b) if there is more than 1 space in any premises, means a space described in paragraph (a) for which there are systems and processes in operation that ensure, so far as is reasonably practicable, that persons using the space

(other than workers) do not intermingle at a distance closer than 2 metres with other persons using, entering, or leaving the premises

**district** has the same meaning as in section 5 of the Local Government Act 2002

**education entity** has the same meaning as in section 10(8) of the Education and Training Act 2020

**exempt business or service** means a business or service that is exempt from this order under clause 23

**face covering** means a covering of any type that covers the nose and mouth of a person

**fellow resident**, in relation to any person (**person A**),—

- (a) means—
  - (i) a person who resides at the same home or place of residence (other than an accommodation service) as person A; or
  - (ii) a person who resides at another home or place of residence in relation to which person A has a shared bubble arrangement; or
  - (iii) a person who resides at another home or place of residence if person A has a shared caregiving arrangement or shared custody arrangement with, or in respect of, that other person; or
  - (iv) if person A is residing at an accommodation service,—
    - (A) a person who is in the same accommodation service bubble arrangement as person A; or
    - (B) a person who resides at the accommodation service with person A and with whom person A has the same principal home or place of residence; or
    - (C) a person under the age of 18 years who resides with person A at the accommodation service and for whom person A is providing a category A social service; but
- (b) excludes another person who resides at a school hostel with person A

**gathering**—

- (a) means people who are intermingling in a group; but
- (b) excludes people who remain at least 2 metres away from each other so far as is reasonably practicable

**health service** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**high-risk person** means a person who—

- (a) has been diagnosed as having COVID-19; or
- (b) has COVID-19 symptoms; or

- (c) is being or has been tested for COVID-19 and is awaiting a test result; or
- (d) has been in close contact with someone with suspected, probable, or confirmed COVID-19 in the previous 14 days

**home or place of residence—**

- (a) includes a campervan, caravan, or other vehicle or temporary structure (for example, a tent) that is a place of residence; and
- (b) in the case of a building (other than an accommodation service or a school hostel), includes the land that is part of the property on which the building is situated (other than any common areas); and
- (c) includes any prison, hospital, or other facility or place in which a person is detained or compulsorily placed under any enactment; and
- (d) in the case of a block of flats or other building (other than an accommodation service) that has more than 1 home or place of residence, excludes the other homes or places of residence; and
- (e) in the case of an accommodation service or a school hostel, includes all of the homes or places of residence, shared facilities (such as a kitchen, bathroom, or laundry), common areas (such as a lounge or recreation space), and land that is part of the property on which the building is situated

**Isolation and Quarantine Order** means the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

**managers of a private school** has the same meaning as in section 10(1) of the Education and Training Act 2020

**Maritime Border Order** means the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

**person in control,—**

- (a) in relation to a defined space or premises (other than a vehicle in use as part of a public transport service),—
  - (i) means a person who manages or controls the defined space or premises; and
  - (ii) includes—
    - (A) any occupier of the defined space or premises; and
    - (B) if a facility or venue of a business or service is hired for an event or activity, that business or service; and
- (b) in relation to a public transport service,—
  - (i) means a person who carries on the business of operating the public transport service; but

- (ii) excludes a person who drives or operates a vehicle in use as part of that service (unless the driver or operator is also a person described in subparagraph (i))

**premises** includes any commercial premises, private premises, or vehicle

**public transport service**—

- (a) means a service for the carriage of passengers for hire or reward that is available to the public generally; but
- (b) excludes a service for the carriage of passengers for hire or reward that is hired for the purposes of—
  - (i) a business or service; or
  - (ii) a social gathering; and
- (c) always includes a service of the kind described in paragraph (a) that is provided by means of a small passenger service vehicle

**QR code** means a unique identifying code issued by the New Zealand Government for the purpose of enabling contact tracing

**rail vehicle** has the same meaning as in section 4(1) of the Railways Act 2005

**school board** has the same meaning as in section 7(1)(d) of the Crown Entities Act 2004

**school hostel** has the same meaning as hostel in section 10(1) of the Education and Training Act 2020

**school transport service** means the carriage of passengers for hire or reward that is contracted or funded by the Ministry of Education, local authorities, school boards, managers of a private school, or Auckland Transport for the sole or primary purpose of transporting children to and from school

**shared bubble arrangement** means an agreement by all of the residents (other than a person under the age of 18 years) of no more than 2 homes or places of residence within the same or adjacent districts to quarantine in accordance with this order as if they were 1 home or place of residence

**shared caregiver**, in relation to a child, means a person who, under an agreement, or a parenting order or an interim parenting order made under the Care of Children Act 2004, has the role of providing the day-to-day care of the child

**ship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**small passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998

**social gathering**—

- (a) means people who are intermingling in a group; but
- (b) excludes—

- (i) people who remain at least 2 metres away from each other so far as is reasonably practicable; or
- (ii) an activity undertaken at a business or service in compliance with the alert level 4 requirements

**transport station** has the same meaning as in section 591(6) of the Local Government Act 1974

**vehicle** includes a vessel, rail vehicle, ship, or aircraft

**vulnerable person** means a person who is at significant risk of serious illness if the person contracts COVID-19

**worker** means, in relation to a business or service, any person who carries out work in any capacity for that business or service (whether paid or unpaid)

**workplace**—

- (a) means premises where work is being carried out, or is customarily carried out, for a business or service; and
  - (b) includes premises where a worker goes, or is likely to be, while at work.
- (2) For the purpose of the definition of defined space in subclause (1),—
- (a) an indoor space or outdoor space is a **single space** if there are walls (whether permanent or temporary) that substantially divide that space from other spaces:
  - (b) an outdoor space is also a **single space** if there is at least 2 metres that separates all people in that space from other people who are outside that space.

Clause 4(1) **district**: inserted, at 11.59 pm on 19 August 2021, by clause 4(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 4(1) **shared bubble arrangement**: amended, at 11.59 pm on 19 August 2021, by clause 4(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 4(1) **territorial authority district**: revoked, at 11.59 pm on 19 August 2021, by clause 4(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

## 5 How requirements apply to businesses and services

- (1) A reference in this order to a requirement applying to a business or service applies that requirement to the person who carries on that business or service.
- (2) A requirement that applies in relation to a particular activity is a requirement that applies to a business or service to the extent that the activity is carried out by the business or service.
- (3) If more than 1 business or service operates in the same, or shared, premises (for example, a shopping mall, a marketplace, or a cafe that operates in an office building), each of those businesses and services must comply with all of the



requirements in this order to the extent that they apply to that business or service or its activities.

Clause 5(3): amended, at 11.59 pm on 19 August 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

## **6 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

## **7 Application**

This order applies to the whole of New Zealand.

## **Part 2**

### **Alert level requirements to prevent outbreak or spread of COVID-19 that apply at all alert levels**

#### *QR codes*

## **8 Display of QR codes in workplaces**

- (1) A person in control of a workplace must ensure that a copy of a QR code for the workplace is displayed in a prominent place at or near the main entrance of the workplace.
- (2) However, subclause (1)—
  - (a) does not apply if the workplace is a vehicle; and
  - (b) applies to the workplace of a business or service that is in a dwelling house only if—
    - (i) customers or clients of the business or service customarily enter the dwelling house; or
    - (ii) workers of the business or service customarily enter the dwelling house (and those workers are not residents of the dwelling house or providing a category A social service).
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

## **9 Display of QR codes on public transport services**

- (1) A person in control of a public transport service must ensure that a copy of a QR code is displayed in a prominent place on or inside any vehicle that is in use as part of that service.
- (2) However, subclause (1) does not apply in relation to a public transport service if all persons using the service are required to supply their contact details in order to use the service.
- (3) In subclause (1), **public transport service** excludes a school transport service.

- (4) *[Revoked]*
- (4) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

Clause 9(4): revoked, at 11.59 pm on 19 August 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 9(4) (former clause 9(5)): renumbered, at 11.59 pm on 19 August 2021, by clause 6(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

### *Contact tracing records in workplaces*

#### **10 Contact tracing records in workplaces**

- (1) In addition to the requirement in clause 8(1), a person in control of a workplace must have other record-keeping systems and processes in place to enable a contact tracing record to be kept of,—
- (a) in the case of a specified workplace, all workers of that workplace entering the workplace;
- (b) in the case of any other workplace, all persons entering that workplace.
- (2) Subclause (1) does not apply if the workplace is excluded from the application of clause 8(1).
- (3) For the purposes of subclause (1)(a), **specified workplace** means—
- (a) a transport station; or
- (b) a supermarket; or
- (c) a petrol station, including any business operating out of the petrol station.
- (4) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.
- (5) In relation to how the contact tracing record under subclause (1) is collected, kept, and used, *see* the requirements in the Privacy Act 2020 that apply to persons collecting personal information.
- (6) *See also* additional requirements for contact tracing in Schedule 2.

### *Face covering requirements on public transport services*

#### **11 Face covering requirements on public transport services**

- (1) Every person must wear a face covering while on board a vehicle that is in use as part of a public transport service.
- (2) However, subclause (1) does not apply—
- (a) *[Revoked]*
- (b) to a ferry service carrying passengers between the North Island and the South Island; or

- (c) to a ship that has no enclosed space for passengers; or
  - (d) to air transport; or
  - (e) to a school transport service; or
  - (f) in the circumstances set out in clause 13.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

Clause 11(2)(a): revoked, at 11.59 pm on 18 August 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 (LI 2021/211).

## 12 Face covering requirements on domestic air transport services

- (1) Every person must wear a face covering while on board a vehicle that is in use as part of a domestic air transport service.
- (2) However, subclause (1) does not apply in the circumstances set out in clause 13.
- (3) In this clause, **domestic air transport service** means a public transport service that is transporting persons by air transport between places that are both in New Zealand.
- (4) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

## 13 Exemptions from face covering requirements

Clauses 11(1) and 12(1) do not apply if—

- (a) there is an emergency; or
- (b) wearing a face covering is not safe in all of the circumstances; or
- (c) the person is in a defined space or an enclosed space that is separate from the passenger area; or
- (d) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (e) the person is asked to remove the face covering to ascertain identity; or
- (f) removal of, or not wearing, the face covering is otherwise required or authorised by law; or
- (g) the person is under the age of 12 years; or
- (h) the person has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
- (i) the person needs to remove the face covering to take medicine; or
- (j) the person needs to remove the face covering to eat or drink (if eating or drinking is permitted by the conditions of carriage on the relevant service).

*Physical distancing requirements***14 Meaning of 1-metre and 2-metre physical distancing rules**

- (1) In this order, the **1-metre physical distancing rule**—
  - (a) requires that a person remain at least 1 metre away from any other person; but
  - (b) applies only if the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) applies to each person referred to in paragraph (a) (for example, both persons are workers); and
  - (c) does not apply to a person in relation to their fellow residents.
- (2) In this order, the **2-metre physical distancing rule**—
  - (a) requires that a person remain 2 metres away from any other person; but
  - (b) does not apply to a person in relation to their fellow residents.

**Part 3****Additional alert level 4 requirements to prevent outbreak or spread of COVID-19***Stay-at-home requirements***15 Stay-at-home requirements**

- (1) All persons in the alert level 4 area must—
  - (a) remain at their current home or place of residence, except for essential personal movement permitted under clause 16; and
  - (b) if their home or place of residence is mobile, keep that home or place of residence in the same general location, except to the extent that they would be permitted (if it were not mobile) under clause 16 to leave the home or place of residence as essential personal movement.
- (2) A breach of subclause (1)(a) or (b) is an infringement offence for the purposes of section 26(3) of the Act.

**16 Permissions for essential personal movement within alert level 4 area**

A person is permitted to do any of the following as **essential personal movement**:

*Accessing alert level 4 businesses or services*

- (a) leave their home or place of residence to access any alert level 4 business or service if—
  - (i) the access is for their own needs or on behalf of a fellow resident, a vulnerable person, or a high-risk person; and
  - (ii) the alert level 4 business or service—

- (A) is within the same district or is the nearest alert level 4 business or service of a particular kind; and
- (B) is operating in compliance with the alert level 4 requirements:

*Accessing exempt businesses or services*

- (b) leave their home or place of residence to access any exempt business or service if—
  - (i) the access is for their own needs or on behalf of a fellow resident, a vulnerable person, or a high-risk person; and
  - (ii) the exempt business or service is within the same district or is the nearest exempt business or service of a particular kind:

*Working*

- (c) leave their home or place of residence (which travel may be between regions within the alert level 4 area) to—
  - (i) provide an alert level 4 business or service operating in compliance with the alert level 4 requirements; or
  - (ii) do necessary work at any premises under clause 18(2):
- (d) if they are a worker referred to in clause 23(p) or (q), leave their home or place of residence to go to, or return from, work (which travel may be between regions within the alert level 4 area):

*Limited recreation purposes*

- (e) leave their home or place of residence for exercise or other recreation if—
  - (i) it is done in an outdoor place appropriate for that kind of exercise or recreation that is readily accessible (including by using their vehicle) from their home or place of residence; and
  - (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 17) and the prohibition against gathering in outdoor places (*see* clause 21); and
  - (iii) it does not involve swimming, surfing, scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, tramping, or flying manned aircraft; and
  - (iv) it does not involve any other activities that expose the participant to danger or may require search and rescue services:

*Limited customary purposes*

- (f) leave their home or place of residence to exercise Māori customary rights to fishing and food gathering if—

- (i) it is done in an outdoor place that is readily accessible (including by using their vehicle) from their home or place of residence; and
- (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 17) and the prohibition against gathering in outdoor places (*see* clause 21); and
- (iii) it does not involve swimming, surfing, scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, tramping, or flying manned aircraft; and
- (iv) it does not involve any other activities that expose the participant to danger or may require search and rescue services:

*Shared bubble arrangements and shared caregiver arrangements*

- (g) leave their home or place of residence to visit or stay at another home or place of residence (and then visit or stay) under a shared bubble arrangement if—
  - (i) one person lives alone in one, or both, of those residences; or
  - (ii) all persons in one of those residences are vulnerable persons:
- (h) if the person is a child, leave the home or place of residence of one shared caregiver to visit or stay at the home or place of residence of another shared caregiver if there is a shared bubble arrangement:

*Care of children and others and visiting residential disability care*

- (i) leave their home or place of residence to provide urgent care for a child, or to provide care or support to a person in a critical or terminal condition:
- (ia) leave their home or place of residence to provide childcare for a worker described in paragraph (c) or (d) if—
  - (i) the worker described in paragraph (c) or (d) has to leave their home or place of residence to work and has no fellow resident nor anyone in a shared bubble arrangement who is able to provide the childcare; and
  - (ii) the person to provide the childcare—
    - (A) is the only person outside of the worker’s home, place of residence, or shared bubble arrangement who provides the worker with childcare; and
    - (B) does not provide childcare to any other person and acts as if they were in a shared bubble arrangement with the worker:
- (ib) leave their home or place of residence for the purpose of conveying their children to or from the home or place of residence of a person providing childcare if—

- (i) the conveying person is a worker described in paragraph (ia)(i); and
- (ii) the person providing the childcare is a person described in paragraph (ia)(ii):

*Accessing health services*

- (j) leave their home or place of residence to access health services, including leaving to attend a scheduled appointment to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine:

*Accessing judicial institutions*

- (k) leave their home or place of residence to attend a court, tribunal, New Zealand Parole Board hearing, or other judicial institution:

*Leaving or relocating home on court order, etc*

- (l) either—
  - (i) leave or change the person's home or place of residence as required by a court order or by a person exercising any other power under any enactment to order a person to be detained, to change their place of detention, or otherwise determine their place of residence (for example, a direction of the New Zealand Parole Board or a probation officer); or
  - (ii) go to a home or place of residence after that detention or determination ceases:

*Leaving New Zealand*

- (m) if leaving New Zealand for another jurisdiction, leave their home or place of residence to go to—
  - (i) an airport or port from which the person will leave New Zealand; or
  - (ii) any managed isolation and quarantine facility immediately before leaving New Zealand:

*Emergencies*

- (n) leave their home or place of residence if it is necessary to preserve their own or any other person's life or safety:

*Relocating home or place of residence*

- (o) change their home or place of residence if necessary to use a temporary or emergency home or place of residence (for example, for care while sick or to seek refuge in women's refuge accommodation):

*Going home after isolation or quarantine (or arrival)*

- (p) go to the person's home or place of residence (or intended home or place of residence) following—

- (i) the completion of their period of isolation or quarantine under the Isolation and Quarantine Order or the Maritime Border Order; or
  - (ii) if the Isolation and Quarantine Order and Maritime Border Order do not apply to the person, their arrival in New Zealand:
- (q) collect a person referred to in paragraph (p) for the purpose of accompanying them to their home or place of residence (or intended home or place of residence):

*Caring for pets or other animals*

- (r) leave their home or place of residence if—
- (i) it is necessary to care for pets or other animals that they own or are in charge of; and
  - (ii) the location of the pets or other animals is within the same or an adjacent district:

*Assisting fellow resident*

- (s) leave their home or place of residence to assist a fellow resident to carry out essential personal movement or to accompany a fellow resident carrying out essential personal movement, but only to the extent permitted for that fellow resident under this clause.

Clause 16(a)(ii)(A): amended, at 11.59 pm on 19 August 2021, by clause 7(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 16(b)(ii): amended, at 11.59 pm on 19 August 2021, by clause 7(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 16(d): amended, at 11.59 pm on 19 August 2021, by clause 7(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 16(ia): replaced, at 11.59 pm on 20 August 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).

Clause 16(ib): inserted, at 11.59 pm on 20 August 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).

Clause 16(r)(ii): amended, at 11.59 pm on 19 August 2021, by clause 7(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

*Physical distancing and face covering requirements for individuals*

Heading: replaced, at 11.59 pm on 18 August 2021, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 (LI 2021/211).

**17 Physical distancing requirements for all individuals in alert level 4 area**

- (1) All persons in the alert level 4 area must comply with the 2-metre physical distancing rule so far as is reasonably practicable.
- (2) Subclause (1) is subject to subclauses (3), (4), (5), and (6).



- (3) All workers of a business or service in the workplace of, or while working for, the business or service must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (4) All persons who enter a workplace of, use the services of, or work for any of the following businesses or services must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable:
  - (a) a veterinary service or an animal health and welfare service:
  - (b) a category A social service:
  - (c) a court or tribunal:
  - (d) a transport station:
  - (e) a public transport service (other than one provided by means of air transport or a small passenger service vehicle).
- (5) All persons who enter a workplace of, use the services of, or work for a public transport service provided by means of air transport or a small passenger service vehicle must maintain physical distancing so far as is reasonably practicable.
- (6) The 2-metre physical distancing rule and the 1-metre physical distancing rule do not apply to a school transport service.
- (7) A breach of subclause (1), (3), (4), or (5) is an infringement offence for the purposes of section 26(3) of the Act.

Clause 17(4)(a): replaced, at 11.59 pm on 19 August 2021, by clause 8(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 17(4)(b): amended, at 11.59 pm on 19 August 2021, by clause 8(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 17(4)(c): replaced, at 11.59 pm on 19 August 2021, by clause 8(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

#### **17A Face covering requirements for individuals in alert level 4 businesses and services**

- (1) Every person must wear a face covering when on the premises of the following alert level 4 businesses or services:
  - (a) supermarkets and dairies:
  - (b) petrol stations, including any stores operating as part of the petrol station:
  - (c) licensing trusts:
  - (d) pharmacies:

- (e) food banks;
  - (f) self-service laundries;
  - (g) hardware and do-it-yourself stores;
  - (h) public areas of courts and tribunals, except that—
    - (i) a judicial officer may exercise discretion regarding the use of face coverings in a courtroom;
    - (ii) this does not affect the exclusion from the closure of premises in clause 18(2)(b):
  - (i) social and community based services provided to support persons to maintain critical well-being or as crisis support for people who are unsafe or homeless.
- (2) Every person must wear a face covering at arrival and departure points for public transport services (for example, bus stops, train stations, and airports).
- (3) Every person must wear a face covering when visiting a health service.
- (4) However, subclauses (1), (2) and (3) do not apply in the circumstances set out in clause 17B.
- (5) A breach of subclause (1), (2), or (3) is an infringement offence for the purposes of section 26(3) of the Act.

Clause 17A: inserted, at 11.59 pm on 18 August 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 (LI 2021/211).

### **17B Exemptions from face covering requirements in clause 17A**

Clause 17A does not apply if—

- (a) there is an emergency; or
- (b) wearing a face covering is not safe in all of the circumstances; or
- (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (d) the person is asked to remove the face covering to ascertain identity; or
- (e) removal of, or not wearing, the face covering is otherwise required or authorised by law; or
- (f) the person is under the age of 12 years; or
- (g) the person has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
- (h) the person needs to remove the face covering to take medicine; or
- (i) the person needs to remove the face covering to eat or drink.

Clause 17B: inserted, at 11.59 pm on 18 August 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 (LI 2021/211).

*Workplace requirements*

**18 Closure of premises in alert level 4 area**

- (1) A person in control of premises in the alert level 4 area must close those premises unless—
  - (a) the person is carrying on an alert level 4 business or service; and
  - (b) the alert level 4 business or service is operating in compliance with the alert level 4 requirements.
- (2) However,—
  - (a) this clause does not prevent a person from undertaking any necessary work in any premises for either of the following purposes:
    - (i) minimum basic operations required to—
      - (A) maintain the condition or value of, or clean, the premises, or any plant, equipment, or goods in the premises;
      - (B) care for animals;
      - (C) receive stock or freight (including livestock);
      - (D) enable workers to work, or to continue to work, remotely from their homes or places of residence;
    - (ii) to prepare the premises for opening (and to meet public health guidance); and
  - (b) this clause does not apply to any premises referred to in section 12(2)(c) or (d) of the Act.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

**19 Workplaces to have systems and processes in place for physical distancing requirements**

- (1) An alert level 4 business or service must have systems and processes in place to—
  - (a) maintain compliance so far as is reasonably practicable with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) for all workers in a workplace of, or while working for, the business or service; and
  - (b) maintain compliance so far as is reasonably practicable with the 2-metre physical distancing rule for any other persons entering a workplace, or using the services, of the business or service; and
  - (c) mitigate so far as is reasonably practicable the risks that arise to the extent that physical distancing is not fully maintained (for example, through regular cleaning of surfaces or the installation of plastic barriers).

- (2) Subclause (1)(a) and (b) applies except to the extent adjusted by clause 20.

## **20 Adjusted alert level 4 requirements for businesses and services**

The alert level 4 requirements are adjusted for an alert level 4 business or service as follows:

- (a) unless Schedule 2 indicates that a business or service of that kind may have customers or clients in the workplace, the business or service must have systems and processes in place to ensure so far as is reasonably practicable that—
- (i) no customers or clients enter the workplace; and
  - (ii) there is no close personal contact with or between customers or clients:
- (b) if Schedule 2 indicates that the 1-metre physical distancing rule applies to a kind of business or service, the business or service must have systems and processes in place to maintain compliance so far as is reasonably practicable with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) for all persons entering the workplace of, using the services of, or working for the business or service:
- (c) the business or service must comply with all conditions (if any) set out for a business or service of that kind in Schedule 2:
- (d) for a public transport service provided by means of air transport or a small passenger service vehicle, the business or service must have systems and processes in place to maintain physical distancing so far as is reasonably practicable for all persons entering the workplace of, using the services of, or working for the business or service.

Clause 20(b): amended, at 11.59 pm on 19 August 2021, by clause 9(a) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

Clause 20(b): amended, at 11.59 pm on 19 August 2021, by clause 9(b) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

### *Prohibition on gatherings in outdoor places*

## **21 Prohibition on gatherings in outdoor places**

- (1) A person must not attend a gathering in any outdoor place in an alert level 4 area.
- (2) A person must not organise a gathering in any outdoor place in an alert level 4 area.
- (3) This clause does not apply to—
- (a) a gathering of fellow residents; or
  - (b) any premises referred to in section 12(2)(d) of the Act.

- (4) A breach of subclause (2) is an infringement offence for the purposes of section 26(3) of the Act.

Clause 21 heading: amended, at 11.59 pm on 19 August 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

## **Part 4**

### **Miscellaneous**

#### **22 Exemption for emergencies**

Nothing in this order prevents any person from assisting in, or responding to, an emergency.

#### **23 Other exemptions from this order**

Nothing in this order applies—

- (a) to border services (including law enforcement activities related to border services) provided by Immigration New Zealand, the New Zealand Customs Service, Maritime New Zealand, or the Ministry for Primary Industries:
- (b) to the provision of health services:
- (c) to residential centres (including care and protection and youth justice residences), family homes, and group homes (including family group homes and community-based remand centres) that are approved or recognised for the time being by the chief executive of Oranga Tamariki as a place of care or treatment for the purposes of the Oranga Tamariki Act 1989:
- (d) within a corrections prison as defined in section 3(1) of the Corrections Act 2004 or any premises managed by or on behalf of the Department of Corrections:
- (e) to custodial or detention services managed by the New Zealand Police, the Department of Corrections, or the Ministry of Justice, or within a courthouse:
- (f) to the administration of sentences and orders by the Department of Corrections or on its behalf:
- (g) to people being transported for the purposes of the Department of Corrections and New Zealand Police fulfilling their purposes and performing their functions and duties:
- (h) to the New Zealand Parole Board:
- (i) to the New Zealand Security Intelligence Service:
- (j) to the Government Communications Security Bureau:
- (k) to the New Zealand Defence Force:

- (l) to the New Zealand Police:
- (m) to Fire and Emergency New Zealand:
- (n) to civil defence emergency management services provided by the National Emergency Management Agency and Civil Defence Emergency Management Groups:
- (o) to managed isolation or quarantine services for COVID-19 or to people while they are required to be in isolation or quarantine in accordance with either of the following:
  - (i) the Isolation and Quarantine Order:
  - (ii) the Maritime Border Order:
- (oa) to Parliament, including members of Parliament, parliamentary staff, and any officer of Parliament:
- (ob) to Ministers of the Crown and ministerial staff, in relation to Government business:
- (p) to workers carrying out any business or service referred to in any of paragraphs (a) to (ob):
- (q) to people who are enforcement officers carrying out their functions and exercising their powers under the Act.

Clause 23(oa): inserted, at 11.59 pm on 18 August 2021, by clause 8 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 (LI 2021/211).

Clause 23(ob): inserted, at 11.59 pm on 18 August 2021, by clause 8 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 (LI 2021/211).

Clause 23(p): amended, at 11.59 pm on 19 August 2021, by clause 11 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

#### **24 Power for Director-General to grant exemptions from this order**

- (1) The Director-General may exempt any class of persons, businesses, services, or goods (or any person, business, service, or goods) from the application of any provision of this order or from the requirement to comply with any provision of this order in accordance with this clause.
- (2) The Director-General may grant an exemption if satisfied that—
  - (a) the exemption is necessary or desirable in order to promote the purposes of the Act or the purposes of this order; and
  - (b) the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the exemption.
- (3) The Director-General may impose conditions on the exemption as the Director-General considers necessary.
- (4) An exemption for any specified person, business, service, or goods must be notified in writing to—
  - (a) the applicant; and

- (b) in the case of an exemption for any specified person, business, or service, the exempt person or business.
- (5) An exemption for any class of persons, businesses, services, or goods must—
  - (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
  - (b) be notified in the *Gazette*.
- (6) However, the Director-General need not comply with subclause (5) before an exemption, or an amendment to an exemption, comes into force if satisfied that the exemption or amendment should come into force urgently.
- (7) In that case,—
  - (a) the effect of the exemption (or, in the case of an amendment to an exemption, the effect of the amendment) must be publicly announced before it comes into force; and
  - (b) the Director-General must comply with subclause (5) as soon as practicable after the exemption or amendment comes into force.

### *Revocation*

## **25 Revocation**

The COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 (LI 2021/165) is revoked.

## **Schedule 1 Transitional, savings, and related provisions**

cl 6

### **Part 1 Provisions relating to this order as made**

#### **1 Interpretation**

In this Part, **commencement** means the date on and time at which this order commences.

#### **2 Persons returning to principal home or place of residence soon after commencement**

Clause 15 does not apply to a person if they are returning to their principal home or place of residence in another place in New Zealand (including the Cook Islands) within 48 hours after commencement.

### **3 Application of physical distancing requirements in accommodation services where space is limited on commencement**

- (1) This clause applies if, on commencement,—
  - (a) people who are not fellow residents of each other are residing in the same room of an accommodation service; and
  - (b) the number of those people is more than 10 (which is the maximum number of people who may form an accommodation service bubble arrangement); and
  - (c) the room is not large enough to enable compliance with the physical distancing requirements while those people are in the room.
- (2) The physical distancing requirements do not apply to the extent needed to allow those people to continue residing in that room of the accommodation service.
- (3) In this clause, **physical distancing requirements** means the requirements that apply to those people while they are in the accommodation service and are described in clauses 17, 19, and 20.

### **4 Previous exemptions have no effect**

An exemption granted before commencement by the Director-General under a COVID-19 order that is replaced by this order, or to which this order corresponds, has no effect for the purposes of this order.

## **Part 2**

### **Provisions relating to COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021**

Schedule 1 Part 2: inserted, at 11.59 pm on 19 August 2021, by clause 12(a) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

### **5 Persons returning to principal home or place of residence soon after commencement**

- (1) Clause 15 does not apply to a person if they are returning to their principal home or place of residence in another place in New Zealand (including the Cook Islands) by air travel from Queenstown or by Cook Strait ferry travel within 24 hours after 11.59 pm on 19 August 2021.
- (2) During the 24-hour period specified in subclause (1), a person is permitted to leave their home or place of residence to collect, assist, or accompany a person described in subclause (1) to help them to return to their principal home or place of residence.

Schedule 1 clause 5: inserted, at 11.59 pm on 19 August 2021, by clause 12(a) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).



**Schedule 2**  
**Alert level 4 businesses or services**

cls 4(1), 20

<b>Number</b>	<b>Business or service</b>	<b>Customers and clients allowed in the workplace</b>	<b>1-metre physical distancing rule applies to customers and clients under clause 20</b>	<b>Additional conditions</b>
1	Supermarkets and dairies	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
2	Petrol stations, including any stores operating as part of the petrol station	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
3	Licensing trusts, but only in respect of the sale of alcohol under an off-licence	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
4	Pharmacies	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
5	Food banks	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
6	Self-service laundries	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	Hardware and do-it-yourself stores	✓		Must only be for the purpose of selling to trade customers
8	Food delivery services for— <ul style="list-style-type: none"> <li>• bakeries;</li> <li>• uncooked food suppliers;</li> <li>• alcohol suppliers</li> </ul>			Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
8A	Cooked food delivery services (but only if referred by the			Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
9	<p>Ministry of Social Development, a District Health Board, or the Accident Compensation Corporation (for example, Meals on Wheels)</p> <p>Sale of essential non-food consumer products (via online ordering and contactless delivery) that are necessary for people to remain healthy and safe while isolating, to work or study from home, and to stay in communication with whānau and friends and remain up to date with news and health information, including—</p> <ul style="list-style-type: none"> <li>• necessary clothing, footwear, and bedding;</li> <li>• urgently required whiteware and appliances (for example, refrigerators, heaters, washing machines and dryers, vacuum cleaners, fans, and dehumidifiers);</li> <li>• urgently required cooking, cleaning, and laundry equipment;</li> </ul>			<ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul> <p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
•	medicinal and hygiene products (for example, medication, PPE, first aid products, soaps, shampoos, moisturisers, and hand sanitisers):			
•	urgently required items for transport maintenance (for example, bicycle and automotive parts and repair kits):			
•	materials for urgent home repair:			
•	urgently required communication devices (for example, mobile phones, computer equipment, modems and Internet equipment, televisions, and radios):			
•	urgently required educational materials and books:			
•	urgently required home office equipment; but not including—			

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
10	<ul style="list-style-type: none"> <li>• exercise, sporting, and outdoor recreation equipment (for example, weights, indoor training machines, sports rackets and balls, and pool products);</li> <li>• entertainment and hobby products (for example, gaming consoles, knitting wool, trampolines, and swings);</li> <li>• beauty products (for example, make-up)</li> </ul>	<p>✓</p>		<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p> <p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
11	<p>Building, construction, and maintenance services required for 1 or both of the following:</p> <ul style="list-style-type: none"> <li>• to address immediate risks to health and safety;</li> <li>• nationally important infrastructure</li> </ul> <p>In this item, <b>nationally important infrastructure</b> means infrastructure that enables or supports supply</p>			

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
12	<p>chains that are needed for 1 or both of the following:</p> <ul style="list-style-type: none"> <li>• to provide for the current needs of people and communities:</li> <li>• to enable or support the recovery of the whole or any part of New Zealand from the effects of COVID-19</li> </ul>	<p>Any entity with statutory responsibilities for building and resource consenting that is necessary to enable the building, construction, and maintenance services referred to in item 11</p>		<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
13	<p>Justice sector, including Courts of New Zealand, and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 18(2)(b))</p>	<p>✓</p>		<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
14	<p>The following services:</p> <ul style="list-style-type: none"> <li>• freight services (including those for transporting livestock) provided by means of road, rail, air, or sea:</li> </ul>			<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
15	<ul style="list-style-type: none"> <li>any other transport and logistics services, including those provided at or through an aerodrome or a port</li> </ul>	✓	✓	
15A	Passenger services provided by means of road, rail, air, or sea (excluding public transport services provided by means of air transport or a small passenger service vehicle)	✓		See clause 20(d)
15B	Transport stations	✓	✓	
16	Primary industries (being food and beverage processing, packaging, and production for both domestic consumption or export, plus the relevant support services) and veterinary and animal health and welfare services			Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li>scans the QR code for the workplace; or</li> <li>provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
17	Scientific services (including research organisations) of the following kind or provided by the following entities or facilities: <ul style="list-style-type: none"> <li>ESR, GNS, GeoNet, NIWA, MetService;</li> </ul>			Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li>scans the QR code for the workplace; or</li> <li>provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
	<ul style="list-style-type: none"> <li>• services involved in COVID-19 response, including laboratories and Physical Containment level 3 (PC3) facilities:</li> <li>• services involved in hazard monitoring and resilience:</li> <li>• services involved in diagnostics for critical businesses or services like biosecurity, food safety, or public health:</li> <li>• other significant research facilities, including animal facilities, clinical trials, and infrastructure that requires constant attention (for example, samples, collections, and storage facilities), that are important to New Zealand</li> </ul>			
18	Entities required to provide distance or online learning for primary and secondary education			<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> </ul>

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
19	School hostels	✓	✓	<ul style="list-style-type: none"> <li>provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul> Must keep students and staff, so far as is reasonably practicable, in groups that are appropriately sized and stable
20	Social and community based services provided to support persons to maintain critical well-being or as crisis support for people who are unsafe or homeless	✓	✓	Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li>scans the QR code for the workplace; or</li> <li>provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
21	<b>Key utilities</b> , which means utilities that provide for the production, supply, sale, distribution, or disposal of 1 or more of the following: <ul style="list-style-type: none"> <li>electricity;</li> <li>gas;</li> <li>water;</li> <li>wastewater (for example, sanitation);</li> <li>waste (for example, rubbish collection and recycling);</li> <li>liquid or solid fuel;</li> <li>telecommunications services (as defined in section 5 of the</li> </ul>			



Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
22	Telecommunications Act 2001) Key communications, which— <ul style="list-style-type: none"> <li data-bbox="517 1585 596 1877">• means news (including news production) and broadcast media; and</li> <li data-bbox="612 1585 884 1877">• includes delivery of newspapers for non-English-language material audiences or communities that have limited access to digital connectivity and are hard to reach due to physical location</li> </ul>			Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li data-bbox="549 456 568 943">• scans the QR code for the workplace; or</li> <li data-bbox="584 389 636 943">• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
23	Government services, including services provided by State services and local authorities, but only if— <ul style="list-style-type: none"> <li data-bbox="1027 1585 1123 1877">• the service is a regulatory, defence, or social service, or relates to the COVID-19 response or infrastructure; and</li> <li data-bbox="1203 1585 1289 1877">• provision of the service cannot reasonably be delayed</li> </ul>			Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li data-bbox="995 456 1015 943">• scans the QR code for the workplace; or</li> <li data-bbox="1034 389 1088 943">• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
24	<p>(for example, because a delay would breach an obligation under an enactment, risk harm to people or communities, or risk damage to the environment)</p> <p>In this item, <b>State services</b> has the same meaning as in section 5 of the Public Service Act 2020 and <b>local authority</b> has the same meaning as in section 5(1) of the Local Government Act 2002</p> <p>Foreign Government (maintaining critical operations at foreign missions based in New Zealand)</p>			<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul> <p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul> <p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p>
25	Security services (including locksmiths)			
26	Pest management services			

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
27	Essential elements of pulp and paper plants			<ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul> <p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
28	<p>The following businesses and services:</p> <ul style="list-style-type: none"> <li>• Tiwai Point aluminium smelter;</li> <li>• Methanex;</li> <li>• NZ Steel</li> </ul>			<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
29	Businesses or services or exempt businesses or services necessary to maintain other alert level 4 businesses or services			<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
30	Services for deceased persons or tūpāpaku, including, for example, funeral homes, crematoria, or cemeteries			<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>

Number	Business or service	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	Additional conditions
31	Unions, if reasonably necessary to provide a service that cannot reasonably be delayed (for example, because a delay would risk the health and safety of workers)	Customers and clients allowed in the workplace	1-metre physical distancing rule applies to customers and clients under clause 20	<p>Must have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> <li>• scans the QR code for the workplace; or</li> <li>• provides details in a contact tracing record that the person in control of the workplace collects.</li> </ul>
		Schedule 2 table: amended, at 11.59 pm on 19 August 2021, by clause 13(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).		
		Schedule 2 item 3: amended, at 11.59 pm on 20 August 2021, by clause 5(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).		
		Schedule 2 item 8: replaced, at 11.59 pm on 20 August 2021, by clause 5(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).		
		Schedule 2 item 8A: inserted, at 11.59 pm on 20 August 2021, by clause 5(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).		
		Schedule 2 item 9: replaced, at 11.59 pm on 20 August 2021, by clause 5(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).		
		Schedule 2 item 11: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).		
		Schedule 2 item 12: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).		
		Schedule 2 item 12: amended, at 11.59 pm on 19 August 2021, by clause 13(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).		
		Schedule 2 item 13: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).		
		Schedule 2 item 14: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).		

- Schedule 2 item 15: replaced, at 11.59 pm on 19 August 2021, by clause 13(5) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 15A: inserted, at 11.59 pm on 19 August 2021, by clause 13(5) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 15B: inserted, at 11.59 pm on 19 August 2021, by clause 13(5) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 16: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 16: amended, at 11.59 pm on 19 August 2021, by clause 13(6) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 17: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 18: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 19: amended, at 11.59 pm on 19 August 2021, by clause 13(7)(a) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 19: amended, at 11.59 pm on 19 August 2021, by clause 13(7)(b) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 21: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 22: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 23: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 24: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 25: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 26: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).

- Schedule 2 item 27: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 28: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 28: amended, at 11.59 pm on 19 August 2021, by clause 13(8) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 29: amended, at 11.59 pm on 20 August 2021, by clause 5(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).
- Schedule 2 item 29: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 30: amended, at 11.59 pm on 19 August 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 30: amended, at 11.59 pm on 19 August 2021, by clause 13(9) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220).
- Schedule 2 item 31: inserted, at 11.59 pm on 20 August 2021, by clause 5(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221).

Dated at Wellington this 17th day of August 2021.

Hon Chris Hipkins,  
Minister for COVID-19 Response.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 17 August 2021.

## Reprints notes

### **1** *General*

This is a reprint of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 3) 2021 (LI 2021/221)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 2) 2021 (LI 2021/220)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 (LI 2021/211)