



COVID-19 Public Health Response (Protection Framework) Amendment Order (No 8) 2022

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 (Protection Framework) Amendment Order (No 8) 2022.

2 Commencement

This order comes into force at 11.59 pm on 21 May 2022.

3 Principal order

This order amends the COVID-19 Public Health Response (Protection Framework) Order 2021.

4 Clause 5 amended (Interpretation)

(1) In clause 5(1), insert in their appropriate alphabetical order:

election means an election of a member of the House of Representatives

election worker means a worker undertaking work related to an election

food court means a space that—

- (a) is a single indoor space (within the meaning of clause 9) in a shopping mall; and
- (b) is used for the consumption of food or drink that is sold, offered, or provided by a food and drink business or service; and
- (c) is not that food and drink business or service’s own distinct defined space

voting place means—

- (a) a polling place appointed under section 155(1) of the Electoral Act 1993;
- (b) an advance voting place as defined in section 197A(10) of the Electoral Act 1993

(2) In clause 5(1), definition of **close-proximity business or service**, paragraph (c)(i), delete “professional and semi-professional”.

5 Clause 9 amended (Meaning of defined space)

Replace clause 9(2)(a) with:

- (a) an indoor space is a **single space** if there are walls (whether permanent or temporary) that substantially divide that space from other spaces:

6 Clause 10 amended (Meaning of designated premises)

After clause 10(n), insert:

- (o) a voting place.

7 Clause 11 amended (Meaning of face covering rule and medical-grade face covering rule)

After clause 11(3)(j), insert:

(ja) when at a voting place to vote in an election; or

8 Clause 13 replaced (Meaning of gathering)

Replace clause 13 with:

13 Meaning of gathering

In this order, **gathering**—

- (a) means a group of people in a defined space; but
- (b) excludes a group of people at an event.

Examples

A gathering for voluntary or not-for-profit sporting, recreational, social, or cultural activities.

A gathering for community club activities (except activities that occur at the same time and place as services provided under a club licence under section 21 of the Sale and Supply of Alcohol Act 2012).

A faith-based gathering.

A funeral or tangihanga.

A gathering held in a defined space or premises of a workplace if that space or those premises is for the exclusive use of the gathering.

9 Clause 23 amended (Person must comply with face covering rule in specified premises or circumstances)

Replace clause 23(2) with:

- (2) However, subclause (1) does not apply to the following workers:
 - (a) an entertainer performing at those premises or in those circumstances, provided that they are complying with the 2-metre physical distancing rule in relation to all persons other than entertainers they are performing with;
 - (b) a person presenting to an audience at those premises or in those circumstances (for example, a person presiding over, or assisting in leading, a faith-based gathering or a person presenting at tertiary education premises), provided that they are complying with the 2-metre physical distancing rule.

10 Clause 23A amended (Certain workers must comply with medical-grade face covering rule)

Replace clause 23A(2) with:

- (2) However, subclause (1) does not apply to the following workers:

- (a) a worker performing as an entertainer, provided that they are complying with the 2-metre physical distancing rule in relation to all persons other than entertainers they are performing with;
- (b) a person presenting to an audience, provided that they are complying with the 2-metre physical distancing rule.

11 Clause 31 amended (Person must not be denied access to certain premises on vaccination grounds)

- (1) In clause 31(2), replace “However, if” with “If”.
- (2) After clause 31(2), insert:
 - (2A) If the designated premises are a voting place, the obligation in subclause (1) applies only in relation to the following people:
 - (a) a person seeking to vote in an election;
 - (b) a family member of a person described in paragraph (a) who is accompanying that person;
 - (c) a person who is supporting or assisting a person described in paragraph (a).

12 Clause 32 amended (Person must not be denied access to goods or services from certain premises on vaccination grounds)

- (1) In clause 32(3A), replace “However, in ” with “In”.
- (2) After clause 32(3A), insert:
 - (3B) In relation to a voting place, the obligation in subclause (1) applies only in relation to persons referred to in clause 31(2A)(a).

13 Clause 42 amended (No gatherings unless permitted)

After clause 42(4)(b), insert:

- (c) do not apply to an event; and
- (d) do not apply to a gathering for the purpose of a business or service at—
 - (i) an office workplace; or
 - (ii) a gym; or
 - (iii) a court or tribunal; and
- (e) do not apply to normal operations at retail; and
- (f) do not apply to normal operations at an education entity.

14 Clause 69 amended (Customers and clients at food and drink business or service must comply with seating requirements)

After clause 69(3)(f), insert:

- (g) a gathering held in a defined space or premises of a workplace if that space or those premises is for the exclusive use of the gathering.

15 Schedule 6 amended

In Schedule 6, Part 2A, subpart 2, after item 2, insert:

2A	An election worker at a voting place	When they are working with members of the public, customers, or clients at the voting place, and only on the parts of the premises that are open to the public
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16 Schedule 7 amended

- (1) In Schedule 7, Part 2, item relating to clause 41, third column, replace paragraph (1) with:

(1)	Clause 41 applies only to the following spaces:
(a)	an indoor defined space in a gym:
(b)	an indoor defined space of a food and drink business or service, but only to the extent that the defined space is that business or service's own distinct defined space.

- (2) In Schedule 7, Part 2, item relating to clause 69, third column, replace "Clause 69 does not apply outdoors." with:

Clause 69 does not apply—	
(a)	outdoors; or
(b)	in a shopping mall food court, unless clause 69(4) applies to the food and drink business or service.

- (3) In Schedule 7, Part 2A, subpart 1, second column, after item 3, insert:

Businesses and services

- (4) In Schedule 7, Part 2A, subpart 2, after item 3, insert:

3A	An election worker at a voting place	When they are working with members of the public, customers, or clients at the voting place, and only on the parts of the premises that are open to the public
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Dated at Wellington this 19th day of May 2022.

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 amends the COVID-19 Public Health Response (Protection Framework) Order 2021 (the **principal order**). It comes into force at 11.59 pm on 21 May 2022.

Amendments relating to voting

The amendments—

- provide that a person does not need to comply with the face covering rule when attending a voting place to vote in an election of a member of Parliament; and
- require a worker at a voting place to wear a medical-grade face covering when they are working with members of the public, customers, or clients on the public parts of the premises; and
- categorise a voting place as designated premises under the principal order, so that persons cannot be denied entry to a voting place on vaccination grounds while the voting place is being used as a place to vote in an election.

Other miscellaneous amendments

The amendments clarify the following technical matters:

- in mixed-use indoor areas, an indoor space is a single space if there are walls that substantially divide that space from other spaces; and
- food courts are not required to operate under the seated and separated rules or the fixed capacity limit, unless they are serving alcohol; and
- performers and entertainers are not required to wear a face covering when in close proximity to other performers or entertainers, provided they maintain a 2-metre physical distance from the audience at all times; and
- all sports, including non-professional sports, are excluded from the definition of close-proximity business or service; and
- clarify the meaning of gathering, which includes people who are in a group in a defined space, but excludes a group of people at an event; and
- that the requirement in clause 69 to be seated at a table while eating and drinking does not apply to a gathering held in a defined space or premises if that space or those premises is for the exclusive use of the gathering.

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*: 19 May 2022.
This order is administered by the Ministry of Health.