

Version
as at 2 December 2021



COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021

(SL 2021/340)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021: revoked, at 11.59 pm on 2 December 2021, pursuant to clause 107 of the COVID-19 Public Health Response (Protection Framework) Order 2021 (SL 2021/386).

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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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 12) Amendment Order (No 11) 2021.

2 Commencement

This order comes into force at 11.59 pm on 28 October 2021.

3 Principal order

This order amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021.

4 Clause 16A amended (Person may not change principal home or place of residence following Government announcement of more restrictive alert level requirements)

After clause 16A(3)(c), insert:

- (d) returning to a school hostel and intending to stay at that school hostel until the end of the 2021 school year.

5 Clause 19A amended (Obligations concerning COVID-19 testing of certain persons travelling into or out of Auckland part of alert level 3 area for work activities)

In clause 19A(2)(b), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”.

- 6 Clause 19B amended (Duty of businesses and services to facilitate testing and medical examination for workers who travel into or out of Auckland part of alert level 3 area)**
In clause 19B(3), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”.
- 7 Clause 19C amended (Obligations concerning COVID-19 testing of certain persons travelling out of Auckland part of alert level 3 area for non-work activities)**
In clause 19C(3)(c), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”.
- 8 Clause 21 amended (Permissions for essential personal movement within each part of alert level 3 area)**
- (1) In clause 21(6)(b), replace “gathering in outdoor places” with “gatherings”.
 - (2) In clause 21(7)(b), replace “gathering in outdoor places” with “gatherings”.
 - (3) Revoke clause 21(16).
 - (4) After clause 21(17), insert:

Collecting others

(17A) to collect a person referred to in paragraph (14), (15), or (17) for the purpose of accompanying them to their home or place of residence (or intended principal home or place of residence) in New Zealand:
- 9 Clause 23 amended (Additional face covering requirements for individuals in alert level 3 area)**
After clause 23(1)(p), insert:

(q) car parking buildings.
- 10 Cross-heading above clause 31 amended**
In the cross-heading above clause 31, delete “*in outdoor places*”.
- 11 Clause 31 amended (Prohibition on gatherings in outdoor places in alert level 3 area)**
- (1) In the heading to clause 31, delete “**in outdoor places**”.
 - (2) In clause 31(1), delete “in any outdoor place”.
 - (3) In clause 31(2), delete “in any outdoor place”.
 - (4) After clause 31(2), insert:

(2A) A person in control of premises must ensure that a gathering does not take place at the premises.
 - (5) Replace clause 31(3)(b) with:

(b) an activity undertaken at a business or service that is operating in compliance with the alert level 3 requirements; or

(6) Revoke clause 31(4).

12 Clause 39 amended (Additional face covering requirements for individuals in alert level 2 area)

Replace clause 39(9) with:

(9) A worker must, so far as is reasonably practicable, wear a face covering when working with customers or clients on the premises of, or in the course of carrying out the activities of, a close-proximity business or service (other than professional or semi-professional sport) in the alert level 2 area.

13 Schedule 2 amended

In Schedule 2, after item 17, insert the item 17A set out in the Schedule of this order.

14 Schedule 5 amended

(1) In Schedule 5, item 13, replace “item 11 or 12” with “item 9, 11, or 12”.

(2) In Schedule 5, item 18A, delete “in an alert level 2 area”.

**Schedule
New item inserted into Schedule 2**

cl 13

17A	Car parking buildings	Customers and clients allowed in workplace (clause 30) ✓	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Contact record rule applies (clause 28)	Additional conditions Must have systems and processes in place to prevent food or drink from being served for consumption on premises
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Dated at Wellington this 28th day of October 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 28 October 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the **principal order**).

Clause 4 amends clause 16A of the principal order. Clause 16A restricts when a person may travel from a principal home or place of residence in one location (**location A**) to another home or place of residence in a different location (**location B**) after a Government announcement of more restrictive alert level requirements in location A. The amendment extends the reasons for which such travel is permitted to include returning to a school hostel and intending to stay at that hostel until the end of the 2021 school year.

Clauses 5 to 7 amend clauses 19A to 19C of the principal order to clarify that the exceptions in those clauses are in relation to the Auckland part of the alert level 3 area.

Clause 8 amends clause 21 of the principal order to permit a person to leave their home or place of residence in the alert level 3 area to collect a person leaving a hospital, another residential health service, or residential care. *Clause 8* also makes consequential amendments following changes to clause 31 of the principal order.

Clause 9 amends clause 23(1) of the principal order to require face coverings to be worn when on any part of the premises of a car parking building that is open to the public in the alert level 3 area.

Clauses 10 and 11 amend clause 31 of the principal order and the cross-heading above it. Clause 31 currently prohibits people from attending or organising gatherings in outdoor places in the alert level 3 area. The clause is amended so that the prohibition extends to indoor gatherings, subject to specified exceptions. *Clause 11(4)* adds a new requirement for a person in control of premises to ensure that a gathering does not take place at the premises. *Clause 11(6)* removes the infringement offence if a person organises a gathering in the alert level 3 area.

Clause 12 amends clause 39 of the principal order to modify the requirement for the wearing of face coverings by workers of close-proximity businesses or services in the alert level 2 area.

Clause 13 amends Schedule 2 of the principal order to include car parking buildings in the list of businesses and services that are allowed to have customers and clients in the workplace in the alert level 3 area.

Clause 14(1) amends item 13 of Schedule 5 of the principal order to enable a person to go into, out of, or through alert level areas (or between parts of the alert level 3 area) to collect a person leaving a hospital, another residential health service, or residential care.

Clause 14(2) amends item 18A of Schedule 5 of the principal order. This is a consequential amendment following the recent changes in clause 18(2B) of the principal order.

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 2019.
Date of notification in *Gazette*: 28 October 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

COVID-19 Public Health Response (Protection Framework) Order 2021 (SL 2021/386): clause 107