



COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021

This order is made by the Minister for COVID-19 Response under sections 11 and 15 of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021.

2 Commencement

- (1) This order comes into force at 11.59 pm on 31 August 2021.
- (2) However, the following clauses come into force at 11.59 pm on 7 September 2021:
 - (a) clause 26 (which relates to the contact record rule as it applies to businesses and services in the alert level 4 area):
 - (b) clause 37 (which relates to the contact record rule as it applies to businesses and services in the alert level 3 area):
 - (c) clause 43(b)(ii) (which relates to the clauses referred to in paragraphs (a) and (b)).

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 15(1)
 - 2-metre physical distancing rule** means the rule described in clause 15(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 and have full capacity 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 3 area means the whole of New Zealand except the alert level 4 area

alert level 3 requirements, in relation to a business or service, means the requirements that apply to that business or service in Part 2 and clauses 34 to 38

alert level 4 area has the meaning given by clause 6

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

alert level 4 requirements, in relation to a business or service, means the requirements that apply to that business or service in Part 2 and clauses 23 to 27

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 described in item 3 of Schedule 3

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 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) if the record is being provided to another person, a telephone number that may be used to easily contact the person who is entering the workplace or attending the gathering

contact record rule has the meaning given by clause 26(1) or 37(1) (as applicable)

controlled gathering has the meaning given by clause 40(5)

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(1) 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 43

extended bubble arrangement means an agreement by all of the residents (who are aged 18 years or over and have full capacity) of 2 or more homes or places of residence within the alert level 3 area to comply with this order as if they were 1 home or place of residence for the purpose of keeping connections with family or whānau, enabling caregiving, or supporting persons living alone or otherwise isolated

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 an extended 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 1 or more 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

people responsible, in relation to a controlled gathering, means—

- (a) the organiser of the controlled gathering; and
- (b) the person in control of the defined space or premises in which the controlled gathering is held

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 a business or service; 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

region has the same meaning in section 5(1) of the Local Government Act 2002

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 (who are aged 18 years or over and have full capacity) 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

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

vehicle includes a vessel, rail vehicle, ship, aircraft, motorcycle, or bicycle

venue business means a business that provides a venue for gatherings (whether as the main or an ancillary part of the business)

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.

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.

6 Alert level 4 area: description and map

- (1) The area described in Schedule 4 is the alert level 4 area.
- (2) An indicative map of the alert level 4 area is set out in Schedule 5.
- (3) If there is any inconsistency between the description under subclause (1) and the map, the description prevails.

7 Transitional, savings, and related provisions

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

8 Application of order to different alert level areas

- (1) Part 3 applies—
 - (a) to the alert level 4 area; and
 - (b) to any property if a part of it is in the alert level 4 area; and
 - (c) to any other place if necessary for the purpose of enforcing the requirements in a place referred to in paragraph (a) or (b).
- (2) Part 4 applies to all areas of New Zealand except to the extent that Part 3 applies.
- (3) The rest of 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

9 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.

10 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 1 or both of the following apply:
 - (a) all persons using the service are required to supply their contact details in order to use the service;
 - (b) the service is a school transport service.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

Contact records at workplaces

11 Workplaces to have systems and processes to enable keeping of contact records

- (1) In addition to the requirement in clause 9(1), a person in control of a workplace must have other record-keeping systems and processes in place to enable a contact 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 aged 12 years or older entering that workplace.
- (2) If the person in control of the workplace collects a contact record for the sole purpose of enabling contact tracing, the person must—
- (a) keep the record for a period of 60 days; and
 - (b) then dispose of the record.
- (3) Subclauses (1) and (2) do not apply if the workplace is excluded from the application of clause 9(1).
- (4) 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.
- (5) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.
- (6) For additional contact record requirements for some businesses and services, *see*—
- (a) clause 26 and Schedule 2 for alert level 4 requirements;
 - (b) clause 37 and Schedule 3 for alert level 3 requirements.

Face covering requirements on public transport services

12 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) to a ferry service carrying passengers between the North Island and the South Island; or
 - (b) to a ship that has no enclosed space for passengers; or
 - (c) to air transport; or
 - (d) to a school transport service; or
 - (e) in the circumstances set out in clause 14.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

13 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 14.
- (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.

14 Exemptions from face covering requirements

Clauses 12(1) and 13(1) do not apply to a person 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***15 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.

Restrictions on travel between alert level areas

16 Restrictions on travel between alert level 4 area and alert level 3 area

- (1) A person may go into the alert level 4 area from the alert level 3 area, or go out of the alert level 4 area into the alert level 3 area, only if—
- (a) that travel is for 1 or more of the purposes permitted under clause 17; and
 - (b) the person, so far as is reasonably practicable, travels directly without stopping while in the other alert level area (except for the permitted purpose of the travel under clause 17 or a permitted airport transfer).
- (2) For the purposes of subclause (1)(b), a **permitted airport transfer** is a stop by a person at an airport for the purpose of transferring to an aircraft to go to another place in New Zealand or outside New Zealand if—
- (a) the person does not leave the airport except to board a departing flight or to stay in temporary accommodation; and
 - (b) the person's departing flight is scheduled to depart within 24 hours after the person enters the airport.
- (3) For the purposes of subclause (1), a person does not go into or out of an alert level area just because—
- (a) the person is travelling along a road that forms part of the boundary of the alert level 4 area; or
 - (b) the person's property is divided by the boundary of the alert level 4 area (or a road that forms part of the boundary) and the person is accessing a part of their property (*see also* clause 8(1)(b), which relates to the application of Part 3 to a property that is partly within the alert level 4 area).

17 Permitted purposes for travel between alert level 4 area and alert level 3 area

Permissions for travel into, out of, or through alert level 4 area

- (1) For the purposes of clause 16, a person is permitted to go into, out of, or through the alert level 4 area for 1 or more of the following purposes (and to return to their home or place of residence afterwards):

Working for certain businesses or services

- (a) to do either of the following in relation to a business or service (and, if necessary, stay in no more than 1 place as temporary accommodation):

- (i) go to or carry out work for the businesses or service if it is of a kind listed in Schedule 2 (regardless of whether the business or service is in the alert level 4 area):
- (ii) do necessary work of the kind described in clause 23(2) or 34(2) at premises of the business or service that are in the same or an adjacent district:
- (b) if the person is referred to in clause 43(p) to (s), to go to work (and, if necessary, stay in no more than 1 place as temporary accommodation):
Shared bubble arrangements and shared caregiver arrangements
- (c) 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 all persons in one of those residences are vulnerable persons; and
 - (ii) the residents of the home or place of residence in the alert level 3 area are not part of an extended bubble arrangement:
- (d) if the person is a child, to go to, or return from, the home or place of residence of a shared caregiver (and then visit or stay), whether or not it is the child's principal home or place of residence, if—
 - (i) the child and the shared caregiver are part of a shared bubble arrangement and the residents of the home or place of residence in the alert level 3 area are not part of an extended bubble arrangement; or
 - (ii) the visit or stay is required by a court order:
- (e) if the person is a fellow resident of a child referred to in paragraph (d), to accompany the child going to, or returning from, the home or place of residence of the shared caregiver or to collect a child for that purpose:
Care of children and others
- (f) to provide urgent care for a child, or to provide care or support to a person in a critical or terminal condition, if no other appropriate person is able to provide that care or support in the alert level area in which it is needed:
Accessing health services with appointment
- (g) to attend—
 - (i) a scheduled appointment to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine if the appointment is in the same or an adjoining district:
 - (ii) a scheduled appointment with another health service:

Accessing judicial institutions if required or permitted

- (h) 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

- (i) to leave or change their home or place of residence as required by—
- (i) a court order; or
 - (ii) anyone exercising a power under any enactment to—
 - (A) order the person to be detained; or
 - (B) order the person to change their place of detention; or
 - (C) determine the person’s place of residence:

Example of power

A direction of the New Zealand Parole Board or a probation officer.

- (j) to leave or change a home or a place of residence after a period of requirement, detention, or determination described in paragraph (i):

Leaving or relocating home from hospital, etc

- (k) to leave or change a home or a place of residence that is a hospital, another residential health service, or residential care:

Leaving New Zealand

- (l) if leaving New Zealand for another jurisdiction, to go to—
- (i) an airport or a port from which the person will leave New Zealand; or
 - (ii) any managed isolation or quarantine facility immediately before leaving New Zealand:

Emergencies

- (m) if necessary, to preserve their own or any other person’s life or safety:

Going home after isolation or quarantine (or arrival) in New Zealand

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

Going home to alert level 4 area from alert level 3 area

- (p) to go to the person's principal home or place of residence, but only if they are travelling from the alert level 3 area into the alert level 4 area:

Caring for pets or other animals

- (q) without limiting paragraph (a), to provide care, or enable care to be provided, for pets or other animals, but only if—
- (i) a breach of the Animal Welfare Act 1999 could result if the care were not provided; and
 - (ii) the travel between alert level areas is necessary to provide the care or enable it to be provided:

Accompanying others

- (r) to accompany any person travelling for a purpose referred to in any of paragraphs (a) to (q), but only if it is reasonably necessary for them to accompany that person.

- (2) A person must carry evidence of the purpose of their travel and the location of their destination if—

- (a) they rely on a permission under any of the following provisions:
- (i) subclause (1)(a) or (b) (working for certain businesses or services):
 - (ii) subclause (1)(g) (accessing health services with appointment):
 - (iii) subclause (1)(h) (accessing judicial institutions if required or permitted):
 - (iv) subclause (1)(i) or (j) (leaving or relocating home on court order, etc):
 - (v) subclause (1)(k) (leaving or relocating home from hospital, etc):
 - (vi) subclause (1)(l) (leaving New Zealand):
 - (vii) subclause (1)(n) (going home after isolation or quarantine (or arrival) in New Zealand):
 - (viii) subclause (1)(p) (going home to alert level 4 area from alert level 3 area); or
- (b) they rely on the permission under subclause (1) to return to their home or place of residence after going into, or out of, the alert level 4 area for another permitted purpose.

Additional permissions for travel through alert level 4 area

- (3) For the purposes of clause 16, a person may go into, through, and out of the alert level 4 area (in 1 trip) for the purpose of going to, or returning from, work or going to the person's principal home or place of residence if—

- (a) neither the place of departure nor the destination is in the alert level 4 area; and
 - (b) it is necessary to travel through the alert level 4 area for that purpose; and
 - (c) the person carries evidence of the purpose of their travel and the location of their destination.
- (4) Subclause (3) does not limit subclause (1).
Evidence required by subclause (2) or (3)
- (5) The evidence required by subclause (2) or (3) may (but need not) be or include a document issued by the New Zealand Government for the purposes of this clause.
Permissions do not apply to travel within alert level 4 area
- (6) The permissions in this clause do not apply to travel that takes place only within the alert level 4 area or the alert level 3 area (*see* clauses 19 and 30).

Part 3

Alert level 4 requirements to prevent outbreak or spread of COVID-19

Stay-at-home requirements in alert level 4 area

18 Stay-at-home requirements in alert level 4 area

- (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 19; 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 19 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.

19 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) within the alert level 4 area:

Accessing businesses or services

- (a) to access any alert level 4 business or service or 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 business or service is within the same district or is the nearest business or service of that kind; and
- (iii) the business or service is—
 - (A) an exempt business or service; or
 - (B) an alert level 4 business or service of a kind that Schedule 2 indicates is permitted to have customers and clients in the workplace:

Working

- (b) 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:
 - (ii) to work for an exempt business or service if they are a worker referred to in clause 43(p) to (s):
- (c) to do necessary work at any premises under clause 23(2) if the premises are within the same or an adjacent district within the alert level 4 area:

Limited recreation purposes

- (d) 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 20) and the prohibition against gathering in outdoor places (*see* clause 28); 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

- (e) 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 20) and the prohibition against gathering in outdoor places (*see* clause 28); 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

- (f) 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:
- (g) if the person is a child leaving the home or place of residence of a shared caregiver, to visit or stay at the home or place of residence of another shared caregiver if—
 - (i) the residents of the homes or places of residence of the shared caregivers are part of the same shared bubble arrangement; or
 - (ii) the visit or stay is required by a court order:

Care of children and others

- (h) to provide urgent care for a child or to provide care or support to a person in a critical or terminal condition:
- (i) to provide childcare for a worker described in paragraph (b) or (c) if—
 - (i) the worker described in paragraph (b) or (c) has to leave their home or place of residence to work and has no one in their shared bubble arrangement who is able to provide 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:
- (j) to convey children to, or from, the home or place of residence of a person providing childcare if the conveying person is the worker, or the childcare provider, described in paragraph (i):

Accessing health services

- (k) to—
 - (i) attend a scheduled appointment to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine if the appointment is in the same or an adjoining district within the alert level 4 area:

- (ii) access other health services:

Accessing judicial institutions

- (l) 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

- (m) to leave or change their home or place of residence as required by—

- (i) a court order; or

- (ii) anyone exercising a power under any enactment to—

- (A) order the person to be detained; or

- (B) order the person to change their place of detention; or

- (C) determine the person's place of residence:

Example of power

A direction of the New Zealand Parole Board or a probation officer.

- (n) to leave or change a home or a place of residence after a period of requirement, detention, or determination described in paragraph (m):

Leaving or relocating home from hospital, etc

- (o) to leave or change a home or a place of residence that is a hospital, another residential health service, or residential care:

Leaving New Zealand

- (p) if leaving New Zealand for another jurisdiction, to go to—

- (i) an airport or a port from which the person will leave New Zealand; or

- (ii) any managed isolation and quarantine facility immediately before leaving New Zealand:

Emergencies

- (q) if necessary, to preserve their own or any other person's life or safety:

Relocating home or place of residence

- (r) 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)

- (s) 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:
- (t) to collect a person referred to in paragraph (s) 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*
 - (u) 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 pets or other animals are within the same or an adjacent district within the alert level 4 area:
 - Travelling between alert level areas if permitted by clause 17*
 - (v) to travel, in accordance with clause 16(1), for 1 or more of the purposes permitted by clause 17:
 - Assisting fellow resident*
 - (w) 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.

Physical distancing and face covering requirements for individuals in alert level 4 area

20 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), and (5).
- (3) The following people must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable:
 - (a) all workers of an alert level 4 business or service while they are in the workplace of, or working for, the business or service:
 - (b) all other persons who enter the workplace, or use the services, of an alert level 4 business or service if Schedule 2 indicates that the 1-metre physical distancing rule applies to a business or service of that kind.
- (4) 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.
- (5) A breach of subclause (1) or (3) is an infringement offence for the purposes of section 26(3) of the Act.

21 Additional face covering requirements for individuals in alert level 4 area

- (1) Every person must wear a face covering when on the premises of the following businesses or services in the alert level 4 area:
 - (a) supermarkets:
 - (b) dairies:
 - (c) petrol stations, including any stores operating as part of the petrol station:
 - (d) licensing trusts:
 - (e) pharmacies:
 - (f) food banks:
 - (g) self-service laundries:
 - (h) hardware and do-it-yourself stores:
 - (i) public areas of courts and tribunals, except that—
 - (i) a judicial officer may exercise discretion regarding the use of face coverings in the room where the hearing is held:
 - (ii) this does not affect the exclusion from the closure of premises in clause 23(2)(b):
 - (j) public areas, including customer service counters, of 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) For a health service other than a pharmacy, every person who is not a patient or worker of the health service must wear a face covering when on the premises of the health service.
- (4) However, subclauses (1) to (3) do not apply in the circumstances set out in clause 22.
- (5) A breach of any of subclauses (1) to (3) is an infringement offence for the purposes of section 26(3) of the Act.

22 Exemptions from additional face covering requirements in clause 21

Clause 21 does not apply to a person 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.

Workplace requirements in alert level 4 area

23 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 reopening (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.

24 Businesses and services in alert level 4 area to have systems and processes 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 of spreading COVID-19 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 27.

25 Businesses and services in alert level 4 area to have systems and processes to minimise travel

An alert level 4 business or service must have systems and processes in place to, so far as is reasonably practicable,—

- (a) minimise travel of its workers between districts or alert level areas; and
- (b) mitigate the risks of spreading COVID-19 that arise to the extent that its workers travel between districts or alert level areas.

26 Certain business and services in alert level 4 area to have systems and processes for contact record rule

- (1) In this clause, **contact record rule**, in relation to a business or service, means that the person in control of a workplace of a business or service must have systems and processes in place to ensure, so far as is reasonably practicable, that each person aged 12 years or older who enters the workplace—
- (a) scans the QR code for the workplace or otherwise makes their own contact record; or
 - (b) provides a contact record that the person in control of the workplace collects.
- (2) The person in control of a workplace of a business or service must comply with the contact record rule if Schedule 2 indicates that the rule applies to a business or service of that kind.
- (3) The person in control of a workplace of any of the following businesses and services must comply with the contact record rule, but only in relation to people other than workers of the business or service:
- (a) a court or tribunal;
 - (b) a social or community-based service with a public area, including a customer service counter;
 - (c) a health service (including a pharmacy).
- (4) In subclause (3), **worker** includes a judicial officer of the court or tribunal.

- (5) This clause does not apply to a workplace that is excluded from the application of clause 9(1).
- (6) See clause 11(2) for requirements for the retention and disposal of contact records that are collected for the sole purpose of enabling contact tracing.

27 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 and 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 business or service of that kind, 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) 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:
- (d) the business or service must comply with all conditions (if any) set out for a business or service of that kind in Schedule 2.

Prohibition on gatherings in outdoor places in alert level 4 area

28 Prohibition on gatherings in outdoor places in alert level 4 area

- (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.

Part 4

Alert level 3 requirements to prevent outbreak or spread of COVID-19

Stay-at-home requirements in alert level 3 area

29 Stay-at-home requirements in alert level 3 area

- (1) All persons in the alert level 3 area must—
- (a) remain at their current home or place of residence, except for essential personal movement permitted under clause 30; 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 30 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.

30 Permissions for essential personal movement within alert level 3 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) within the alert level 3 area:

Accessing businesses or services

- (1) to access any business or service if—
- (a) the access is for their own needs or on behalf of a fellow resident, a vulnerable person, or a high-risk person; and
 - (b) the business or service is within the same region or is the nearest business or service of that kind; and
 - (c) the business or service is—
 - (i) an exempt business or service; or
 - (ii) a business or service of a kind that Schedule 3 indicates is permitted to have customers and clients in the workplace; or
 - (iii) in any other case, a business or service that is operating in compliance with the additional condition in item 23 of Schedule 3:

Attending education entities

- (2) to attend any education entity if—

- (a) permitted to do so by the education entity in compliance with the alert level 3 requirements; and
- (b) the education entity is within the same or an adjacent region within the alert level 3 area:

Working

- (3) to provide a business or service operating in compliance with the alert level 3 requirements (or to do necessary work at any premises under clause 34(2)) if the business or service is within the same or an adjacent region within the alert level 3 area:
- (4) to do either of the following (which may include travel between regions within the alert level 3 area and, if necessary, staying in no more than 1 place as temporary accommodation):
 - (a) to provide a business or service of a kind that is listed in Schedule 2 (even though the business or service is not subject to alert level 4 requirements in the alert level 3 area); or
 - (b) to work for an exempt business or service if they are a worker referred to in clause 43(p) to (s):
- (5) to work at an education entity if the education entity is—
 - (a) operating in compliance with the alert level 3 requirements; and
 - (b) within the same or an adjacent region within the alert level 3 area:

Limited recreation purposes

- (6) to undertake exercise or other recreation if—
 - (a) 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
 - (b) it is done in compliance with the requirements that relate to physical distancing (*see* clause 31) and the prohibition against gathering in outdoor places (*see* clause 39); and
 - (c) it does not involve scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, or flying manned aircraft; and
 - (d) it does not involve any other activities that expose the participant to danger or may require search and rescue services:

Limited customary purposes

- (7) to exercise Māori customary rights to fishing and food gathering if—
 - (a) it is done in an outdoor place that is readily accessible (including by using their vehicle) from their home or place of residence; and

- (b) it is done in compliance with the requirements that relate to physical distancing (*see* clause 31) and the prohibition against gathering in outdoor places (*see* clause 39); and
- (c) it does not involve scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, or flying manned aircraft; and
- (d) it does not involve any other activities that expose the participant to danger or may require search and rescue services:

Extended bubble arrangements and shared caregiver arrangements

- (8) to visit or stay at another home or place of residence if—
 - (a) the residents of those homes or places of residence are part of an extended bubble arrangement; and
 - (b) both homes or places of residence are within the same or adjacent regions within the alert level 3 area:
- (9) if the person is a child leaving the home or place of residence of a shared caregiver, to visit or stay at a home or place of residence of another shared caregiver if—
 - (i) the residents of the homes or places of residence of the shared caregivers are part of the same extended bubble arrangement; or
 - (ii) the visit or stay is required by a court order:

Care of children and others and visiting residential disability care

- (10) to provide urgent care for a child or to provide care or support to a person in a critical or terminal condition:
- (11) to visit people in residential disability care (as defined in section 4(1) of the Health and Disability Services (Safety) Act 2001) if permitted to do so by the care provider:

Accessing health services

- (12) to—
 - (i) attend a scheduled appointment to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine if the appointment is in the same or an adjoining district within the alert level 3 area:
 - (ii) access other health services:

Accessing judicial institutions

- (13) 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

- (14) to leave or change their home or place of residence as required by—

- (a) a court order; or
- (b) anyone exercising a power under any enactment to—
 - (i) order the person to be detained; or
 - (ii) order the person to change their place of detention; or
 - (iii) determine the person’s place of residence:

Example of power

A direction of the New Zealand Parole Board or a probation officer.

- (15) to leave or change a home or a place of residence after a period of requirement, detention, or determination described in paragraph (14):
Leaving or relocating home from hospital, etc
- (16) to leave or change a home or a place of residence that is a hospital, another residential health service, or residential care:
Leaving New Zealand
- (17) if leaving New Zealand for another jurisdiction, to go to—
 - (a) an airport or a port from which the person will leave New Zealand; or
 - (b) any managed isolation and quarantine facility immediately before leaving New Zealand:
Emergencies
- (18) if necessary, to preserve their own or any other person’s life or safety:
Relocating home or business premises
- (19) to relocate their home or place of residence or business premises on a permanent or long-term basis, or leave their home or place of residence to arrange or carry out the relocation (including to inspect the property or a potential property):
- (20) 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)
- (21) to go to the person’s home or place of residence (or intended home or place of residence) following—
 - (a) the completion of their period of isolation or quarantine under the Isolation and Quarantine Order or the Maritime Border Order; or
 - (b) if the Isolation and Quarantine Order and Maritime Border Order do not apply to the person, their arrival in New Zealand:

- (22) to collect a person referred to in paragraph (21) for the purpose of accompanying them to their home or place of residence (or intended home or place of residence):

Controlled gatherings

- (23) to attend—
- (a) a controlled gathering within the same or an adjacent region within the alert level 3 area; or
 - (b) a controlled gathering within another region within the alert level 3 area if it is a funeral service or tangihanga:

Accompanying tūpāpaku or deceased persons

- (24) to collect or accompany a tūpāpaku or deceased person, but only if the total number of people collecting or accompanying the tūpāpaku or deceased person (including the person operating the vehicle) is no more than 10 (which is the number of people permitted at any one time at a controlled gathering):

Caring for pets or other animals

- (25) to care for pets or other animals that they own or are in charge of if—
- (a) it is necessary to do so; and
 - (b) the pets or other animals are within the same or an adjacent region within the alert level 3 area:

Travelling between alert level areas if permitted by clause 17

- (26) to travel, in accordance with clause 16(1), for 1 or more of the purposes permitted by clause 17:

Assisting fellow resident

- (27) 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.

Physical distancing and face covering requirements for individuals in alert level 3 area

31 Physical distancing requirements for all individuals in alert level 3 area

- (1) All persons in the alert level 3 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), and (5).
- (3) The following people must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable:
 - (a) all workers of a business or service while they are in the workplace of, or working for, the business or service:

- (b) all other persons who enter the workplace, or use the services, of a business or service if Schedule 3 indicates that the 1-metre physical distancing rule applies to a business or service of that kind.
- (4) 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.
- (5) The 2-metre physical distancing rule and the 1-metre physical distancing rule do not apply to a school transport service.
- (6) A breach of subclause (1) or (3) is an infringement offence for the purposes of section 26(3) of the Act.

32 Additional face covering requirements for individuals in alert level 3 area

- (1) Every person must wear a face covering when on the premises of the following businesses or services in the alert level 3 area:
 - (a) supermarkets:
 - (b) dairies:
 - (c) petrol stations, including any stores operating as part of the petrol station:
 - (d) licensing trusts:
 - (e) pharmacies:
 - (f) food banks:
 - (g) self-service laundries:
 - (h) hardware and do-it-yourself stores:
 - (i) public areas of courts and tribunals, except that—
 - (i) a judicial officer may exercise discretion regarding the use of face coverings in the room where the hearing is held:
 - (ii) this does not affect the exclusion from the closure of premises in clause 34(2)(b):
 - (j) public areas of category A social services, including customer service counters:
 - (k) retail butchers, fishmongers, and greengrocers:
 - (l) shopping malls (but *see* item 15 of Schedule 3 for the limited purposes for which shopping malls may allow access):
 - (m) banks:
 - (n) public areas of premises operated by New Zealand Post Limited, including customer service counters (but *see* item 17 of Schedule 3 for the limited purposes for which New Zealand Post Limited may allow access).

- (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) For a health service other than a pharmacy, every person who is not a patient or worker of the health service must wear a face covering when on the premises of the health service.
- (4) A worker delivering goods to a dwelling house must wear a face covering for any part of the trip during which they are not in or on their vehicle.
- (5) However, subclauses (1) to (4) do not apply in the circumstances set out in clause 33.
- (6) A breach of any of subclauses (1) to (4) is an infringement offence for the purposes of section 26(3) of the Act.

33 Exemptions from additional face covering requirements in clause 32

Clause 32 does not apply to a person 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.

Workplace requirements in alert level 3 area

34 Closure of premises unless alert level 3 requirements operating

- (1) A person in control of premises in the alert level 3 area must close those premises unless the person is carrying on a business or service that is operating in compliance with the alert level 3 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 reopening (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; and
 - (c) this clause and clause 35 do not apply to a school transport service.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

35 Businesses and services in alert level 3 area to have systems and processes for physical distancing requirements

- (1) A business or service in the alert level 3 area 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 of spreading COVID-19 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 38.

36 Businesses and services in alert level 3 area to have systems and processes to minimise travel

A business or service in the alert level 3 area must have systems and processes in place to, so far as is reasonably practicable,—

- (a) minimise travel of its workers between regions or alert level areas; and
- (b) mitigate the risks of spreading COVID-19 that arise to the extent that its workers travel between regions or alert level areas.

37 Certain business and services in alert level 3 area to have systems and processes for contact record rule

- (1) In this clause, **contact record rule**, in relation to a business or service, means that the person in control of a workplace of a business or service must have

systems and processes in place to ensure, so far as is reasonably practicable, that each person aged 12 years or older who enters the workplace—

- (a) scans the QR code for the workplace or otherwise makes their own contact record; or
 - (b) provides a contact record that the person in control of the workplace collects.
- (2) The person in control of a workplace of a business or service in the alert level 3 area must comply with the contact record rule if Schedule 3 indicates that the rule applies to a business or service of that kind.
- (3) The person in control of a workplace of any of the following businesses and services in the alert level 3 area must comply with the contact record rule, but only in relation to people other than workers of the business or service:
- (a) a court or tribunal;
 - (b) a category A social service with a public area, including a customer service counter;
 - (c) a health service (including a pharmacy).
- (4) In subclause (3), **worker** includes a judicial officer of the court or tribunal.
- (5) This clause does not apply to a workplace that is excluded from the application of clause 9(1).
- (6) *See* clause 11(2) for requirements for the retention and disposal of contact records that are collected for the sole purpose of enabling contact tracing.

38 Adjusted alert level 3 requirements for businesses and services

The alert level 3 requirements are adjusted for a business or service as follows:

- (a) unless Schedule 3 indicates that a business or service of that kind may have customers and 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 3 indicates that the 1-metre physical distancing rule applies to a business or service of that kind, 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) for a public transport service provided by means of air transport or a small passenger service vehicle, the business or service must have sys-

tems 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:

- (d) the business or service must comply with all conditions (if any) set for a business or service of that kind in Schedule 3.

Prohibition on gatherings in outdoor places in alert level 3 area

39 Prohibition on gatherings in outdoor places in alert level 3 area

- (1) A person must not attend a gathering in any outdoor place in an alert level 3 area.
- (2) A person must not organise a gathering in any outdoor place in an alert level 3 area.
- (3) This clause does not apply to—
 - (a) a gathering of fellow residents; or
 - (b) a gathering organised by a venue business operating in compliance with the alert level 3 requirements; or
 - (c) a controlled gathering (*see* clause 40); or
 - (d) 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.

Controlled gatherings in alert level 3 area

40 People responsible for controlled gatherings in alert level 3 area must comply with contact record requirements

- (1) A controlled gathering is permitted in an alert level 3 area, but only if the requirements in subclause (2) are met.
- (2) The people responsible for a controlled gathering in an alert level 3 area must ensure that there are systems and processes in place to ensure that, so far as is reasonably practicable, each person aged 12 years or older who attends the controlled gathering—
 - (a) scans the QR code for the controlled gathering or otherwise makes their own contact record; or
 - (b) provides a contact record that is kept by one of the people responsible for or attending the controlled gathering.
- (3) Subclause (2) does not apply if every person aged 12 years or older at the controlled gathering knows, and can identify for the purposes of contact tracing, every other person aged 12 years or older who is attending the controlled gathering.

- (4) Subclauses (1) and (2) do not apply to a controlled gathering organised by a venue business operating in compliance with the alert level 3 requirements (*see* clause 37 and Schedule 3 in relation to the contact record requirements for venue businesses).
- (5) In this clause, **controlled gathering** means a gathering that meets all of the following requirements:
- (a) there are no more than 10 people at any one time at the gathering (including any celebrant, organiser, or other assistant); and
 - (b) the gathering is for one of the following purposes:
 - (i) a funeral service;
 - (ii) a tangihanga;
 - (iii) a wedding or civil union service; and
 - (c) the gathering is one at which no food or drink is served.

41 Individuals must comply with contact record requirements for controlled gatherings in alert level 3 area

If clause 40(2) applies to a controlled gathering, a person who attends the controlled gathering must—

- (a) scan the QR code for the controlled gathering or otherwise make their own contact record; or
- (b) provide a contact record referred to in that clause.

Part 5 Miscellaneous

42 Exemption for emergencies

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

43 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, except in relation to—
 - (i) pharmacies;
 - (ii) contact record requirements for other health services under,—
 - (A) for the alert level 4 area, clauses 9, 11, and 26:

- (B) for the alert level 3 area, clauses 9, 11, and 37:
- (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:
 - (p) to workers carrying out any business or service referred to in any of paragraphs (a) to (o):
 - (q) to Parliament, including members of Parliament, parliamentary staff, and any officer of Parliament:
 - (r) to Ministers of the Crown and ministerial staff, in relation to Government business:

- (s) to people who are enforcement officers carrying out their functions and exercising their powers under the Act.

44 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) In determining whether the condition in subclause (2)(a) is satisfied for an exemption from clause 16 (restrictions on travel between alert level areas), the Director-General must take into account—
 - (a) the extent to which the travel is reasonably necessary, including whether it could reasonably be delayed; and
 - (b) the economic, social, or health benefits associated with the purpose of the travel; and
 - (c) the public health risk associated with the travel and its purpose.
- (4) The Director-General may impose conditions on the exemption as the Director-General considers necessary.
- (5) 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.
- (6) 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*.
- (7) However, the Director-General need not comply with subclause (6) before an exemption, or an amendment to an exemption, comes into force if satisfied that the exemption or amendment should come into force urgently.
- (8) 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 (6) as soon as practicable after the exemption or amendment comes into force.

Revocation

45 Revocation

The COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021 (LI 2021/210) is revoked.

Schedule 1

Transitional, savings, and related provisions

cl 7

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 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—
 - (a) are described in clauses 20 and 24, if the accommodation service is in the alert level 4 area; or
 - (b) are described in clauses 31 and 35, if the accommodation service is in the alert level 3 area.

3 Existing exemptions continued

An exemption granted by the Director-General under clause 24 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021 that is in force immediately before commencement continues in force on and after commencement as if it had been granted under clause 44 of this order, and is subject to the same conditions (if any) as applied before commencement.

Schedule 2

Alert level 4 businesses and services

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
1	Supermarkets	✓	Alert level 4 requirements under clauses 20, 26, and 27		cls 4(1), 17(1), 19, 20(3), 26(2), 27, 30
2	Dairies	✓			<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 prevent the following:</p> <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	Petrol stations, including any stores operating as part of the petrol station	✓			<p>Must have systems and processes in place to prevent the following:</p> <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
4	Licensing trusts operating in Waitakere and Portage, but only in respect of the sale of alcohol under an off-licence	✓			<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>

Alert level 4 requirements under clauses 20, 26, and 27					
Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
5	Health services (other than pharmacies)	Exempt—see clause 43	Exempt—see clause 43	See clause 26(3)(c)	
6	Pharmacies	✓		See clause 26(3)(c)	Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	Food banks	✓		See clause 26(3)(c)	Must have systems and processes in place to prevent food and drink from being served for consumption on premises
8	Self-service laundries	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises
9	Hardware and do-it-yourself stores, but only for the purpose of selling to trade customers	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises
10	Food delivery services for— <ul style="list-style-type: none"> • bakeries: • uncooked food suppliers: • alcohol suppliers 			✓	
11	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))			✓	
12	Sale of essential non-food consumer products (via online ordering and contactless delivery) that are necessary for			✓	

Alert level 4 requirements under clauses 20, 26, and 27	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Customers and clients allowed in workplace	Contact record rule applies	Additional conditions
44	Business or service	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; • urgently required whiteware and appliances (for example, refrigerators, heaters, washing machines and dryers, vacuum cleaners, fans, and dehumidifiers); • urgently required cooking, cleaning, and laundry equipment; • 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, 		

Alert level 4 requirements under clauses 20, 26, and 27

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
13	<p>modems and Internet equipment, televisions, and radios):</p> <ul style="list-style-type: none"> urgently required educational materials and books: urgently required home office equipment <p>Accommodation services</p>	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises (but this condition does not apply to tertiary student accommodation)
14	<p>Building, construction, and maintenance services required for 1 or both of the following:</p> <ul style="list-style-type: none"> to address immediate risks to health and safety: nationally important infrastructure <p>In this item, nationally important infrastructure means infrastructure that enables or supports supply chains that are needed for 1 or both of the following:</p> <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 			✓	

Alert level 4 requirements under clauses 20, 26, and 27

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
15	Zealand from the effects of COVID-19 Entities with statutory responsibilities for building and resource consenting that is necessary to enable the building, construction, and maintenance services referred to in item 14	✓	✓	✓	
16	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 23(2)(b))	✓	✓	See clause 26(3)(a)	
17	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓	✓	✓	
18	The following services: <ul style="list-style-type: none"> • postal and courier services; • 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 			✓	
19	Transport stations	✓	✓		
20	Passenger services provided by means of road, rail, air, or sea (excluding public transport services provided by means of air transport or small passenger service vehicles)	✓	✓		

Alert level 4 requirements under clauses 20, 26, and 27			
Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons
21	Public transport services provided by means of air transport or small passenger service vehicles	✓	See clause 27(c)
22	Primary industries (which means 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		✓
23	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: 		✓
		Contact record rule applies	Additional conditions

Alert level 4 requirements under clauses 20, 26, and 27					
Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
24	<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 Entities required to provide distance or online learning for primary and secondary education	✓	✓	✓	
25	School hostels	✓	✓		Must keep students and staff, so far as is reasonably practicable, in groups that are appropriately sized and stable
26	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	✓	✓	See clause 26(3)(b)	
27	Key utilities , 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"> electricity; gas; water; wastewater (for example, sanitation); 			✓	

Alert level 4 requirements under clauses 20, 26, and 27

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
28	<ul style="list-style-type: none"> waste (for example, rubbish collection and recycling); liquid or solid fuel; telecommunications services (as defined in section 5 of the Telecommunications Act 2001) <p>Key communications, which—</p> <ul style="list-style-type: none"> means news (including news production) and broadcast media; and 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 			✓	
29	<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, or relates to the COVID-19 response or infrastructure; and provision of the service cannot reasonably be delayed (for example, because a delay would breach an 			✓	

Alert level 4 requirements under clauses 20, 26, and 27					
Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
	<p>obligation under an enactment, risk harm to people or communities, or risk damage to the environment)</p> <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>				
30	Foreign Government (maintaining critical operations of foreign missions based in New Zealand)			✓	
31	Security services (including locksmiths)			✓	
32	Pest management services			✓	
33	Essential elements of pulp and paper plants			✓	
34	<p>The essential operations of the following businesses and services:</p> <ul style="list-style-type: none"> • the Golden Bay Cement manufacturing plant in Portland, Whangarei: • New Zealand Steel: 			✓	
35	Services for deceased persons or tūpāpaku including, for example, funeral homes, crematoria, or cemeteries			✓	
36	Unions, if reasonably necessary to provide a service that cannot reasonably be delayed			✓	

Alert level 4 requirements under clauses 20, 26, and 27	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Customers and clients allowed in workplace	Contact record rule applies	Additional conditions
37	<p>Business or service (for example, because a delay would risk the health and safety of workers)</p> <p>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:</p> <ul style="list-style-type: none"> • other alert level 4 businesses or services: • exempt businesses or services 	✓		

Schedule 3
Alert level 3 requirements for businesses and services

cls 4(1), 30, 31(3), 37(2), 38

Number	Business or service	Alert level 3 requirements under clauses 31, 37, and 38			Additional conditions
		Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	
	Category A business or service				
1	Rental car services and car share services	✓	✓		
2	Veterinary services and animal health and welfare services	✓	✓		
3	Services provided under the Oranga Trāmihi Act 1989, and other social services provided to support persons to maintain critical well-being and as crisis support for people who are unsafe or homeless	✓	✓	See clause 37(3)(b)	
4	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 34(2)(b))	✓	✓	See clause 37(3)(a)	
5	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓	✓		
	Category B business or service				
6	Supermarkets	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	Dairies	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises

Alert level 3 requirements under clauses 31, 37, and 38

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
8	Retail butchers, fishmongers, and greengrocers, but only if their premises are indoors and have a fixed location	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises
9	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
10	Licensing trusts operating in 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
11	Pharmacies	✓		See clause 37(3)(c)	Must have systems and processes in place to prevent food and drink from being served for consumption on premises
12	Food banks	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises
13	Hardware and do-it-yourself stores	✓			Must have systems and processes in place to allow customers (other than trade customers) to collect goods only through a method that— <ul style="list-style-type: none"> • minimises physical contact; and • does not involve entering a building or involves entering a building only for the purpose of using a drive-through facility

In this item, **drive-through facility** means a facility at which customers collect goods by having them loaded into their vehicles

Alert level 3 requirements under clauses 31, 37, and 38

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
14	Banks	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises
15	Shopping malls	✓			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 that allow access only for the purpose of 1 or both of the following: <ul style="list-style-type: none"> enabling goods to be collected through a method that minimises physical contact: enabling access to other businesses or services to which persons may have access under this schedule
16	Accommodation services	✓			Must have systems and processes in place to prevent food and drink from being served for consumption on premises
17	New Zealand Post Limited	✓			Must have systems and processes in place that allow customers to have access only to 1 or both of the following: <ul style="list-style-type: none"> PO Boxes (including in-person collection services at a PO Box lobby): in-person collection services at a Card to Call counter

Alert level 3 requirements under clauses 31, 37, and 38

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
18	Education entities Education entities	✓	✓		<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—</p> <ul style="list-style-type: none"> keep children, students, and teachers, so far as is reasonably practicable, in groups that are appropriately sized and stable; and for schools, limit students' physical attendance to students in years 1 to 10 and, for other students, as otherwise permitted by any direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020
19	Transport Transport stations and public transport services (other than those provided by means of air transport or small passenger service vehicles)	✓	✓		
20	Public transport services provided by means of air transport or small passenger service vehicles	✓	See clause 38(c)		
21	Health Health services (other than pharmacies)	Exempt—see clause 43	Exempt—see clause 43	See clause 37(3)(c)	

Alert level 3 requirements under clauses 31, 37, and 38

Number	Business or service	Customers and clients allowed in workplace	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
22	Venues Venue businesses	✓	✓	✓	Must have systems and processes in place to ensure that the venue workplace is used only for the purpose of a controlled gathering
23	All other businesses and services All businesses and services other than those referred to in items 1 to 22	See the additional condition	✓	✓	Must have systems and processes in place to ensure, so far as is reasonably practicable, that no customers or clients enter the workplace except to the minimum extent necessary to collect goods through a method that minimises physical contact and— <ul style="list-style-type: none"> • does not involve entering a building; or • involves entering a shopping mall, but not entering an individual store; or • involves entering a building, but only to access a PO Box (including an in-person collection service at a PO Box lobby) or an in-person collection service at a Card to Call counter operated by New Zealand Post Limited

Schedule 4

Description of alert level 4 area

cl 6(1)

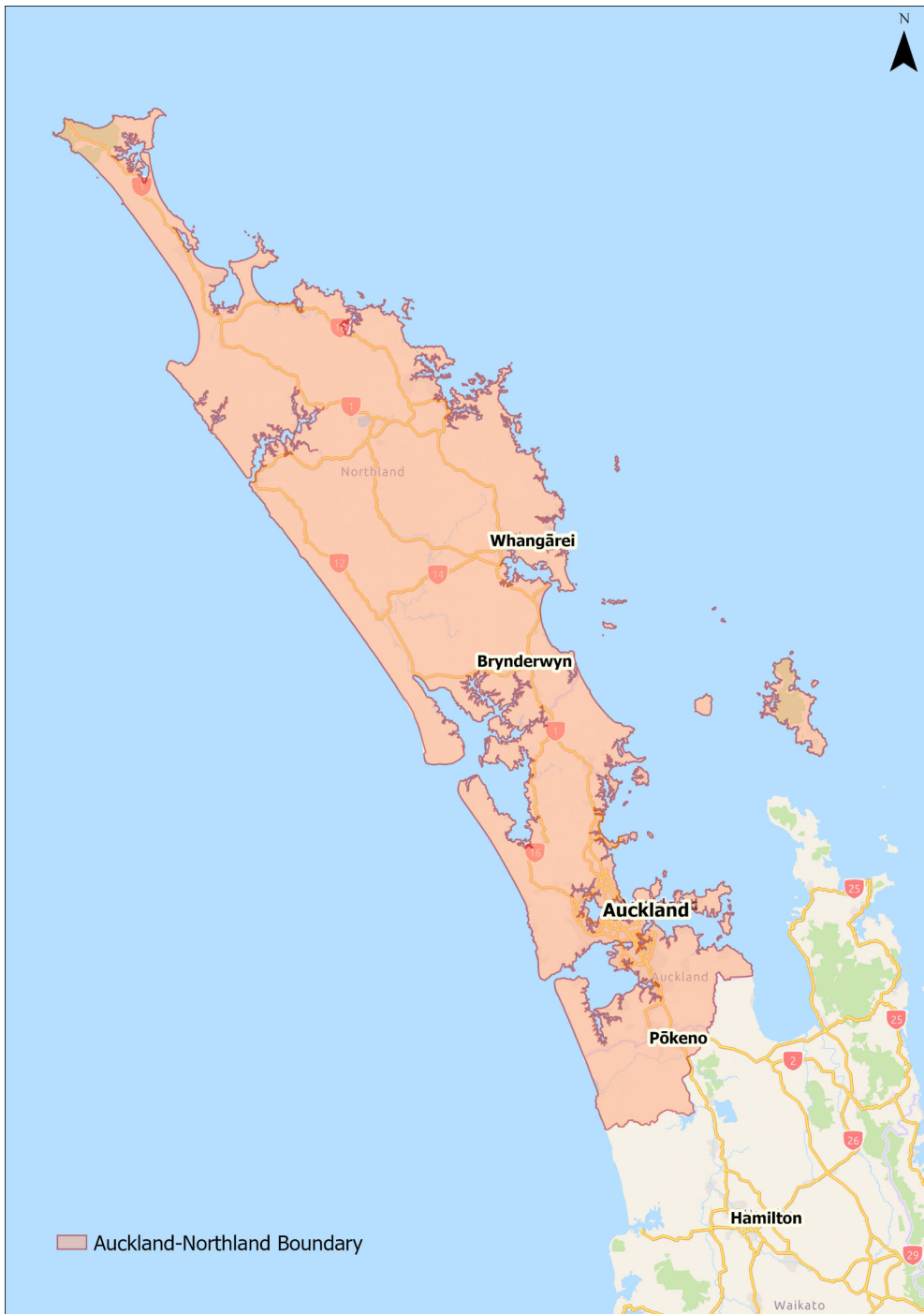
Alert level 4 area means—

- (a) the area within the boundaries of Northland Region as shown on LG-01-2019-Con-1; and
- (b) the area within the boundaries of Auckland as shown on LGC-Ak-R1; and
- (c) the area (bounded by the middle of the roads listed below)—
 - (i) commencing on the mean high-water mark of the west coast of the North Island at the southernmost point of the south-west corner of the area described in paragraph (b) (the boundaries of Auckland); then
 - (ii) proceeding in a generally south-easterly direction along the mean high-water mark (and across the mouth of the Waikato River) to the Kaawa Stream; then
 - (iii) proceeding in a generally north-easterly direction along the north bank of the Kaawa Stream to the intersection with Port Waikato-Waikaretu Road; then
 - (iv) proceeding south along Port Waikato-Waikaretu Road to the intersection with Baker Road; then
 - (v) proceeding north-east along Baker Road to the intersection with Wairamarama-Onewhero Road; then
 - (vi) proceeding south-east along Wairamarama-Onewhero Road to the intersection with Bothwell Loop Road; then
 - (vii) proceeding north-east along Bothwell Loop Road to the intersection with Waikaretu Valley Road; then
 - (viii) proceeding east along Waikaretu Valley Road to the intersection with State Highway 22; then
 - (ix) proceeding north-east along State Highway 22 to the intersection with Glen Murray Road; then
 - (x) proceeding south-east along Glen Murray Road to the intersection with Churchill Road; then
 - (xi) proceeding north along Churchill Road until it crosses Opuatia Stream; then
 - (xii) proceeding in a generally north-easterly direction along the north bank of the Opuatia Stream to the Waikato River; then
 - (xiii) proceeding in a generally northerly direction along the west bank of the Waikato River to the intersection with Mercer Ferry Road; then
 - (xiv) proceeding north-east along Mercer Ferry Road to the intersection with Koheroa Road; then

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- (xv) proceeding north-east along Koheroa Road to the intersection with Mangatawhiri Road; then
 - (xvi) proceeding north-west along Mangatawhiri Road to the intersection with Lyons Road; then
 - (xvii) proceeding north-east along Lyons Road to the intersection with Paparimu Road; then
 - (xviii) proceeding north-west along Paparimu Road to the intersection with the area described in paragraph (b) (the boundaries of Auckland); then
 - (xix) proceeding in a generally westerly direction along the southern boundary of the boundaries of Auckland to the point of commencement described in subparagraph (i).

Schedule 5 Map of alert level 4 area

cl 6(2)



Dated at Wellington this 30th 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 replaces the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021. The order keeps Auckland and Northland at alert level 4. The rest of New Zealand moves to alert level 3.

Most of the order comes into force at 11.59 pm on 31 August 2021. However, clauses 26, 37, and 43(b)(ii) are deferred until 11.59 pm on 7 September 2021. These clauses relate to requirements for some businesses and services to have systems and processes in place to ensure that certain people entering their workplaces scan QR codes, create their own records, or provide their contact information.

Part 1 of this order sets out the purpose of this order (*see clause 3*) and definitions used in the order (*see clause 4*).

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

Clause 5 provides for how the requirements in this order apply to businesses and services.

Clause 6 provides for the description of the alert level 4 area in *Schedule 4* and the indicative map of the area in *Schedule 5*.

Clause 7 refers to the transitional, savings, and related provisions set out in *Schedule 1*.

Clause 8 sets out where this order applies, as follows:

- *Part 3* applies in the alert level 4 area, to any property if a part of it is in the alert level 4 area, and to any other place if necessary for the purposes of enforcing the measures in those 2 places (for example, to enable roadblocks). The alert level 4 area means the area described in *Schedule 4*:
- *Part 4* applies to all areas of New Zealand except to the extent that *Part 3* applies:
- the rest of this order applies to the whole of New Zealand.

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

Clauses 9 and 10 set out requirements for unique identifying codes for the purpose of enabling contact tracing (QR codes).

Clause 11 sets out requirements for workplaces to have systems and processes in place to enable contact records to be kept.

Clauses 12 to 14 set out face covering requirements on public transport services and domestic air transport services, and exemptions from those requirements.

Clause 15 describes the 1-metre and 2-metre physical distancing rules.

Clause 16 prohibits travel between alert level areas unless the travel is permitted under *clause 17*.

Alert level 4 requirements to prevent outbreak or spread of COVID-19

Clause 18 sets out the stay-at-home requirements in the alert level 4 area.

All people within that area must—

- remain at their current home or place of residence except for essential personal movement permitted under *clause 19*; and
- if their home is mobile, keep that home in the same general location except for essential personal movement permitted under *clause 19*.

These requirements do not apply to a person while the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 or the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 applies to that person.

Clause 19 sets out movements that are permitted as essential personal movement within the alert level 4 area. These are the reasons for which a person is permitted to leave their current home or place of residence.

Clause 20 requires people to maintain physical distancing so far as is reasonably practicable. For the alert level 4 area, this means staying 2 metres away from other people. There are exceptions for specified individuals and workplaces.

Clauses 21 and 22 set out additional face covering requirements in the alert level 4 area and exemptions from those requirements.

Clause 23 requires premises in the alert level 4 area to be closed unless they are the premises of an alert level 4 business or service (which is a business or service listed in *Schedule 2*). The alert level 4 business or service must comply with alert level 4 requirements (set out in *Part 2 and clauses 23 to 27*). There are exceptions to allow necessary work in other premises.

Clause 24 requires alert level 4 businesses and services to have systems and processes for physical distancing requirements. Those requirements are adjusted in some cases in *clause 27*.

Clause 25 requires alert level 4 businesses and services to have systems and processes in place to minimise travel between districts or alert level areas.

Clause 26 requires some alert level 4 businesses and services to have systems and processes in place to ensure, so far as is reasonably practicable, that specified persons aged 12 years or older entering their workplace scan the QR code, make their own record, or provide contact information.

Clause 27 provides adjustments to the alert level 4 requirements for specified alert level 4 businesses and services.

Clause 28 prohibits outdoor gatherings in the alert level 4 area, other than gatherings of fellow residents. The clause does not apply to premises referred to in section 12(2)(d) of the COVID-19 Public Health Response Act 2020.

Alert level 3 requirements to prevent outbreak or spread of COVID-19

Clause 29 sets out the stay-at-home requirements in the alert level 3 area.

All people within that area must—

- remain at their current home or place of residence except for essential personal movement permitted under *clause 30*; and
- if their home is mobile, keep that home in the same general location except for essential personal movement permitted under *clause 30*.

These requirements do not apply to a person while the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 or the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 applies to that person.

Clause 30 sets out movements that are permitted as essential personal movement within the alert level 3 area. These are the reasons for which a person is permitted to leave their current home or place of residence.

Clause 31 requires people to maintain physical distancing so far as is reasonably practicable. For the alert level 3 area, this means staying 2 metres away from other people. There are exceptions for specified individuals and workplaces.

Clauses 32 and 33 set out additional face covering requirements in the alert level 3 area and exemptions from those requirements.

Clause 34 requires premises in the alert level 3 area to be closed unless the business or service complies with the alert level 3 requirements (set out in *Part 2 and clauses 35 to 38*). There are exceptions to allow necessary work in other premises.

Clause 35 requires businesses and services in the alert level 3 area to have systems and processes for physical distancing requirements. Those requirements are adjusted in some cases in *clause 38*.

Clause 36 requires businesses and services in the alert level 3 area to have systems and processes in place to minimise travel between regions or alert level areas.

Clause 37 requires some businesses and services in the alert level 3 area to have systems and processes in place to ensure, so far as is reasonably practicable, that specified persons aged 12 years or older entering their workplace scan the QR code, make their own record, or provide contact information.

Clause 38 provides adjustments to the alert level 3 requirements for specified businesses and services in the alert level 3 area.

Clause 39 prohibits outdoor gatherings in the alert level 3 area. The clause does not apply to gatherings of fellow residents or controlled gatherings (including those

organised by venue businesses) or to premises referred to in section 12(2)(d) of the COVID-19 Public Health Response Act 2020.

Clause 40 permits controlled gatherings in the alert level 3 area, as long as the people responsible for the gathering ensure that processes are in place to collect contact information. (People responsible is defined in *clause 4*.)

Clause 41 sets out contact record requirements that apply to the people who attend a controlled gathering within the alert level 3 area.

Exemptions

Clause 42 exempts people assisting in or responding to an emergency from the application of the order.

Clause 43 sets out other exemptions for specified activities and services.

Clause 44 empowers the Director-General of Health to grant exemptions from any provision of this order, subject to the Director-General being satisfied that certain criteria are met.

Revocation

Clause 45 revokes the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021.

Schedules

Schedule 1 is for transitional, savings, and related provisions.

Schedule 2 lists alert level 4 businesses and services and certain alert level 4 requirements for those business and services.

Schedule 3 sets out certain alert level 3 requirements for businesses and services.

Schedule 4 contains a description of the alert level 4 area.

Schedule 5 contains an indicative map of the alert level 4 area.

Approval by resolution required

This order must be approved by a 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*: 30 August 2021.
This order is administered by the Ministry of Health.