

**Version
as at 21 September 2021**



**COVID-19 Public Health Response (Alert Level
Requirements) Order (No 11) Amendment Order 2021
(LI 2021/239)**

COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) Amendment Order 2021: revoked, at 11.59 pm on 21 September 2021, pursuant to clause 55 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (LI 2021/263).

This order is made by the Minister for COVID-19 Response under sections 11 and 15(1) 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 11) Amendment Order 2021.

Note

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

This order is administered by the Ministry of Health.

2 Commencement

This order comes into force at 10.00 am on 9 September 2021.

3 Principal order

This order amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021.

4 New clause 29A inserted (Chief executive of MBIE may authorise certain businesses or services to operate as alert level 4 businesses or services)

After clause 29, insert:

29A Chief executive of MBIE may authorise certain businesses or services to operate as alert level 4 businesses or services

- (1) The chief executive of MBIE may—
 - (a) authorise a business or service that is located in the alert level 4 area to operate as an alert level 4 business or service if—
 - (i) it manufactures or distributes 1 or more of the following residential building products:
 - (A) coated roofing steel;
 - (B) plasterboard and gypsum plaster;
 - (C) cavity insulation; and
 - (ii) it is necessary to maintain supply for residential construction; and
 - (b) impose conditions on the authorisation, including (but not limited to) the number of workers permitted to enter the workplace of the business or service at any time.
- (2) Before determining whether to authorise a business or service, the chief executive of MBIE must consider—
 - (a) the need to maximise the supply of the specified residential building products; and
 - (b) the need to minimise movement within the alert level 4 area to prevent the risk of spreading of COVID-19; and
 - (c) the measures the business or service has in place to mitigate the risk of spreading of COVID-19; and
 - (d) the need for each of the specified residential products to be available.
- (3) The total number of workers for all the businesses and services authorised under this clause must not exceed 100.
- (4) An authorisation may be issued for an initial period of up to 7 days, and may be renewed for further periods of up to 7 days.

5 Schedule 2 amended

- (1) In Schedule 2, shoulder reference, replace “cls 4(1), 18(1), 21, 22(3), 28(2), 28A, 29” with “cls 4(1), 11(6), 19B(2), 21, 22(3), 28(2), 29”.
- (2) In Schedule 2, after item 39, insert:

Number	Business or service	Customers and clients allowed in work place	1-metre (rather than 2-metre) physical distancing rule applies to all persons	Contact record rule applies	Additional conditions
40	A business or service authorised by the chief executive of MBIE under clause 29A			✓	Must have systems and processes in place to ensure that the number of workers is no more than the minimum required to operate safely

Dated at Wellington this 9th day of September 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This order, which comes into force at 10.00 am on 9 September 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021 (the **principal order**).

The amendments provide that the chief of executive of MBIE may, in certain circumstances, authorise a business or service that manufactures or distributes certain residential building products, and is located in the alert level 4 area, to operate as an alert level 4 business or service.

Approval by resolution required

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

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 9 September 2021.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) Amendment Order 2021 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (LI 2021/263): clause 55