

Version
as at 21 September 2021



COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) Amendment Order (No 3) 2021

(LI 2021/244)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) Amendment Order (No 3) 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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Note

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

This order is administered by the Ministry of Health.

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Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) Amendment Order (No 3) 2021.

2 Commencement

This order comes into force at 11.59 pm on 15 September 2021.

3 Principal order

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

4 Clause 4 amended (Interpretation)

(1) In clause 4(1), insert in their appropriate alphabetical order:

class 4 venue has the same meaning as in section 4(1) of the Gambling Act 2003

gaming machine has the same meaning as in section 4(1) of the Gambling Act 2003

(2) In clause 4(1), definition of **people responsible**, replace “means—” with “means both of the following:”.

(3) In clause 4(1), definition of **social gathering**, replace paragraph (c) with:

(c) despite paragraph (b)(ii), includes a gathering held in a defined space or premises of a business or service (other than a vehicle in use as part of a public transport service) that have been hired for the exclusive use of the gathering by a person (other than the person who manages or controls the defined space or premises)

5 Clause 12 amended (Face covering requirements on public transport services)

Revoke clause 12(2)(a).

6 Clause 17 amended (Restrictions on travel into, out of, or through alert level areas)

In clause 17(1), replace “A person may go into, out of, or through an alert level area only if” with “A person in one alert level area may go into, out of, or through another alert level area only if”.

7 Clause 18 amended (Permitted purposes for travel between alert level areas)

- (1) In clause 18(1), replace “a person is permitted to go into, out of, or through an alert level area” with “a person in one alert level area is permitted to go into, out of, or through another alert level area”.
- (2) In clause 18(7), replace “subclauses (1) to (3)” with “subclause (1)”.

8 Clause 19 amended (Evidence of permission for travel between alert level areas)

- (1) Revoke clause 19(1)(a)(ii).
- (2) In clause 19(1)(a)(ix), replace “pets” with “pets or other animals”.
- (3) Revoke clause 19(1)(b)(i).

9 Clause 21 amended (Permissions for essential personal movement within alert level 4 area)

- (1) In clause 21(b), delete “(which may include travel between regions within the alert level 4 area)”.
- (2) In clause 21(m)(i), replace “order” with “order (other than a parenting order, an interim parenting order, or an order to settle a dispute between guardians)”.
- (3) After clause 21(n), insert:

Collecting certain persons

- (na) to collect a person referred to in paragraph (m) or (n) for the purpose of accompanying them to their home or place of residence (or intended home or place of residence) in New Zealand:

10 Clause 23 amended (Additional face covering requirements for individuals in alert level 4 area)

In clause 23(5), replace “residence” with “residence (other than a person providing childcare at a home or place of residence)”.

11 Clause 31 amended (Application of clauses 32 to 42)

Replace clause 31(1)(d) with:

- (d) a gathering held in a defined space or premises of a business or service (other than a vehicle in use as part of a public transport service) that have been hired for the exclusive use of the gathering by a person (other

than the person who manages or controls the defined space or premises);
or

12 Clause 36 amended (Requirements on customers and clients at food and drink businesses and services in alert level 2 area)

(1) After clause 36(4)(d), insert:

- (e) the use of gaming machines operated in a class 4 venue, but only if—
 - (i) no food or drink is served or consumed within 2 metres of the gaming machines; and
 - (ii) no person is permitted to use a gaming machine without wearing a face covering.

(2) Replace clause 36(5) with:

(5) If a business or service specified in subclause (1) holds an on-licence or a club licence and the customers or clients at the business or service are unable to meet the requirements of subclause (2) in relation to an activity, the activity is prohibited.

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

13 Clause 46A amended (Additional face covering requirement for workers at social gatherings)

In clause 46A, insert as subclause (2):

(2) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

14 Schedule 2 amended

In Schedule 2, replace item 39 with:

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
39	Services provided to a person (A) at A's home or place of residence relating to— <ul style="list-style-type: none"> • the delivery, installation, or maintenance of goods that are 			<i>See</i> clause 28A	Services may only be provided if— <ul style="list-style-type: none"> • the provision of the service is necessary to address a risk to

<ul style="list-style-type: none">• necessary for A's health or safety (for example, the maintenance of kitchen appliances):• building, construction, and maintenance services required to address immediate risks to health and safety:• utility services relating to the installation and maintenance of services necessary to address immediate risks to health and safety (for example, electricity, gas, water, waste water and sanitation, waste, liquid fuel, and solid fuel):• security services (including locksmiths):• services for deceased persons and tūpāpaku	<ul style="list-style-type: none">• health or safety; and• no person is present when the business or service is provided other than A and any fellow resident of A <p>Must have systems and processes in place to ensure that the number of workers is no more than the minimum required to operate safely</p>
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15 Schedule 5 amended

- (1) In Schedule 5, revoke items 4 and 5 and the heading above item 4.
- (2) In Schedule 5, item 11, replace “a court order” with “a court order (other than a parenting order, an interim parenting order, or an order to settle a dispute between guardians)”.
- (3) In Schedule 5, item 19, replace “clause 18(2), (3), (4), or (5)” with “clause 18(4) or (5)”.

16 Schedule 6 amended

- (1) In Schedule 6, item 15, third column, insert “✓”.
- (2) In Schedule 6, item 20, sixth column,—
 - (a) delete “, in relation to the activity of selling or providing food or drink for consumption (or offering for consumption) to customers and clients in the workplace,”; and
 - (b) after paragraph (d), insert:

(e) ensure compliance with clause 36(5)

Dated at Wellington this 15th 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 11.59 pm on 15 September 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021 (the **principal order**).

The amendments make the following changes to the principal order:

- *clause 4* amends clause 4, which defines terms used in the principal order, to insert definitions of class 4 venue and gaming machine, refine the definition of people responsible, and clarify the definition of social gathering:
- *clause 5* revokes clause 12(2)(a) of the principal order. The effect of the amendment is that persons on board a ferry service carrying passengers between the North Island and the South Island are covered by the requirement to wear a face covering:
- *clause 6* amends clause 17(1) of the principal order to clarify the general restriction on travel into, out of, or through an alert level area:
- *clause 7* amends clause 18 of the principal order, which sets out permitted purposes for travel between alert level areas, to clarify permitted travel and adjust a cross-reference in clause 18(7):
- *clause 8* amends clause 19 of the principal order, which requires a person to carry evidence of their purpose of travel and the location of their destination if they are relying on a permission set out in Schedule 5 or clause 18, to revoke clause 19(1)(a)(ii) and (b)(i) (as a consequence of adjusting the permissions relating to caregivers), and to extend clause 19(1)(a)(ix) so that the requirement to carry evidence applies to persons caring for other animals (not just pets):
- *clause 9* amends clause 21 of the principal order, which sets out permissions for essential personal movement within the alert level 4 area, to clarify the permissions in clause 21(b) and (m) and to insert *new clause 21(na)*, which gives permission to collect a person for the purpose of accompanying them to their home or place of residence in New Zealand:

- *clause 10* amends clause 23(5) of the principal order, which requires a person to wear a face covering if they are providing an alert level 4 business or service to another person in that other person's home or place of residence. The amendment excludes persons providing childcare at a person's home or place of residence from the requirement:
- *clause 11* replaces clause 31(1)(d) of the principal order. The amendment clarifies the application of clauses 32 to 42 to gatherings held in a defined space or premises of a business or service that have been hired for a gathering:
- *clause 12* amends clause 36 of the principal order, which sets out requirements on customers and clients at food and drink businesses and services in the alert level 2 area, to set out new requirements relating to the use of gaming machines:
- *clause 13* inserts into the principal order *new clause 46A(2)*, which provides that a failure to comply with the requirement to wear a face covering when working at a social gathering is an infringement offence:
- *clause 14* replaces item 39 of Schedule 2 of the principal order to provide greater detail in respect of services provided at a person's home:
- *clause 15* consequentially amends Schedule 5 of the principal order, which sets out permitted activities for travel into, out of, or through an alert level area, to revoke items 4 and 5, and adjust items 11 and 19:
- *clause 16* amends Schedule 6 of the principal order, which sets out face covering and workplace requirements in the alert level 2 area, to adjust item 15 so that all persons must wear a face covering in any part of the premises of a veterinary service or animal health and welfare service that is open to the public and item 20 to make ensuring compliance with *new clause 36(5)* an additional condition.

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.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) Amendment Order (No 3) 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