

Reprint
as at 31 August 2021



COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 4) 2021

(LI 2021/223)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 4) 2021: revoked, at 11.59 pm on 31 August 2021, pursuant to clause 45 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021 (LI 2021/227).

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.

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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.

Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 4) 2021.

2 Commencement

This order comes into force at 11.59 pm on 23 August 2021.

3 Principal order

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

4 Clause 16 replaced (Permissions for essential personal movement within alert level 4 area)

Replace clause 16 with:

16 Permissions for essential personal movement within alert level 4 area

A person is permitted to leave their home or place of residence to do any of the following as **essential personal movement** (and then return to their home or place of residence afterwards):

Accessing alert level 4 businesses or services

- (a) 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) 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) to do either of the following (which may include travel between regions within the alert level 4 area):

- (i) to provide an alert level 4 business or service operating in compliance with the alert level 4 requirements; or
- (ii) to do necessary work at any premises under clause 18(2):
- (d) if they are a worker referred to in clause 23(p) or (q), to work (which may include travel between regions within the alert level 4 area):
 - Limited recreation purposes*
 - (e) to undertake 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) 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) to visit or stay at another home or place of residence 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 leaving 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 child or person in critical or terminal condition

- (i) to provide urgent care for a child or to provide care or support to a person in a critical or terminal condition:
- (ia) 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 who provides the childcare—
- (A) is the only person outside 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) to convey 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) to access health services, including to attend a scheduled appointment to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine:

Accessing judicial institutions

- (k) to attend a court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend by that institution:

Leaving or relocating home on court order, etc

- (l) either—
- (i) to 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) to 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, 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) if necessary, to preserve their own or any other person's life or safety:

Relocating home or place of residence

- (o) to 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) to 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) to 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) to care for pets or other animals that they own or are in charge of, if—
 - (i) it is necessary to do so; and
 - (ii) the location of the pets or other animals is within the same or an adjacent district:

Assisting fellow resident

- (s) 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.

5 Clause 17A amended (Face covering requirements for individuals in alert level 4 businesses and services)

Replace 17A(1)(a) with:

- (a) supermarkets:

(aa) dairies:

6 Schedule 2 amended

In Schedule 2, replace the table with the table set out in the Schedule of this order.

Schedule
Schedule 2 amended

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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
1	Supermarkets	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
1A	Dairies	✓		Must have systems and processes in place to prevent the following: <ul style="list-style-type: none"> • food and drink being served for consumption on premises; • the sale or offer of food and drink that requires further preparation or packaging on premises after the sale or offer.
2	Petrol stations, including any stores operating as part of the petrol station	✓		Must have systems and processes in place to prevent the following: <ul style="list-style-type: none"> • food and drink being served for consumption on premises; • the sale or offer of food and drink that requires further preparation or packaging on premises after the sale or offer.
3	Licensing trusts operating in Waitakere, Portage, Mataura, and Invercargill, 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

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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"> • bakeries; • uncooked food suppliers; • alcohol suppliers 			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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
8A	Cooked food delivery services (but only if referred by the Ministry of Social Development, a District Health Board, or the Accident Compensation Corporation (for example, Meals on Wheels))			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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
9	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— <ul style="list-style-type: none"> • necessary clothing, footwear, and bedding; 			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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

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"> urgently required whiteware and appliances (for example, refrigerators, heaters, washing machines and dryers, vacuum cleaners, fans, and dehumidifiers); 			
	<ul style="list-style-type: none"> urgently required cooking, cleaning, and laundry equipment; 			
	<ul style="list-style-type: none"> medicinal and hygiene products (for example, medication, PPE, first aid products, soaps, shampoos, moisturisers, and hand sanitisers); 			
	<ul style="list-style-type: none"> urgently required items for transport maintenance (for example, bicycle and automotive parts and repair kits); 			
	<ul style="list-style-type: none"> materials for urgent home repair; 			
	<ul style="list-style-type: none"> urgently required communication devices (for example, mobile phones, computer equipment, modems and Internet equipment, televisions, and radios); 			

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"> • urgently required educational materials and books; • urgently required home office equipment Accommodation services	✓		
11	Building, construction, and maintenance services required for 1 or both of the following: <ul style="list-style-type: none"> • to address immediate risks to health and safety; • nationally important infrastructure In this item, nationally important infrastructure means infrastructure that enables or supports supply chains that are needed for 1 or both of the following: <ul style="list-style-type: none"> • to provide for the current needs of people and communities; • to enable or support the recovery of the whole or any part of New Zealand from the effects of COVID-19 			Must have systems and processes in place to prevent food and drink from being served for consumption on premises 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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

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	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	✓	See clause 17(4)	<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
13	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))	✓	See clause 17(4)	<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
14	<p>The following services:</p> <ul style="list-style-type: none"> • freight services (including those for transporting livestock) provided by means of road, rail, air, or sea; • any other transport and logistics services, including those provided at or through an aerodrome or a port 	✓	✓	<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
15	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)	✓	✓	<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

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15A	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			<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
17	Scientific services (including research organisations) of the following kind or provided by the following entities or facilities: <ul style="list-style-type: none"> • ESR, GNS, GeoNet, NIWA, MetService: • services involved in COVID-19 response, including laboratories and Physical Containment level 3 (PC3) facilities: • services involved in hazard monitoring and resilience: • services involved in diagnostics for critical businesses or services like biosecurity, food safety, or public health: 			<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

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"> 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 			
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"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects. <p>Must keep students and staff, so far as is reasonably practicable, in groups that are appropriately sized and stable</p>
19	School hostels	✓	✓	
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	✓	✓	
21	<p>Key utilities, which means utilities that provide for the production, supply, sale, distribution, or disposal of 1 or more of the following:</p> <ul style="list-style-type: none"> electricity; gas; 			<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"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects.

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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	<ul style="list-style-type: none"> • water; • wastewater (for example, sanitation); • waste (for example, rubbish collection and recycling); • liquid or solid fuel; • telecommunications services (as defined in section 5 of the Telecommunications Act 2001) 			<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
23	<ul style="list-style-type: none"> • 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 	<p>Government services, including services provided by State services and local authorities, but only if—</p> <ul style="list-style-type: none"> • the service is a regulatory, defence, or social service, 		<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"> • scans the QR code for the workplace; or

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>or relates to the COVID-19 response or infrastructure; and</p> <ul style="list-style-type: none"> provision of the service cannot reasonably be delayed (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>In this item, State services has the same meaning as in section 5 of the Public Service Act 2020 and local authority has the same meaning as in section 5(1) of the Local Government Act 2002</p> <p>Foreign Government (maintaining critical operations of foreign missions based in New Zealand)</p>			<ul style="list-style-type: none"> provides details in a contact tracing record that the person in control of the workplace collects.
25	Security services (including locksmiths)			<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"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects. <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"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects.

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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
26	Pest management 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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects. <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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
27	Essential elements of pulp and paper plants			<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
28	The following businesses and services:			<ul style="list-style-type: none"> • Tiwai Point aluminium smelter; • Methanex; • NZ Steel
29	Businesses or services necessary, during the period that the business or service is operating in an alert level 4 area, to maintain any of the following:			<ul style="list-style-type: none"> • other alert level 4 businesses or services; • exempt 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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

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
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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
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)			<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"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

Dated at Wellington this 23rd day of August 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force at 11.59 pm on 23 August 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021 (the **principal order**).

Clause 4 replaces clause 16 of the principal order.

Clause 16 is amended to remove the reference to residential disability care facilities in the heading above clause 16(i). The essential personal movement category described in *new clause 16(i)* concerns people providing care or support to a person in a critical or terminal condition, regardless of where the person is located.

Clause 16(k) is amended to ensure that attending a court, tribunal, parole board hearing, or other judicial institution must be as required or permitted by the institution.

The other changes clarify that people may return home after their essential personal movement.

Clause 6 amends Schedule 2 of the principal order by clarifying that:

- dairies and petrol stations may only sell food or drink to take away if that food or drink does not require further preparation or packaging on-site (for example, pre-packaged food in a food-warming cabinet is permissible, but coffee brewed to order is not);
- item 3 is limited only to licensing trusts operating in Waitakere, Portage, Matura, or Invercargill;
- the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) applies in courts and tribunals;
- Foreign Governments maintaining critical operations of foreign missions based in New Zealand may undertake that work outside their workplace;
- item 29 extends to businesses and services that are necessary (when in alert level 4) to maintain exempt businesses and services.

Approval by resolution required

This order must be approved by resolution of the House of Representatives before the expiry of the period described in section 16(2) of the COVID-19 Public Health Response Act 2020. If this does not happen, the order is revoked on the expiry of that period.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 23 August 2021.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order (No 4) 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 10) 2021 (LI 2021/227): clause 45