

Version
as at 11 November 2021



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 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.

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This order is administered by the Ministry of Health.

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Face covering and workplace requirements in alert level 2 area

Order

1 Title

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

2 Commencement

- (1) This order comes into force at 11.59 pm on 21 September 2021.

- (2) However, clause 19A(1)(b), (c), (e), and (f) (which creates obligations for COVID-19 testing of certain persons travelling between the alert level 3 area and the alert level 2 area) comes into force at 11.59 pm on 23 September 2021.

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.

Compare: LI 2021/237 cl 3

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 no 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) not to 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 2 area means all of New Zealand except the alert level 3 area

alert level 2 requirements, in relation to a business or service, means the requirements that apply to that business or service in Part 2 and clauses 41 to 44

alert level 3 area has the meaning given by clause 6

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 25 to 30

Auckland part of the alert level 3 area means the Auckland part of the alert level 3 area as described in Part 1 of Schedule 3 and set out in the map in Part 1 of Schedule 4

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 provided under the Oranga Tamariki 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

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

close-proximity businesses and services means businesses and services described in clause 35(1)

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 28(1) or 44(1) (as applicable)

controlled gathering has the meaning given by clause 32(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

early childhood service means an education entity that is a service provider (as defined in section 10(1) of the Education and Training Act 2020) that is an early childhood service (as so defined) that is—

- (a) an early childhood education and care centre (as so defined) that is not a playcentre affiliated to the New Zealand Playcentre Federation; or
- (b) a home-based education and care service (as so defined); or
- (c) a hospital-based education and care service (as so defined)

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 53

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 an extended bubble arrangement; or
 - (iii) a person who resides at another home or place of residence if person A has a shared caregiver 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

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

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

gathering of friends and whānau means a group of customers, clients, or other persons—

- (a) who confirm that they are, or who it is otherwise reasonable to believe are, a group of persons who all know each other and can identify each other for the purpose of contact tracing; but
- (b) of no more than the maximum number limit (if any) for social gatherings in the area where the gathering takes place

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

limited outdoor gathering has the meaning given by clause 32A(2)

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

part of the alert level 3 area means—

- (a) the Auckland part of the alert level 3 area; or
- (b) *[Revoked]*
- (c) the Waikato part of the alert level 3 area
- (d) *[Revoked]*

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

- (a) the organiser of the controlled gathering or social gathering; and
- (b) the person in control of the defined space or premises in which the controlled gathering or social 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—
 - (i) a business or service; or
 - (ii) a social gathering; 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 as in section 5(1) of the Local Government Act 2002

registered school has the same meaning as in section 10(1) of the Education and Training Act 2020

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 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

social gathering—

- (a) means people who are intermingling in a group; but
- (b) excludes—
 - (i) people who remain at least 2 metres away from each other so far as is reasonably practicable; or
 - (ii) an activity undertaken at a business or service in compliance with the requirements in clauses 46 to 51; but
- (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)

tertiary education entity means—

- (a) an educational body (within the meaning of section 10(8) of the Education and Training Act 2020); or
- (b) an institution (within the meaning of section 10(1) of the Education and Training Act 2020); or
- (c) a private training establishment (within the meaning of section 10(1) of the Education and Training Act 2020)

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

Waikato part of the alert level 3 area means the Waikato part of the alert level 3 area as described in Part 2 of Schedule 3 and set out in the map in Part 2 of Schedule 4

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 is a **single space** if—
 - (i) there are walls (whether permanent or temporary) that substantially divide that space from other spaces; and
 - (ii) the space does not share direct airflow with another indoor space:
 - (b) an outdoor space is a **single space** if—
 - (i) there are walls (whether permanent or temporary) that substantially divide that space from other spaces; or
 - (ii) all people in that space are separated by at least 2 metres from other people who are outside that space.

Compare: LI 2021/237 cl 4

Clause 4(1) **Auckland part of the alert level 3 area**: inserted, at 11.59 pm on 3 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 4(1) **early childhood service**: inserted, at 11.59 pm on 5 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 4(1) **limited outdoor gathering**: inserted, at 11.59 pm on 5 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 4(1) **Northland part of the alert level 3 area**: revoked, at 11.59 pm on 19 October 2021, by clause 4(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021 (LI 2021/317).

Clause 4(1) **part of the alert level 3 area**: inserted, at 11.59 pm on 8 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 4(1) **part of the alert level 3 area** paragraph (b): revoked, at 11.59 pm on 19 October 2021, by clause 4(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021 (LI 2021/317).

Clause 4(1) **part of the alert level 3 area** paragraph (d): revoked, at 11.59 pm on 11 November 2021, by clause 4(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Clause 4(1) **people responsible**: replaced, at 11.59 pm on 28 September 2021, by clause 4(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 4(1) **registered school**: inserted, at 11.59 pm on 22 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 4(1) **tertiary education entity**: inserted, at 11.59 pm on 22 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 4(1) **upper Northland part of the alert level 3 area**: revoked, at 11.59 pm on 11 November 2021, by clause 4(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Clause 4(1) **venue business**: inserted, at 11.59 pm on 28 September 2021, by clause 4(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 4(1) **Waikato part of the alert level 3 area**: inserted, at 11.59 pm on 3 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

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.

Compare: LI 2021/237 cl 5

6 Alert level 3 area: description and map

- (1) The area described in Schedule 3 is the alert level 3 area.
- (2) An indicative map of the alert level 3 area is set out in Schedule 4.
- (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.

Compare: LI 2021/237 cl 7

8 Application of order to different alert level areas

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

Compare: LI 2021/237 cl 8

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) a copy of a QR code for the workplace is displayed in a prominent place at or near the main entrance of the workplace; and
 - (b) so far as is reasonably practicable, 1 or more copies of the QR code are displayed in 1 or more prominent places elsewhere within the workplace; and
 - (c) displayed copies of the QR code are in a condition that enables the QR code to be scanned for the purpose of enabling contact tracing; and
 - (d) displayed copies of the QR code are not altered in a way that makes it unclear that the QR code was issued by the New Zealand Government for the purpose of enabling contact tracing.
- (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 home or place of residence only if—
 - (i) customers or clients of the business or service customarily enter the home or place of residence; or
 - (ii) workers of the business or service customarily enter the home or place of residence (and those workers are not residents of the home or place of residence or providing a category A social service).
- (2A) In addition, subclause (1)(d) does not apply to a copy of a QR code that is displayed on a menu or at a table in a workplace.
- (3) A breach of subclause (1)(a) or (d) is an infringement offence for the purposes of section 26(3) of the Act.

Compare: LI 2021/237 cl 9

Clause 9(1): replaced, at 11.59 pm on 5 October 2021, by clause 5(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 9(2A): inserted, at 11.59 pm on 5 October 2021, by clause 5(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 9(3): amended, at 11.59 pm on 5 October 2021, by clause 5(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

10 Display of QR codes on public transport services

- (1) A person in control of a public transport service must ensure that—
- (a) a copy of a QR code is displayed in a prominent place on or inside any vehicle that is in use as part of the service; and
 - (b) so far as is reasonably practicable, 1 or more copies of the QR code are displayed in 1 or more prominent places elsewhere inside the vehicle; and
 - (c) displayed copies of the QR code are in a condition that enables the QR code to be scanned for the purpose of enabling contact tracing; and
 - (d) displayed copies of the QR code are not altered in a way that makes it unclear that the QR code was issued by the New Zealand Government for the purpose of enabling contact tracing.
- (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.
- (2A) In addition, subclause (1)(b) and (d) does not apply in relation to a vehicle that has 5 or fewer seats (including the driver's seat).
- (3) A breach of subclause (1)(a) or (d) is an infringement offence for the purposes of section 26(3) of the Act.

Compare: LI 2021/237 cl 10

Clause 10(1): replaced, at 11.59 pm on 5 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 10(2A): inserted, at 11.59 pm on 5 October 2021, by clause 6(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 10(3): amended, at 11.59 pm on 5 October 2021, by clause 6(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

*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 28 and Schedule 2 for alert level 3 requirements;
 - (b) clause 44 and Schedule 6 for alert level 2 requirements.

Compare: LI 2021/237 cl 11

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 ship that has no enclosed space for passengers; or
 - (b) to air transport; or
 - (c) *[Revoked]*
 - (d) 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.

Compare: LI 2021/237 cl 12

Clause 12(2)(c): revoked, at 11.59 pm on 22 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

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.

Compare: LI 2021/237 cl 13

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).

Compare: LI 2021/237 cl 14

*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—
 - (i) a person in relation to their fellow residents (in any alert level area); or
 - (ii) a gathering of friends and whānau in a workplace in the alert level 2 area.
- (2) In this order, the **2-metre physical distancing rule**—
- (a) requires that a person remain at least 2 metres away from any other person; but
 - (b) does not apply to—
 - (i) a person in relation to their fellow residents (in any alert level area); or
 - (ii) a gathering of friends and whānau in a workplace in the alert level 2 area.

Compare: LI 2021/237 cl 15

16 Physical distancing requirements on public transport services on specified route

- (1) If a vehicle that is in use as part of a public transport service travels on a specified route, this clause applies in respect of the entire specified route taken by that vehicle.

Physical distancing

- (2) If the vehicle is a public transport service other than one 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 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 in the vehicle.
- (3) If the vehicle is 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 in the vehicle.

Passengers to remain seated

- (4) If the vehicle is a public transport service other than one described in subclause (5),—
- (a) passengers must, so far as is reasonably practicable, remain seated in the vehicle when it is in motion; and

- (b) the business or service must have systems and processes in place to ensure, so far as is reasonably practicable, that passengers remain seated in the vehicle when it is in motion.
- (5) Subclause (4) does not apply to the following public transport services:
 - (a) air transport;
 - (b) a service that uses a small passenger service vehicle;
 - (c) any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses).
- (6) In this clause, **specified route** means a route that involves a vehicle travelling—
 - (a) between the alert level 2 area and the alert level 3 area; or
 - (b) to and from the alert level 2 area, if the vehicle passes through the alert level 3 area.
- (7) This clause does not apply to—
 - (a) a school transport service; or
 - (b) travel that takes place only within the alert level 2 area (*see* clauses 37 and 42(3)).

Compare: LI 2021/237 cl 16

Restriction on relocating principal home or place of residence

Heading: inserted, at 11.59 pm on 15 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

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

- (1) This clause applies if—
 - (a) a person has—
 - (i) a principal home or place of residence located in an alert level area (**location A**); and
 - (ii) another home or place of residence available for their use in a different location (**location B**), which may be in the same alert level area as or a different alert level area to the alert level area referred to in subparagraph (i); and
 - (b) the Government of New Zealand has announced a change to the alert level requirements that apply in respect of location A to impose more restrictive alert level requirements than those that apply in respect of location B; and

- (c) the announcement referred to in paragraph (b), and the date and time of the announcement, are recorded on a publicly accessible Internet site maintained by or on behalf the New Zealand Government.
- (2) The person may not travel from location A to location B for the purpose of relocating to the home or place of residence in location B.
- (3) However, this clause does not apply if the person is relocating their home or place of residence as a result of—
 - (a) starting new employment; or
 - (b) purchasing or renting a new principal home or place of residence; or
 - (c) attending a tertiary education entity or completing a course of study at a tertiary education entity; or
 - (d) returning to a school hostel and intending to stay at that school hostel until the end of the 2021 school year.
- (4) In this clause, **home or place of residence** does not include a home or place of residence described in paragraph (c) of the definition of that term in clause 4(1).

Clause 16A: inserted, at 11.59 pm on 15 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 16A(3)(c): replaced, at 11.59 pm on 22 October 2021, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 16A(3)(d): inserted, at 11.59 pm on 28 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Restrictions on travel between alert level areas (or between parts of alert level 3 area)

Heading: amended, at 11.59 pm on 8 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Heading: amended, at 11.59 pm on 3 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

17 Restrictions on travel into, out of, or through alert level areas (or between parts of alert level 3 area)

- (1) A person in one alert level area may go into, out of, or through another alert level area only if—
 - (a) the travel is for 1 or more of the purposes permitted under clause 18; 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 18 or a permitted airport transfer).
- (1A) A person may travel between parts of the alert level 3 area only if—
 - (a) the travel is for 1 or more of the purposes permitted under clause 18; and

- (b) the person, so far as is reasonably practicable, travels directly without stopping while in another part of the alert level 3 area (except for the permitted purpose of the travel under clause 18 or a permitted airport transfer).
- (2) For the purposes of this clause, 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 the alert level 3 area just because—
- (a) the person is travelling along a road that forms part of the boundary of the alert level 3 area; or
 - (b) the person's property is divided by the boundary of the alert level 3 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 3 area).
- (4) For the purposes of subclause (1A), a person does not travel between parts of the alert level 3 area just because—
- (a) the person is travelling along a road that forms part of the boundary between 2 parts of the alert level 3 area; or
 - (b) the person's property is divided by the boundary between 2 parts of the alert level 3 area (or a road that forms part of the boundary) and the person is accessing a part of their property.

Compare: LI 2021/237 cl 17

Clause 17 heading: amended, at 11.59 pm on 8 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 17 heading: amended, at 11.59 pm on 3 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 17(1A): replaced, at 11.59 pm on 8 October 2021, by clause 6(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 17(2): amended, at 11.59 pm on 3 October 2021, by clause 6(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 17(4): replaced, at 11.59 pm on 8 October 2021, by clause 6(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

18 Permitted purposes for travel between alert level areas (or between parts of alert level 3 area)

Permissions for travel into, out of, or through alert level areas

- (1) For the purposes of clause 17, a person in one alert level area is permitted to go into, out of, or through the other alert level area (and return to their home or place of residence afterwards) for 1 or more purposes set out in Schedule 5.

Permissions for travel between parts of alert level 3 area

- (2) For the purposes of clause 17, a person may travel between parts of the alert level 3 area (and return to their home or place of residence afterwards) for 1 or more purposes set out in Schedule 5.

Permissions for travel from alert level 2 area into Waikato part of alert level 3 area for work

- (2A) A person may go from the alert level 2 area into the Waikato part of the alert level 3 area (and return to their home or place of residence afterwards) for the purpose of going to work.

(2AA) *[Revoked]*

Permissions for travel between alert level areas (or between parts of alert level areas) to stay at school hostel

- (2B) For the purposes of clause 17, a person in an alert level area is permitted to go into a different alert level area (or a different part of the alert level area) for the purpose of returning to a school hostel and intending to stay at that school hostel until the end of the 2021 school year.
- (2C) A person is permitted to accompany a person described in subclause (2B) (and return to their home or place of residence afterwards).

(2) *[Revoked]*

Additional permissions for travel through alert level 3 area

- (3) A person may go into, through, and out of the alert level 3 area (in 1 trip) for a purpose described in subclause (4) if—
- (a) neither the place of departure nor the destination is in the alert level 3 area; and
- (b) it is necessary to travel through the alert level 3 area for that purpose.
- (4) Subclause (3) applies to 1 or more of the following purposes:
- (a) going to, or returning from, work:
- (b) going to the person's principal home or place of residence:
- (c) relocating their home or place of residence or business premises on a permanent or long-term basis, or leaving their home or place of residence to arrange or carry out the relocation (including to inspect the property or a potential property):

- (d) attending an education entity that they ordinarily attend for the purposes of receiving education services;
 - (e) attending a funeral, tangihanga, wedding, or civil union service;
 - (f) collecting or accompanying a tūpāpaku or deceased person;
 - (g) if the person is a child, going to visit or stay at, or returning from visiting or staying at, the home or place of residence of a shared caregiver.
- (5) Subclause (4) does not limit subclause (1).
- (6) The permissions in this clause do not apply to travel that takes place only within 1 part of the alert level 3 area (*see* clause 21).

Compare: LI 2021/237 cl 18

Clause 18 heading: amended, at 11.59 pm on 8 October 2021, by clause 7(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 18 heading: amended, at 11.59 pm on 3 October 2021, by clause 7(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 18(2) heading: replaced, at 11.59 pm on 8 October 2021, by clause 7(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 18(2): replaced, at 11.59 pm on 8 October 2021, by clause 7(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 18(2) heading: revoked, at 11.59 pm on 28 September 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 18(2): revoked, at 11.59 pm on 28 September 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 18(2A) heading: inserted, at 11.59 pm on 3 October 2021, by clause 7(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 18(2A): inserted, at 11.59 pm on 3 October 2021, by clause 7(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 18(2A): amended, at 11.59 pm on 5 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 18(2AA) heading: revoked, at 11.59 pm on 11 November 2021, by clause 5(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Clause 18(2AA): revoked, at 11.59 pm on 11 November 2021, by clause 5(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Clause 18(2B) heading: inserted, at 11.59 pm on 15 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 18(2B) heading: amended, at 11.59 pm on 22 October 2021, by clause 7(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 18(2B): inserted, at 11.59 pm on 15 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 18(2B): amended, at 11.59 pm on 22 October 2021, by clause 7(2)(a) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 18(2B): amended, at 11.59 pm on 22 October 2021, by clause 7(2)(b) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 18(2B): amended, at 11.59 pm on 22 October 2021, by clause 7(2)(c) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 18(2C): inserted, at 11.59 pm on 15 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 18(2C): amended, at 11.59 pm on 22 October 2021, by clause 7(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 18(6): replaced, at 11.59 pm on 8 October 2021, by clause 7(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

19 Evidence of permission for travel between alert level areas (or between parts of alert level 3 area)

- (1) 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 items of Schedule 5:
 - (i) working for certain businesses or services (items 1, 2, and 3):
 - (ia) attending a registered school under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020 (item 6A):
 - (ii) accessing health services with appointment (items 7 and 8):
 - (iii) leaving, or relocating, home that is hospital, etc (item 9):
 - (iv) accessing judicial institutions if required or permitted (item 10):
 - (v) leaving or relocating home on a court order, etc, or collecting such a person (items 11, 12, and 13):
 - (vi) leaving New Zealand (item 14):
 - (vii) going home after isolation or quarantine (or arrival) in New Zealand, or collecting such a person (items 16 and 17):
 - (viii) caring for pets or other animals (item 18):

- (ix) going to principal home or place of residence or collecting such a person (items 18A and 18C):
 - (x) relocating home or place of residence or collecting such a person (items 18B, 18BA, and 18C).
 - (b) they rely on a permission under clause 18 for the purpose of travelling in 1 trip under clause 18(3):
 - (ba) they rely on a permission under clause 18(2B) or (2C) to travel to or from a school hostel:
 - (c) they rely on the permission under clause 18 to return to their home or place of residence after going into, or out of, an alert level area for another permitted purpose:
 - (d) they rely on a permission under clause 18 to return to their home or place of residence after travelling between parts of the alert level 3 area for another permitted purpose:
 - (e) they rely on the permission in clause 18(2A) to go from the alert level 2 area into the Waikato part of the alert level 3 area (and return to their home or place of residence afterwards) for the purpose of going to work.
 - (f) *[Revoked]*
- (2) The evidence required by subclause (1) may (but need not) be or include a document issued by the New Zealand Government for the purposes of this clause.

Compare: LI 2021/237 cl 19

Clause 19 heading: amended, at 11.59 pm on 8 October 2021, by clause 8(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 19 heading: amended, at 11.59 pm on 3 October 2021, by clause 8(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19(1)(a)(ia): inserted, at 11.59 pm on 22 October 2021, by clause 8(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 19(1)(a)(ix): inserted, at 11.59 pm on 28 September 2021, by clause 8 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 19(1)(a)(x): inserted, at 11.59 pm on 28 September 2021, by clause 8 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 19(1)(a)(x): amended, at 11.59 pm on 22 October 2021, by clause 8(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 19(1)(ba): inserted, at 11.59 pm on 15 October 2021, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 19(1)(d): inserted, at 11.59 pm on 3 October 2021, by clause 8(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19(1)(d): amended, at 11.59 pm on 8 October 2021, by clause 8(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 19(1)(e): inserted, at 11.59 pm on 3 October 2021, by clause 8(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19(1)(e): amended, at 11.59 pm on 7 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310).

Clause 19(1)(f): revoked, at 11.59 pm on 11 November 2021, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

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

- (1) A person who relies on a permission to travel into or out of the Auckland part of the alert level 3 area to undertake an activity described in items 1 or 2 of Schedule 5 (or a person who, under item 19 of Schedule 5, is accompanying the person so described) must comply with subclauses (3) and (5).
- (2) However, subclause (1) does not apply to—
 - (a) a person under the age of 12 years; or
 - (b) a person who is travelling into, through, and out of the Auckland part of the alert level 3 area.
- (3) The person must carry, as facilitated by their employer (if any) under clause 19B,—
 - (a) evidence of having had a COVID-19 test administered no more than 7 days before their journey began; or
 - (b) a certificate that verifies that the person was examined by a medical practitioner no more than 7 days before the journey began and that the person—
 - (i) was determined to have particular physical or other needs that made it inappropriate for the person to undergo a COVID-19 test; and
 - (ii) did not exhibit symptoms of COVID-19.
- (4) *[Revoked]*
- (5) The person must, when requested by an enforcement officer, produce evidence of,—
 - (a) if the person is required to comply with subclause (3), having had a COVID-19 test; or
 - (b) *[Revoked]*

- (c) a certificate.
- (6) In this clause and clauses 19B and 19C,—
- certificate** means—
- (a) written verification provided by the medical practitioner who carried out the examination; or
- (b) any other appropriate evidence that the Director-General has specified
- COVID-19 test** means any applicable examination or test (or both) for COVID-19 that the Director-General has specified
- Director-General has specified**, in relation to a certificate or COVID-19 test, means specified by the Director-General in a notice published—
- (a) on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
- (b) in the *Gazette*.

Compare: LI 2021/237 cl 19A

Clause 19A heading: amended, at 11.59 pm on 3 October 2021, by clause 9(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19A heading: amended, at 11.59 pm on 24 September 2021, by clause 4(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).

Clause 19A(1): replaced, at 11.59 pm on 24 September 2021, by clause 4(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).

Clause 19A(1): amended, at 11.59 pm on 3 October 2021, by clause 9(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19A(2): replaced, at 11.59 pm on 24 September 2021, by clause 4(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).

Clause 19A(2)(b): amended, at 11.59 pm on 28 October 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 19A(4): revoked, at 11.59 pm on 24 September 2021, by clause 4(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).

Clause 19A(5)(b): revoked, at 11.59 pm on 24 September 2021, by clause 4(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).

Clause 19A(6): amended, at 11.59 pm on 24 September 2021, by clause 4(5) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).

19B 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

- (1) A relevant business or service must—
- (a) have systems and processes in place, so far as is reasonably practicable, to ensure that its workers are not required to travel into or out of the

Auckland part of the alert level 3 area unless the worker has evidence of having had a COVID-19 test administered no more than 7 days before the worker's journey began; and

- (b) not prevent its workers from reporting for and undergoing testing, medical examination, or both during their working hours, if testing and medical examination are available during those hours.
- (2) In this clause, **relevant business or service** means a business or service listed in item 1 of Schedule 5 or any other business or service whose workers may need to travel into or out of the Auckland part of the alert level 3 area in order to undertake work under clause 25(2).
- (3) This clause does not apply to workers who are travelling into, through, and out of the Auckland part of the alert level 3 area.

Compare: LI 2021/237 cl 19B

Clause 19B heading: amended, at 11.59 pm on 3 October 2021, by clause 10(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19B(1)(a): amended, at 11.59 pm on 3 October 2021, by clause 10(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19B(2): amended, at 11.59 pm on 3 October 2021, by clause 10(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19B(3): inserted, at 11.59 pm on 3 October 2021, by clause 10(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19B(3): amended, at 11.59 pm on 28 October 2021, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

19C Obligations concerning COVID-19 testing of certain persons travelling out of Auckland part of alert level 3 area for non-work activities

- (1) Subclause (2) applies to a person who—
- (a) relies on a permission to travel out of the Auckland part of the alert level 3 area to undertake an activity described in any of items 4, 5, 7 to 14, 17 to 18C, and 19 of Schedule 5:
 - (b) travels out of the Auckland part of the alert level 3 area to return to their home or place of residence after travelling into the Auckland part of the alert level 3 area to undertake an activity described in any of items 4, 5, 9 to 14, 17 to 18C, and 19 of Schedule 5.
- (2) A person to whom this subclause applies must comply with subclauses (4) to (6) as follows:

	Item of Schedule 5 that person relies on for permission to travel	Subclauses that person must comply with
(a)	4, 5, 7, 8, or 18	Subclauses (4) and (6)

- | | Item of Schedule 5 that person relies on for permission to travel | Subclauses that person must comply with |
|-----|---|--|
| (b) | 9, 10, 11, 12, 13, 14, 17, 18A, 18B, 18BA, or 18C | Subclauses (5) and (6) |
| (c) | 19, if accompanying someone who relies on item 4, 5, 7, 8, or 18 for their permission to travel | Subclauses (4) and (6) |
| (d) | 19, if accompanying someone who relies on item 9, 10, 11, 12, 13, 14, 17, 18A, 18B, 18BA, or 18C for their permission to travel | Subclauses (5) and (6) |
- (3) However, subclause (2) does not apply to—
- (a) a person under the age of 12 years; or
 - (b) a person who has travelled into the Auckland part of the alert level 3 area under item 7 or 8 of Schedule 5 and is then travelling out of the Auckland part of the alert level 3 area to return to their home or place of residence; or
 - (c) a person who is travelling into, through, and out of the Auckland part of the alert level 3 area.
- (3A) A person aged 12 years or older who relies on a permission under clause 18(2B) or (2C) to travel out of the Auckland part of the alert level 3 area to go to a school hostel must comply with subclauses (5) and (6).
- (4) The person must carry—
- (a) evidence of having had a COVID-19 test administered no more than 7 days before their journey began; or
 - (b) a certificate that verifies that the person was examined by a medical practitioner no more than 7 days before the journey began and that the person—
 - (i) was determined to have particular physical or other needs that made it inappropriate for the person to undergo a COVID-19 test; and
 - (ii) did not exhibit symptoms of COVID-19.
- (5) The person must carry evidence of—
- (a) a negative result from a COVID-19 test administered no more than 72 hours before their journey began; or
 - (b) a certificate that verifies that the person was examined by a medical practitioner no more than 72 hours before their journey began and that the person—
 - (i) was determined to have particular physical or other needs that made it inappropriate for the person to undergo a COVID-19 test; and
 - (ii) did not exhibit symptoms of COVID-19.

- (6) The person must, when requested by an enforcement officer, produce evidence of,—
- (a) if the person is required to comply with subclause (4), having had a COVID-19 test; or
 - (b) if the person is required to comply with subclause (5), a negative result from a COVID-19 test; or
 - (c) a certificate.

Clause 19C: inserted, at 11.59 pm on 24 September 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).

Clause 19C heading: amended, at 11.59 pm on 3 October 2021, by clause 11(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19C(1)(a): amended, at 11.59 pm on 22 October 2021, by clause 9(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 19C(1)(a): amended, at 11.59 pm on 3 October 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19C(1)(b): amended, at 11.59 pm on 22 October 2021, by clause 9(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 19C(1)(b): amended, at 11.59 pm on 3 October 2021, by clause 11(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19C(2): replaced, at 11.59 pm on 22 October 2021, by clause 9(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 19C(3)(b): amended, at 11.59 pm on 3 October 2021, by clause 11(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 19C(3)(c): amended, at 11.59 pm on 28 October 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 19C(3A): inserted, at 11.59 pm on 15 October 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 19C(3A): amended, at 11.59 pm on 22 October 2021, by clause 9(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Part 3

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

Stay-at-home requirements in alert level 3 area

20 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 21; 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 21 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.

Compare: LI 2021/227 cl 29

21 Permissions for essential personal movement within each part of 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 part of the alert level 3 area in which their home or place of residence is located:

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 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 2 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 24 of Part 1 or 2 of Schedule 2, depending on the location of the business or service:

Attending education entities

- (2) to attend any education entity if permitted to do so by the education entity in compliance with the alert level 3 requirements:

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 25(2));
- (4) to work for an exempt business or service if they are a worker referred to in clause 53:
- (5) to work at an education entity if the education entity is operating in compliance with the alert level 3 requirements:

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; and
 - (b) it is done in compliance with the requirements that relate to physical distancing (*see* clause 22) and the prohibition against gatherings (*see* clause 31); and
 - (c) it does not involve travel to either Waiheke Island or Great Barrier Island (Aotea Island) by a person whose home or place of residence is not on that island; and
 - (d) it does not involve being away from the person's home or place of residence overnight:

Limited customary purposes

- (7) to exercise Māori customary rights to fishing and food gathering if—
- (a) it is done in an outdoor place; and
 - (b) it is done in compliance with the requirements that relate to physical distancing (*see* clause 22) and the prohibition against gatherings (*see* clause 31); and
 - (c) it does not involve travel to either Waiheke Island or Great Barrier Island (Aotea Island) by a person whose home or place of residence is not on that island:

Extended bubble arrangements and shared caregiver arrangements

- (8) to visit or stay at another home or place of residence if the residents of both homes or places of residence are part of an extended bubble arrangement:
- (9) 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 provided that the residents of the homes or places of

residence of the shared caregivers are part of the same extended bubble arrangement:

- (9A) if the person is a fellow resident of a child, to convey or accompany the child going to the home or place of residence of a shared caregiver or collect the child for that purpose:

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 a person 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 access a health service, including to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine:

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 (except an order relating to parenting or guardianship); 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):

- (16) *[Revoked]*

Leaving or relocating home from hospital, etc

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

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:

Leaving New Zealand

- (18) 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

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

Relocating home or business premises

- (20) 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):
- (21) 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)

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

Controlled gatherings

- (24) to attend a controlled gathering:

Limited outdoor gatherings

- (24A) to attend a limited outdoor gathering if—
- (a) it does not involve travel to either Waiheke Island or Great Barrier Island (Aotea Island) by a person whose home or place of residence is not on that island; and

- (b) it does not involve being away from the person's home or place of residence overnight:

Accompanying tūpāpaku or deceased persons

- (25) to collect or accompany a tūpāpaku or deceased person, but only if—
- (a) the total number of people collecting or accompanying the tūpāpaku or deceased person (including the person operating the vehicle) is no more than 25 (excluding workers); and
- (b) *[Revoked]*
- (26) to provide, or assist with providing, services to a tūpāpaku or deceased person (including washing, dressing, shrouding, or otherwise preparing for burial or cremation):
- (27) to view a tūpāpaku or deceased person, but only if—
- (a) the total number of people viewing the tūpāpaku or deceased person at any time is no more than 25 (excluding workers); and
- (b) *[Revoked]*

Family group conferences

- (28) to attend family group conferences convened in accordance with the Oranga Tamariki Act 1989:

Caring for pets or other animals

- (29) if necessary, to care for pets or other animals that they own or are in charge of:

Travelling between alert level areas if permitted by clause 18

- (30) to travel, in accordance with clause 17(1), for 1 or more of the purposes permitted by clause 18:

Travelling between parts of alert level 3 area if permitted by clause 18

- (30A) to travel, in accordance with clause 17(1A), for 1 or more of the purposes permitted by clause 18:

Assisting fellow resident

- (31) 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.

Compare: LI 2021/227 cl 30

Clause 21 heading: amended, at 11.59 pm on 3 October 2021, by clause 12(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Clause 21: amended, at 11.59 pm on 8 October 2021, by clause 9(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 21(1)(c)(iii): amended, at 11.59 pm on 11 November 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Clause 21(1)(c)(iii): amended, at 11.59 pm on 2 November 2021, by clause 7(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Clause 21(6) heading: replaced, at 11.59 pm on 5 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 21(6): replaced, at 11.59 pm on 5 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 21(6)(b): amended, at 11.59 pm on 28 October 2021, by clause 8(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 21(6)(d): inserted, on 28 October 2021, by clause 8(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 21(7) heading: replaced, at 11.59 pm on 5 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 21(7): replaced, at 11.59 pm on 5 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 21(7)(b): amended, at 11.59 pm on 28 October 2021, by clause 8(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 21(9A): inserted, at 11.59 pm on 28 September 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Clause 21(16): revoked, at 11.59 pm on 28 October 2021, by clause 8(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 21(17A) heading: inserted, at 11.59 pm on 28 October 2021, by clause 8(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 21(17A): inserted, at 11.59 pm on 28 October 2021, by clause 8(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 21(24A) heading: inserted, at 11.59 pm on 5 October 2021, by clause 6(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 21(24A): replaced, on 28 October 2021, by clause 8(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 21(25)(a): amended, at 11.59 pm on 2 November 2021, by clause 7(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Clause 21(25)(b): revoked, at 11.59 pm on 2 November 2021, by clause 7(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Clause 21(27)(a): amended, at 11.59 pm on 2 November 2021, by clause 7(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Clause 21(27)(b): revoked, at 11.59 pm on 2 November 2021, by clause 7(5) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Clause 21(30A) heading: replaced, at 11.59 pm on 8 October 2021, by clause 9(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 21(30A): replaced, at 11.59 pm on 8 October 2021, by clause 9(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

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

22 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 (7).
- (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 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) Passengers in a public transport service vehicle must, so far as is reasonably practicable, remain seated when the vehicle is in motion and in use for a public transport service.
- (6) However, subclause (5) does not apply to the following public transport services:
 - (a) air transport:
 - (b) a service that uses a small passenger service vehicle:
 - (c) any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses).
- (7) The 2-metre physical distancing rule and the 1-metre physical distancing rule do not apply to a school transport service.

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

Compare: LI 2021/227 cl 31

22A Exceptions for individuals at certain education entities in alert level 3 area

(1AAA) This clause applies to the following education entities:

- (a) an early childhood service:
 - (b) a registered school that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020.
- (1) People who are ordinarily at the education entity in the alert level 3 area for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services are not required to comply with the 1-metre physical distancing rule or the 2-metre physical distancing rule.
- (2) The exception from physical distancing in subclause (1) does not apply to—
- (a) activities that involve 2 or more early childhood services:
 - (aa) activities that involve 2 or more registered schools:
 - (b) activities at (or connected with) an education entity that are attended by people who are otherwise not ordinarily at the education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services.

Clause 22A: inserted, at 11.59 pm on 5 October 2021, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 22A heading: amended, at 11.59 pm on 22 October 2021, by clause 10(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 22A(1AAA): inserted, at 11.59 pm on 22 October 2021, by clause 10(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 22A(1): amended, at 11.59 pm on 22 October 2021, by clause 10(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Clause 22A(2)(aa): inserted, at 11.59 pm on 22 October 2021, by clause 10(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

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

- (1) In this clause, **face covering rule** means that a person must wear a face covering.

Every person must wear face covering in public areas

- (2) In addition to the requirements in Part 2 to wear a face covering, every person on the parts of the premises of a business or service that are open to the public

in the alert level 3 area must wear a face covering if Schedule 2 indicates that the face covering rule applies.

- (3) Every person must wear a face covering when in the following indoor public areas of a business or service in the alert level 3 area:
 - (a) a public area of a court or tribunal, 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 25(2)(b):
 - (b) a public area of a category A social service, including a customer service counter;
 - (c) a public area of premises operated by the New Zealand Police.
- (4) A person must wear a face covering while indoors in a registered school that provides secondary education in the alert level 3 area if—
 - (a) the school is open for physical attendance in accordance with this order; and
 - (b) the person is—
 - (i) a student receiving secondary education; or
 - (ii) a staff member working to provide, or support the provision of, that education.
- (5) Every person must wear a face covering at arrival and departure points for public transport services in the alert level 3 area (for example, bus stops, train stations, and airports).

Persons other than patients or workers of health services

- (6) On the premises of a health service (other than a pharmacy) in the alert level 3 area, every person who is not a patient or worker of the health service must wear a face covering.

Delivery and home service workers

- (7) A worker delivering goods to a home or place of residence in the alert level 3 area must wear a face covering for any part of the delivery during which they are on the property of the home or place of residence.
- (8) A worker must wear a face covering while providing services in a home or place of residence in the alert level 3 area (except for a worker who is providing childcare in the home or place of residence).

Exemptions in clause 24

- (9) However, subclauses (2) to (8) do not apply in the circumstances set out in clause 24.

Infringement offence

- (10) A breach of any of subclauses (2) to (8) is an infringement offence for the purposes of section 26(3) of the Act.

Clause 23: replaced, at 11.59 pm on 2 November 2021, by clause 8 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

24 Exemptions from additional face covering requirements

Clause 23 and the requirement in clause 32(5)(d)(ii) to wear a face covering 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 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.

Compare: LI 2021/227 cl 33

Workplace requirements in alert level 3 area

25 Closure of premises unless operating in compliance with alert level 3 requirements

- (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 26 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.

Compare: LI 2021/227 cl 34

26 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 cannot be 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 30.

Compare: LI 2021/227 cl 35

27 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—
 - (i) between alert level areas; and
 - (ii) between parts of the alert level 3 area; and
- (b) mitigate the risks of spreading COVID-19 that arise to the extent that its workers travel—
 - (i) between alert level areas; or

- (ii) between parts of the alert level 3 area.

Compare: LI 2021/227 cl 36

Clause 27(a): replaced, at 11.59 pm on 8 October 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Clause 27(b): replaced, at 11.59 pm on 8 October 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

28 Certain businesses 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 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 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);
 - (d) a public facility (for example, a library, museum, or zoo), but only if Schedule 2 indicates that customers and clients are permitted to be in the workplace.
- (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.

Compare: LI 2021/227 cl 37

Clause 28(3)(d): inserted, at 11.59 pm on 2 November 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

29 Contact record in respect of home services provided by businesses and services in alert level 3 area

- (1) This clause applies if a business or service in the alert level 3 area provides an in-home service described in item 21B of Part 1 or 2 of Schedule 2, depending on the location of the home or place of residence.
- (2) The business or service must, so far as is reasonably practicable, ensure it has systems and processes in place to keep a contact record for the purpose of enabling contact tracing in respect of each home or place of residence entered by its workers to provide a service.
- (3) If the business or service keeps a contact record for the sole purpose of enabling contact tracing, the business or service must—
 - (a) keep the record for a period of 60 days; and
 - (b) then dispose of the record.
- (4) In this clause, **contact record** means, in respect of each home or place of residence entered,—
 - (a) the name of each worker who entered the home or place of residence; and
 - (b) the address of the home or place of residence; and
 - (c) the date and time the home or place of residence was entered.

Clause 29(1): replaced, at 11.59 pm on 7 October 2021, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310).

Clause 29(1): amended, at 11.59 pm on 11 November 2021, by clause 8 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Clause 29(1): amended, at 11.59 pm on 2 November 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

30 Adjusted alert level 3 requirements for businesses and services

- (1) The alert level 3 requirements are adjusted for a 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 for a business or service of that kind in Schedule 2.
- (2) Education entities that are early childhood services or registered schools that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020 in the alert level 3 area—
- (a) need not have systems and processes in place to maintain compliance with the 1-metre physical distancing rule or the 2-metre physical distancing rule for people who are ordinarily at the education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services; but
 - (b) must have systems and processes in place to mitigate so far as is reasonably practicable the risks that arise to the extent that compliance with the physical distancing requirements that would otherwise apply under this Part to the workplace or service is not fully maintained (for example, regular cleaning of surfaces).

Compare: LI 2021/227 cl 38

Clause 30(2): inserted, at 11.59 pm on 5 October 2021, by clause 8 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 30(2): amended, at 11.59 pm on 22 October 2021, by clause 11 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Prohibition on gatherings in alert level 3 area

Heading: amended, at 11.59 pm on 28 October 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

31 Prohibition on gatherings in alert level 3 area

- (1) A person must not attend a gathering in the alert level 3 area.
- (2) A person must not organise a gathering in the alert level 3 area.
- (2A) A person in control of premises must ensure that a gathering does not take place at the premises.
- (3) This clause does not apply to—
 - (a) a gathering of fellow residents; or

- (b) an activity undertaken at a business or service that is operating in compliance with the alert level 3 requirements; or
 - (c) a controlled gathering (*see* clause 32); or
 - (ca) a limited outdoor gathering (*see* clause 32A); or
 - (d) any premises referred to in section 12(2)(d) of the Act.
- (4) *[Revoked]*

Compare: LI 2021/227 cl 39

Clause 31 heading: amended, at 11.59 pm on 28 October 2021, by clause 11(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 31(1): amended, at 11.59 pm on 28 October 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 31(2): amended, at 11.59 pm on 28 October 2021, by clause 11(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 31(2A): inserted, at 11.59 pm on 28 October 2021, by clause 11(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 31(3)(b): replaced, at 11.59 pm on 28 October 2021, by clause 11(5) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 31(3)(ca): inserted, at 11.59 pm on 5 October 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 31(4): revoked, at 11.59 pm on 28 October 2021, by clause 11(6) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Controlled gatherings or limited outdoor gatherings in alert level 3 area

Heading: amended, at 11.59 pm on 5 October 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

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

- (1) A controlled gathering is permitted in the alert level 3 area, but only if the requirements in subclause (2) are met.
- (2) The people responsible for a controlled gathering in the 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 28 and Schedule 2 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) the gathering is for one of the following purposes:
 - (i) viewing a tūpāpaku or deceased person:
 - (ii) a funeral service:
 - (iii) a tangihanga:
 - (iv) a wedding or civil union service; and
 - (b) there are no more than 25 people at any one time at the gathering, excluding workers; and
 - (c) there are no more than 5 workers at any one time at the gathering (including any celebrant, organiser, or other assistant); and
 - (d) the workers described in paragraph (c)—
 - (i) comply with the 2-metre physical distancing rule (so far as is reasonably practicable in relation to the group of people described in paragraph (b)); and
 - (ii) wear a face covering (*see also* clause 24); and
 - (e) if the gathering is indoors and food or drink is served, people who are eating or drinking are seated.

Compare: LI 2021/227 cl 40

Clause 32(5)(b): replaced, at 11.59 pm on 5 October 2021, by clause 11(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 32(5)(b): amended, at 11.59 pm on 2 November 2021, by clause 11 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Clause 32(5)(e): replaced, at 11.59 pm on 5 October 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

32A Limited outdoor gatherings permitted in alert level 3 area

- (1) A limited outdoor gathering is permitted in the alert level 3 area.
- (2) In this clause, **limited outdoor gathering** means a gathering that meets all of the following requirements:

- (a) the gathering occurs in any outdoor place in the alert level 3 area:
- (b) there are no more than 25 people at any one time at the gathering.
- (c) *[Revoked]*

Clause 32A: inserted, at 11.59 pm on 5 October 2021, by clause 12 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 32A(2)(b): amended, at 11.59 pm on 2 November 2021, by clause 12(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Clause 32A(2)(c): revoked, at 11.59 pm on 2 November 2021, by clause 12(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Part 3A

Alert level 3 requirements continued for Auckland part of alert level 3 area

[Revoked]

Part 3A: revoked, at 11.59 pm on 9 November 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 2021 (SL 2021/361).

32B Permissions for essential personal movement

[Revoked]

Clause 32B: revoked, at 11.59 pm on 9 November 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 2021 (SL 2021/361).

32C Requirement for controlled gatherings

[Revoked]

Clause 32C: revoked, at 11.59 pm on 9 November 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 2021 (SL 2021/361).

32D Limited outdoor gatherings

[Revoked]

Clause 32D: revoked, at 11.59 pm on 9 November 2021, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 2021 (SL 2021/361).

Part 3A
**Alert level 3 requirements continued for Waikato part of alert level 3
area**

[Revoked]

Part 3A: revoked, at 11.59 pm on 27 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 10) 2021 (LI 2021/332).

32B Permissions for essential personal movement

[Revoked]

Clause 32B: revoked, at 11.59 pm on 27 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 10) 2021 (LI 2021/332).

32C Prohibition on gatherings in outdoor places: controlled gatherings

[Revoked]

Clause 32C: revoked, at 11.59 pm on 27 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 10) 2021 (LI 2021/332).

32D Prohibition on gatherings in outdoor places: limited outdoor gatherings

[Revoked]

Clause 32D: revoked, at 11.59 pm on 27 October 2021, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 10) 2021 (LI 2021/332).

Part 3B
**Alert level 3 requirements continued for upper Northland part of
alert level 3 area**

[Revoked]

Part 3B: revoked, at 11.59 pm on 11 November 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

32E Modified permissions for essential personal movement

[Revoked]

Clause 32E: revoked, at 11.59 pm on 11 November 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

**32F No exceptions for individuals at certain education entities in alert level 3
area**

[Revoked]

Clause 32F: revoked, at 11.59 pm on 11 November 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

32G Modified requirement for controlled gatherings

[Revoked]

Clause 32G: revoked, at 11.59 pm on 11 November 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

32H Limited outdoor gatherings not permitted

[Revoked]

Clause 32H: revoked, at 11.59 pm on 11 November 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Part 4**Alert level 2 requirements to prevent outbreak or spread of
COVID-19****33 Application of clauses 34 to 44**

- (1) Clauses 34 to 44 do not apply to—
 - (a) voluntary or not-for-profit sporting, recreational, social, or cultural activities; or
 - (b) 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); or
 - (c) faith-based gatherings; or
 - (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
 - (e) households carrying out family activities involving only fellow residents.
- (2) *See* clauses 46 to 51, which contain requirements relating to social gatherings (including those described in subclause (1)(a) to (d)).
- (3) However, nothing in this Part applies to a school transport service.

Compare: LI 2021/237 cl 31

Physical distancing and face covering requirements for individuals in alert level 2 area

34 Physical distancing requirements for individuals in alert level 2 area

- (1) All persons who enter a workplace of, or use the services of, a business or service in the alert level 2 area must comply with the 2-metre physical distancing rule so far as is reasonably practicable.
- (2) Subclause (1) is subject to subclauses (3) and (4).
- (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 6 indicates that the 1-metre physical distancing rule applies to a business or service of that kind.
- (4) However, neither the 1-metre nor the 2-metre physical distancing rule applies to the extent set out in clauses 35 to 37.
- (5) A breach of subclause (1) or (3) is an infringement offence for the purposes of section 26(3) of the Act.

Compare: LI 2021/237 cl 32

35 Exceptions for individuals in close-proximity businesses and services in alert level 2 area

- (1) In this clause, **close-proximity businesses and services** means businesses and services to the extent that they carry on activities that they cannot undertake without physical contact, or close proximity, between people (for example, massage and hairdressing services or professional and semi-professional sports).
- (2) Neither the 1-metre nor the 2-metre physical distancing rule applies to the extent that physical contact, or close proximity, is required between workers and other people in order to carry out the activities of a close-proximity business or service in the alert level 2 area.

Compare: LI 2021/237 cl 33

36 Exceptions for individuals at education entities in alert level 2 area

- (1) People who are ordinarily at an education entity in the alert level 2 area for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services are not required to comply with the 1-metre physical distancing rule or the 2-metre physical distancing rule.
- (2) The exception from physical distancing in subclause (1) does not apply to—
 - (a) inter-school activities:

- (b) activities at (or connected with) an education entity that are attended by people who are otherwise not ordinarily at the education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services.

Compare: LI 2021/237 cl 34

37 Requirements for individuals on public transport services in alert level 2 area

- (1) All persons who enter the workplace of, use the services of, or work for a public transport service in the alert level 2 area are not required to comply with the 1-metre physical distancing rule or the 2-metre physical distancing rule.
- (2) However, *see* clause 16 if the vehicle travels on a specified route described in that clause.
- (3) *[Revoked]*
- (4) *[Revoked]*

Compare: LI 2021/237 cl 35

Clause 37(3): revoked, at 11.59 pm on 5 October 2021, by clause 14 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Clause 37(4): revoked, at 11.59 pm on 5 October 2021, by clause 14 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

38 Requirements for customers and clients at food and drink businesses and services in alert level 2 area

- (1) This clause applies to businesses and services where food or drink is sold or provided for consumption (or offered for consumption) to customers or clients in the workplace, such as—
 - (a) restaurants, cafes, bars, or clubs; or
 - (b) soup kitchens or other places where food or drink is provided without charge.
- (2) All customers or clients at the business or service must—
 - (a) be seated at a table, except in the circumstances described in sub-clause (3); and
 - (b) be seated at a table together in a number that does not exceed the maximum number limit (if any) for social gatherings; and
 - (c) comply so far as is reasonably practicable with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) when they are not seated at a table.
- (3) The requirement for customers and clients to be seated at a table does not apply if they are—
 - (a) entering premises, using a toilet or bathroom, paying, or departing from premises; or

- (b) ordering or collecting food or drink, but only if doing so at premises other than on-licence premises or club licence premises.
- (4) Nothing in this clause applies to—
 - (a) accommodation services selling or providing food or drink for residents (including room service):
 - (b) businesses or services providing food or drink to their workers:
 - (c) vending machines that are located and used within a workplace:
 - (d) cinemas and theatres selling food or drink to customers or clients when they are seated inside the cinema or theatre:
 - (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 (unless an exemption in clause 40 applies to the person).
- (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.

Compare: LI 2021/237 cl 36

39 Additional face covering requirements for individuals in alert level 2 area

- (1) In this clause, **face covering rule** means that a person must wear a face covering.
Every person must wear face covering
- (2) In addition to the requirements in Part 2 to wear a face covering, every person on the parts of the premises of a business or service that are open to the public in the alert level 2 area must wear a face covering if Schedule 6 indicates that the face covering rule applies.
- (3) Every person must wear a face covering when in the following indoor public areas of a business or service in the alert level 2 area:
 - (a) a public area of a court or tribunal, except that a judicial officer may exercise discretion regarding the use of face coverings in the room where the hearing is held:
 - (b) a public area of a category A social service, including a customer service counter:
 - (c) a public area of premises operated by New Zealand Post Limited, including a customer service counter:

- (d) a public area of a local authority, central government agency, or the New Zealand Police.
- (4) Every person must wear a face covering at arrival and departure points for public transport services (for example, bus stops, train stations, and airports).
- Persons other than workers*
- (5) On the premises of 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.
- Workers only*
- (6) A worker delivering goods to a home or place of residence in the alert level 2 area must wear a face covering for any part of the delivery during which they are on the property of the home or place.
- (7) A worker must wear a face covering while providing services in a home or place of residence (except for a worker who is providing childcare in the home or place of residence).
- (8) A worker in the alert level 2 area must wear a face covering when working with customers and clients on the premises of a cafe, restaurant, bar, club, soup kitchen, or other food and drink business to which clause 38 applies.
- (8A) However, subclause (8) does not apply to a worker who is—
- (i) an entertainer performing at those premises; and
- (ii) complying with the 2-metre physical distancing rule.
- (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.
- (10) However, subclauses (2) to (8) and (9) do not apply in the circumstances set out in clause 40.
- (11) A breach of any of subclauses (2) to (9) is an infringement offence for the purposes of section 26(3) of the Act.

Compare: LI 2021/237 cl 37

Clause 39(8A): inserted, at 11.59 pm on 11 November 2021, by clause 13(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Clause 39(9): replaced, at 11.59 pm on 28 October 2021, by clause 12 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Clause 39(10): amended, at 11.59 pm on 11 November 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

40 Exemptions from additional face covering requirements in this Part

Clauses 39 and 49 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 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.

Compare: LI 2021/237 cl 38

Workplace requirements in alert level 2 area

41 Workplaces in alert level 2 area to have systems and processes in place for physical distancing

- (1) A business or service in the alert level 2 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 while they are in a workplace of, or 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 cannot be 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 42.

Compare: LI 2021/237 cl 39

42 Adjusted alert level 2 requirements for businesses and services

- (1) The alert level 2 requirements are adjusted for a business or service as follows:
 - (a) if Schedule 6 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:
- (b) the business or service must comply with all conditions (if any) set for a business or service of that kind in Schedule 6.
- (2) Subclause (1)(a) and clause 41(1)(a) and (b) do not apply to the extent that workers in a close-proximity business or service are required to have physical contact with, or close proximity to, people in order to carry out the activities of that business or service.
 - (3) Public transport services in the alert level 2 area need not have systems and processes in place to maintain compliance with the 1-metre physical distancing rule or the 2-metre physical distancing rule for all persons entering the workplace of, using the services of, or working for the business or service. (*See*, however, clause 16 if the vehicle travels on a specified route described in that clause. *See also* items 17 and 18 of Schedule 6.)
 - (4) Education entities in the alert level 2 area—
 - (a) need not have systems and processes in place to maintain compliance with the 1-metre physical distancing rule or the 2-metre physical distancing rule for people who are ordinarily at the education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services; but
 - (b) must have systems and processes in place to mitigate so far as is reasonably practicable the risks that arise to the extent that compliance with the physical distancing requirements that would otherwise apply under this Part to the workplace or service is not fully maintained (for example, regular cleaning of surfaces).
 - (5) The adjustment in subclause (4) does not apply to—
 - (a) inter-school activities;
 - (b) activities at (or connected with) an education entity that are attended by people who are otherwise not ordinarily at the education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services.

Compare: LI 2021/237 cl 40

43 Businesses and services in alert level 2 area to have systems and processes to minimise travel

A business or service in the alert level 2 area must have systems and processes in place to, so far as is reasonably practicable,—

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

Compare: LI 2021/237 cl 41

44 Certain businesses and services in alert level 2 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 2 area must comply with the contact record rule if Schedule 6 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 2 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);
 - (d) an indoor public facility (for example, a museum, library, or swimming pool);
 - (e) an indoor event facility (for example, a cinema, theatre, concert venue, conference venue, or casino);
 - (f) an indoor exercise facility (for example, a gym);
 - (g) a cafe, restaurant, bar, club, soup kitchen, or other food and drink business to which clause 38 applies;
 - (h) a close-proximity business or service (for example, a massage or hair-dressing service or a professional or semi-professional sport).
- (4) In subclause (3), **worker** includes a judicial officer of a 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.

Compare: LI 2021/237 cl 42

Clause 44 heading: amended, at 11.59 pm on 5 October 2021, by clause 15 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Social gatherings

45 Application of clauses 46 to 51

Clauses 46 to 51 do not apply to a gathering of fellow residents.

Compare: LI 2021/237 cl 43

46 Number limit for social gathering

- (1) A social gathering must not exceed 100 people in a defined space at any one time.
- (2) This clause does not apply to any premises referred to in section 12(2)(d) of the Act.

Compare: LI 2021/237 cl 44

47 Workers excluded from number limit

Workers who are providing services in relation to a social gathering are not to be counted as part of the number limit for the gathering in clause 46.

Compare: LI 2021/237 cl 45

48 Individuals must comply with requirements for social gatherings

A person must not attend a social gathering that exceeds the number limit for that gathering specified in clause 46.

Compare: LI 2021/237 cl 46

49 Additional face covering requirement for workers at social gatherings

- (1) A worker must wear a face covering when working at a social gathering (*see also* clause 40, which provides exemptions from face covering requirements).
- (2) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

Compare: LI 2021/237 cl 46A

50 People responsible for social gatherings must comply with number limit

- (1) A social gathering that exceeds the number limit for the gathering in clause 46 is prohibited.
- (2) The people responsible for a social gathering must ensure that the social gathering does not exceed the number limit.
- (3) A breach of subclause (2) is an infringement offence for the purposes of section 26(3) of the Act.

Compare: LI 2021/237 cl 47

51 People responsible for social gatherings must comply with contact record requirements

- (1) A social gathering in which the requirements in subclause (2) are not met is prohibited.

- (2) The people responsible for a social gathering 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 social gathering—
- (a) scans the QR code for the social 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 social gathering.
- (3) Subclause (2) does not apply if every person aged 12 years or older at the social gathering knows, and can identify for the purposes of contact tracing, every other person aged 12 years or older who is a participant in the social gathering.

Compare: LI 2021/237 cl 48

Part 5

Miscellaneous

52 Exemption for emergencies

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

Compare: LI 2021/237 cl 49

53 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 3 area, clauses 9, 11, and 28:
 - (B) for the alert level 2 area, clauses 9, 11, and 44:
- (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:
- (ma) to lifesaving, maritime assistance, search, and rescue services (including training, patrolling, and other work needed to ensure preparedness for those services) provided by any of the following:
 - (i) the Royal New Zealand Coastguard:
 - (ii) Surf Life Saving New Zealand:
 - (iii) Land Search and Rescue:
 - (iv) Amateur Radio Emergency Communications:
- (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 and parliamentary staff in relation to parliamentary business:
- (r) to officers of Parliament in relation to—
 - (i) parliamentary business; or
 - (ii) undertaking their statutory functions:
- (s) to Ministers of the Crown and ministerial staff, in relation to Government business:

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

Compare: LI 2021/237 cl 50

Clause 53(ma): replaced, at 11.59 pm on 11 November 2021, by clause 14 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

54 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 17 (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 is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).
- (7) However, an exemption, or an amendment to an exemption, may come into force before it is published if the Director-General is 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 exemption or amendment must be published under the Legislation Act 2019 as soon as practicable after it comes into force.

Compare: LI 2021/237 cl 51

Clause 54(6): replaced, at 11.59 pm on 15 October 2021, by clause 9(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 54(7): replaced, at 11.59 pm on 15 October 2021, by clause 9(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Clause 54(8)(b): replaced, at 11.59 pm on 15 October 2021, by clause 9(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Revocation

55 Revocation of COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021

The COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021 (LI 2021/237) is revoked.

Compare: LI 2021/237 cl 52

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.

Compare: LI 2021/237 Schedule 1, cl 1

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 22 and 26 of this order, if the accommodation service is in the alert level 3 area; and
 - (b) are described in clauses 34 and 41 of this order, if the accommodation service is in the alert level 2 area.

Compare: LI 2021/237 Schedule 1, cl 2

3 Existing exemptions continued

- (1) An exemption granted by the Director-General and described in subclause (2) continues in force on and after commencement as if it had been granted under clause 54 of this order, and is subject to the same conditions (if any) as applied before commencement.
- (2) The exemptions are any exemptions in force at the time of the revocation of either of the following:

- (a) clause 44 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021:
- (b) clause 51 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 11) 2021.

Compare: LI 2021/237 Schedule 1, cl 3

Schedule 2

Face covering and alert level 3 requirements

cls 11(6), 21, 22, 23, 28(2), 29, 30

Schedule 2: replaced, at 11.59 pm on 2 November 2021, by clause 14 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

Part 1

Auckland part of alert level 3 area

Schedule 2 Part 1: replaced, at 11.59 pm on 9 November 2021, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 2021 (SL 2021/361).

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
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 Tamariki 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	✓	✓	<ul style="list-style-type: none"> • Contact record rule applies in relation to— • persons other than workers of the business and service; and • a category A social service with a public area, including a customer service counter

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
4	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 25(2)(b))	✓	See clause 23(3)	✓	Contact record rule applies in relation to persons other than workers of the business or service or judicial officers
5	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓		✓	Contact record rule applies to all persons
	Category B business or service				
6	Retail businesses (for example, supermarkets, dairies, retail butchers, fishmongers, greengrocers, bakeries, marketplaces, takeaway food stores, petrol stations (including any stores operating as part of the petrol station), hardware and do-it-yourself stores, retail stores, banks, and self-service laundries), but not including shopping malls (see item 15)	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	[blank]				
8	[blank]				
9	[blank]				
10	Licensing trusts operating in Waitakere and Portage, 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	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) Contact record rule applies in relation to persons other than workers of the business or service 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 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 to prevent food and drink from being served for consumption on premises
12	Food banks	✓	✓		
13	[blank]				
14	[blank]				
15	Shopping malls	✓	✓		
16	Accommodation services	✓			
17	Public areas of New Zealand Post Limited, including customer service counters	✓	✓		

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
17A	Car parking buildings	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises
17B	Public facilities (for example, libraries, museums, and zoos) (not including swimming pools or recreation centres)	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises Contact record rule applies in relation to persons other than workers of the business or service
17C	Local authorities and central government agencies In this item, local authority has the same meaning as in section 5(1) of the Local Government Act 2002 Education entities	✓	✓	
18	Education entities (except early childhood services and registered schools described in items 18A and 18B)	✓	See clause 23(4)	Must have systems and processes in place to— <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 registered schools, limit students' physical attendance to students in years 1 to 10 and, for other students, as otherwise permitted by any direction

		Face covering rule for all persons in parts of premises open to public (clause 23)	Customers and clients allowed in workplace (clause 30)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
18A	Early childhood services	✓	✓	Exempt—see clauses 22A and 30(2)	given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020
18B	Registered schools that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020	✓	✓	Exempt—see clauses 22A and 30(2)	Must have systems and processes in place to keep children, students, and teachers, so far as is reasonably practicable, in groups that are appropriately sized and stable Must have systems and processes in place to permit physical attendance 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, small passenger service vehicles, ferries, or boats, or any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses))	✓	✓	See clause 23(4)	Must have systems and processes in place to ensure that passengers remain seated in a vehicle when it is in motion and in use in the alert level 3 area or on a specified route
19A	Public transport services provided by ferries and boats, and any public transport service where the service supplies all passengers	✓	✓	See clauses 12 and 23(5)	See clause 12

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
20	with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses) Public transport services provided by means of air transport or small passenger service vehicles	✓	See clauses 12 and 13	See clause 30(1)(c)
21	Health Health services (other than pharmacies)	✓	See clause 23(6)	Exempt—see clause 53 Contact record rule applies in relation to persons other than workers of the business or service
21A	Drug and alcohol testing services Drug and alcohol testing services necessary for work purposes	✓		
21B	In-home services The following services provided to a person (A) at A's home or place of residence: <ul style="list-style-type: none"> • building, construction, and maintenance services; • housing services provided by landlords and property managers; • real estate or property relocation services; 	✓	See clause 23(8)	Service may be provided only if— <ul style="list-style-type: none"> • no person other than a fellow resident of A (or a worker providing the service) is present when the business or service is provided; • in the case of real estate or property relocation services, no person is present when the service is provided other than— <ul style="list-style-type: none"> • a resident of the home or place of residence; and

<p>Face covering rule for all persons in parts of premises open to public (clause 23)</p>	<p>Customers and clients allowed in workplace (clause 30)</p>	<p>1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)</p>	<p>Additional conditions (clauses 28, 29, 30)</p> <ul style="list-style-type: none"> • residents of 1 other home or place of residence who are inspecting the property for the purposes of relocation, or who are relocating to the property; and • the minimum number of workers required to provide the service: • in the case of legal services to execute documents,— <ul style="list-style-type: none"> • it is not reasonably practicable for the service to be provided through electronic means, such as under a relevant immediate modification order made under the Epidemic Preparedness Act 2006; and • the execution of the document is urgently required; and • no person is present when the service is provided other than a fellow resident, a worker, or up to 2 other people if those other people are necessary to enable the execution of the document
<ul style="list-style-type: none"> • home-help services (including cleaning services) for persons who require assistance because of sickness or disability; • utility services relating to— <ul style="list-style-type: none"> • gas; • electricity; • water; • waste; • waste water; • liquid or solid fuel; • telecommunications services (as defined in section 5 of the Telecommunications Act 2001); • information technology maintenance and repair services; • security services (including locksmiths); • veterinary services and animal health and welfare services; • pest management services; • delivery, installation, and maintenance of consumer goods; 			

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) Contact record to be kept as required under clause 29
22	<ul style="list-style-type: none"> Government services: building and resource consenting services (for example, building inspections and geotechnical inspections); gardening and landscaping services; services for deceased persons and tūpāpaku; legal services to execute documents <p>Venues</p> <p>Venue businesses</p>	✓		Must have systems and processes in place to ensure that the venue workplace is used only for the purpose of a controlled gathering Contact record rule applies to all persons All indoor parts of facilities must remain closed to customers and clients
23	<p>The following outdoor sports facilities:</p> <ul style="list-style-type: none"> golf courses; tennis courts; bowls greens; croquet lawns <p>All other businesses and services</p> <p>All businesses and services other than those referred to in items 1 to 23</p>	✓		See clause 32(5)(d)
24	See the additional condition			Must have systems and processes in place to ensure, so far as is reasonably practicable, that

Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) 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 a business or service unless it is referred to items 1 to 23 Contact record rule applies to all persons
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Part 2
Waikato part of alert level 3 area

Schedule 2 Part 2: inserted, at 11.59 pm on 2 November 2021, by clause 14 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344).

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
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 Tamariki 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	✓	✓	Contact record rule applies in relation to— <ul style="list-style-type: none"> • persons other than workers of the business and service; and • a category A social service with a public area, including a customer service counter
4	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 25(2)(b))	✓	✓	Contact record rule applies in relation to persons other than workers of the business or service or judicial officers
5	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓	✓	Contact record rule applies to all persons
Category B business or service				

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
6	Retail businesses (for example, supermarkets, dairies, retail butchers, fishmongers, greengrocers, bakeries, marketplaces, takeaway food stores, petrol stations (including any stores operating as part of the petrol station), hardware and do-it-yourself stores, retail stores, banks, and self-service laundries), but not including shopping malls (<i>see</i> item 15)	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	[blank]				
8	[blank]				
9	[blank]				
10	[blank]				
11	Pharmacies	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
12	Food banks	✓	✓		Contact record rule applies in relation to persons other than workers of the business or service Must have systems and processes in place to prevent food and drink from being served for consumption on premises
13	[blank]				
14	[blank]				

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
15	Shopping malls	✓	✓	✓	<p>Must have systems and processes in place that allow access only for the purpose of 1 or both of the following:</p> <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 <p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
16	Accommodation services	✓			<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
17	Public areas of New Zealand Post Limited, including customer service counters	✓	✓	✓	<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
17A	Car parking buildings	✓	✓	✓	<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
17B	Public facilities (for example, libraries, museums, and zoos) (not including swimming pools or recreation centres)	✓	✓	✓	<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p> <p>Contact record rule applies in relation to persons other than workers of the business or service</p>

	Customers and clients allowed in workplace (clause 30) ✓	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
17C	Local authorities and central government agencies In this item, local authority has the same meaning as in section 5(1) of the Local Government Act 2002			
18	Education entities Education entities (except early childhood services and registered schools described in items 18A and 18B) ✓	See clause 23(4)	✓	Must have systems and processes in place to— <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 registered 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
18A	Early childhood services ✓		Exempt—see clauses 22A and 30(2)	Must have systems and processes in place to keep children, students, and teachers, so far as is reasonably practicable, in groups that are appropriately sized and stable
18B	Registered schools that students in years 9 to 13 are permitted to attend under a	See clause 23(4)	Exempt—see clauses 22A and 30(2)	Must have systems and processes in place to permit physical attendance by any direction given by the chief executive of the Ministry of

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
	direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020			Education under Schedule 25 of the Education and Training Act 2020
	Transport			
19	Transport stations and public transport services (other than those provided by means of air transport, small passenger service vehicles, ferries, or boats, or any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses))	✓	✓	Must have systems and processes in place to ensure that passengers remain seated in a vehicle when it is in motion and in use in the alert level 3 area or on a specified route
19A	Public transport services provided by ferries and boats, and any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses)	✓	✓	
20	Public transport services provided by means of air transport or small passenger service vehicles	✓	See clauses 12 and 13	See clause 30(1)(c)
	Health			
21	Health services (other than pharmacies)	✓	See clause 23(6)	Contact record rule applies in relation to persons other than workers of the business or service

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
21A	<p>Drug and alcohol testing services</p> <p>Drug and alcohol testing services necessary for work purposes ✓</p> <p>In-home services</p> <p>The following services provided to a person (A) at A's home or place of residence:</p> <ul style="list-style-type: none"> • building, construction, and maintenance services; • housing services provided by landlords and property managers; • real estate or property relocation services; • home-help services (including cleaning services) for persons who require assistance because of sickness or disability; • utility services relating to— <ul style="list-style-type: none"> • gas; • electricity; • water; • waste; • waste water; • liquid or solid fuel; 			
21B		See clause 23(8)		<p>Service may be provided only if—</p> <ul style="list-style-type: none"> • no person other than a fellow resident of A (or a worker providing the service) is present when the business or service is provided; • in the case of real estate or property relocation services, no person is present when the service is provided other than— <ul style="list-style-type: none"> • a resident of the home or place of residence; and • residents of 1 other home or place of residence who are inspecting the property for the purposes of relocation, or who are relocating to the property; and • the minimum number of workers required to provide the service;

<p>Face covering rule for all persons in parts of premises open to public (clause 23)</p>	<p>Customers and clients allowed in workplace (clause 30)</p>	<p>1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)</p>	<p>Additional conditions (clauses 28, 29, 30)</p> <ul style="list-style-type: none"> • in the case of legal services to execute documents,— • it is not reasonably practicable for the service to be provided through electronic means, such as under a relevant immediate modification order made under the Epidemic Preparedness Act 2006; and • the execution of the document is urgently required; and • no person is present when the service is provided other than a fellow resident, a worker, or up to 2 other people if those other people are necessary to enable the execution of the document <p>Contact record to be kept as required under clause 29</p>
<ul style="list-style-type: none"> • telecommunications services (as defined in section 5 of the Telecommunications Act 2001); • information technology maintenance and repair services; • security services (including locksmiths); • veterinary services and animal health and welfare services; • pest management services; • delivery, installation, and maintenance of consumer goods; • Government services; • building and resource consenting services (for example, building inspections and geotechnical inspections); • gardening and landscaping services; • services for deceased persons and tūpāpaku; • legal services to execute documents 	<p>Venues</p>		

22	<p>Venue businesses</p> <p>Customers and clients allowed in workplace (clause 30) ✓</p>	<p>Face covering rule for all persons in parts of premises open to public (clause 23) See clause 32(5)(d)</p> <p>1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)</p>	<p>Additional conditions (clauses 28, 29, 30) Must have systems and processes in place to ensure that the venue workplace is used only for the purpose of a controlled gathering</p> <p>Contact record rule applies to all persons</p> <p>All indoor parts of facilities must remain closed to customers and clients</p>
23	<p>The following outdoor sports facilities: ✓</p> <ul style="list-style-type: none"> • golf courses: • tennis courts: • bowls greens: • croquet lawns <p>All other businesses and services</p> <p>All businesses and services other than those referred to in items 1 to 23</p>	<p>Face covering rule for all persons in parts of premises open to public (clause 23) See clause 32(5)(d)</p> <p>1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)</p>	<p>Contact record rule applies to all persons</p> <p>All indoor parts of facilities must remain closed to customers and clients</p>
24	<p>All other businesses and services</p> <p>All businesses and services other than those referred to in items 1 to 23</p>	<p>Face covering rule for all persons in parts of premises open to public (clause 23) See clause 32(5)(d)</p> <p>1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)</p>	<p>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—</p> <ul style="list-style-type: none"> • does not involve entering a building; or • involves entering a shopping mall, but not entering a business or service unless it is referred to items 1 to 23 <p>Contact record rule applies to all persons</p>

Part 3
Upper Northland part of alert level 3 area

[Revoked]

Schedule 2 Part 3: revoked, at 11.59 pm on 11 November 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Schedule 3

Description of alert level 3 area

cl 6(1)

Schedule 3: replaced, at 11.59 pm on 3 October 2021, by clause 14 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Alert level 3 area means the areas described in Parts 1 and 2 of this schedule.

Schedule 3 **Alert level 3 area**: amended, at 11.59 pm on 11 November 2021, by clause 11(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Part 1

Auckland part of alert level 3 area

Schedule 3 Part 1: inserted, at 11.59 pm on 3 October 2021, by clause 14 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Alert level 3 area includes—

- (a) the area within the boundaries of Auckland as shown on LGC-Ak-R1; and
- (b) 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 (a) (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 Highway 22; then
 - (ix) proceeding north-east along 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 the 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
- (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 (a) (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 3 Part 1 paragraph (b)(viii): amended, at 11.59 pm on 7 October 2021, by clause 9(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310).

Schedule 3 Part 1 paragraph (b)(ix): amended, at 11.59 pm on 7 October 2021, by clause 9(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310).

Part 2

Waikato part of alert level 3 area

Schedule 3 Part 2: replaced, at 11.59 pm on 7 October 2021, by clause 9(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310).

Alert level 3 area includes the area (bounded by the middle of the roads listed below)—

- (a) commencing on the mean high-water mark of the west coast of the North Island at the mouth of the Kaawa Stream; then
- (b) proceeding in a generally north-easterly direction along the north bank of the Kaawa Stream to the intersection with Port Waikato-Waikaretu Road; then
- (c) proceeding south along Port Waikato-Waikaretu Road to the intersection with Baker Road; then

- (d) proceeding north-east along Baker Road to the intersection with Wairamarama-Onewhero Road; then
- (e) proceeding south-east along Wairamarama-Onewhero Road to the intersection with Bothwell Loop Road; then
- (f) proceeding east along Bothwell Loop Road to the intersection with Waikaretu Valley Road; then
- (g) proceeding north-east along Waikaretu Valley Road to the intersection with Highway 22; then
- (h) proceeding north-east along Highway 22 to the intersection with Glen Murray Road; then
- (i) proceeding south-east along Glen Murray Road to the intersection with Churchill Road; then
- (j) proceeding north along Churchill Road until it crosses the Opuatia Stream; then
- (k) proceeding in a generally north-easterly direction along the north bank of the Opuatia Stream to the Waikato River; then
- (l) proceeding in a generally northerly direction along the west bank of the Waikato River to the intersection with Mercer Ferry Road; then
- (m) proceeding north-east along Mercer Ferry Road to the intersection with Koheroa Road; then
- (n) proceeding north-east along Koheroa Road to the intersection with State Highway 2; then
- (o) proceeding south-east along State Highway 2 to the intersection with the Waikato District Territorial Authority Boundary (SO plan LG-013-2013-W-1); then
- (p) proceeding in a generally southerly direction along the Waikato District Territorial Authority Boundary to the intersection with the Waipa District Territorial Authority Boundary (SO plan 384791); then
- (q) proceeding in a generally southerly direction along the Waipa District Territorial Authority Boundary to the intersection with the Ōtorohanga District Territorial Authority Boundary (SO plan LG-018-2013-W-1); then
- (r) proceeding in a generally southerly direction along the Ōtorohanga District Territorial Authority Boundary to the intersection with the Waitomo District Territorial Authority Boundary (SO plan 335334); then
- (s) proceeding in a generally south-westerly direction along the Waitomo District Territorial Authority Boundary to the intersection with the mean high-water mark of the North Island at the mouth of the Mokau River; then
- (t) proceeding in a northerly direction along the mean high-water mark of the west coast of the North Island to the point of commencement described in paragraph (a).

Part 3

Upper Northland part of alert level 3 area

[Revoked]

Schedule 3 Part 3: revoked, at 11.59 pm on 11 November 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Part 3

Northland part of alert level 3 area

[Revoked]

Schedule 3 Part 3: revoked, at 11.59 pm on 19 October 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021 (LI 2021/317).

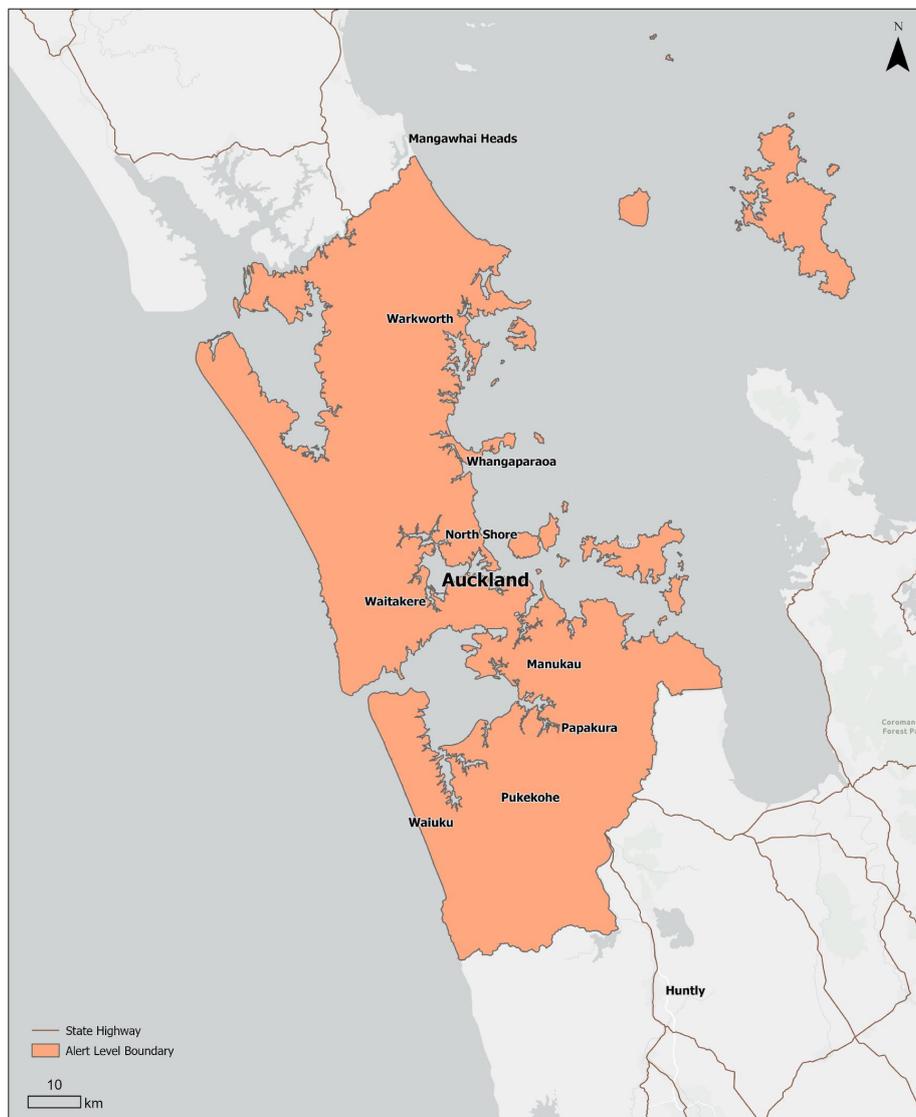
Schedule 4 Map of alert level 3 area

cl 6(2)

Schedule 4: replaced, at 11.59 pm on 3 October 2021, by clause 15 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Part 1 Map of Auckland part of alert level 3 area

Schedule 4 Part 1: inserted, at 11.59 pm on 3 October 2021, by clause 15 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).



Part 2

Map of Waikato part of alert level 3 area

Schedule 4 Part 2: replaced, at 11.59 pm on 7 October 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310).



Part 3

Map of upper Northland part of alert level 3 area

[Revoked]

Schedule 4 Part 3: revoked, at 11.59 pm on 11 November 2021, by clause 12 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Part 3

Northland part of alert level 3 area

[Revoked]

Schedule 4 Part 3: revoked, at 11.59 pm on 19 October 2021, by clause 10 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021 (LI 2021/317).

Schedule 5

Permitted travel into, out of, or through alert level areas (or between parts of alert level 3 area)

cls 18(1), 18(2), 19, 19A, 19B, 19C

Schedule 5 heading: amended, at 11.59 pm on 8 October 2021, by clause 17 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311).

Schedule 5 heading: amended, at 11.59 pm on 3 October 2021, by clause 16(a) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Schedule 5 heading: amended, at 11.59 pm on 3 October 2021, by clause 16(b) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297).

Schedule 5 heading: amended, at 11.59 pm on 28 September 2021, by clause 11(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Number	Activity
	<i>Working</i>
1	Go to or carry out work (regardless of whether in the alert level 3 area and, if necessary, stay in no more than 1 place as temporary accommodation) for one of the following businesses or services: <ol style="list-style-type: none"> 1.1 Supermarkets 1.2 Dairies 1.3 Petrol stations, including any stores operating as part of the petrol station 1.4 Licensing trusts operating in Waitakere and Portage, but only in respect of the sale of alcohol under an off-licence 1.5 Health services (other than pharmacies) 1.6 Drug and alcohol testing services required for work purposes by— <ul style="list-style-type: none"> • any business or service described in any of items 1.1 to 1.5 and 1.7 to 1.36A; or • an exempt business or service 1.7 Pharmacies 1.8 Food banks 1.9 Self-service laundries 1.10 Hardware and do-it-yourself stores, but only for the purpose of selling to trade customers 1.11 Food delivery services for—

Number	Activity
	<ul style="list-style-type: none"> • bakeries: • uncooked food suppliers: • alcohol suppliers
1.12	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))
1.13	<p data-bbox="478 358 566 1724">Sale of essential non-food consumer products (via online ordering and contactless delivery) that are necessary for 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—</p> <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, modems and Internet equipment, televisions, and radios): • urgently required educational materials and books: • urgently required home office equipment <p data-bbox="1013 1747 1037 1803">1.14 Accommodation services</p> <p data-bbox="1045 1747 1069 1803">1.15 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 data-bbox="1165 358 1220 1724">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 Zealand from the effects of COVID-19

92	Number	Activity
	1.16	Entities with statutory responsibilities for building and resource consenting that is necessary to enable the building, construction, and maintenance services referred to in item 1.15
	1.17	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 25(2)(b))
	1.18	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)
	1.19	<p>The following services:</p> <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
	1.20	Transport stations
	1.21	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)
	1.22	Public transport services provided by means of air transport or small passenger service vehicles
	1.22A	Property relocation services for a person who is relocating their principal home or place of residence
	1.23	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
	1.24	<p>Scientific services (including research organisations) of the following kind or provided by the following entities or facilities:</p> <ul style="list-style-type: none"> • ESR, GNS Science, 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: • 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
	1.25	Entities required to provide distance or online learning for primary and secondary education
	1.25A	Registered schools that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020
	1.26	School hostels
	1.27	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

Number	Activity
1.28	<p>Key utilities, which means utilities that provide for the production, supply, sale, distribution, or disposal of 1 or more of the following:</p> <ul style="list-style-type: none"> • gas: • electricity: • water: • waste: • waste water: • liquid or solid fuel: • telecommunications services (as defined in section 5 of the Telecommunications Act 2001)
1.29	<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
1.30AAA	<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 obligation under an enactment, risk harm to people or communities, or risk damage to the environment)
	<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>
1.30	Foreign Government (maintaining critical operations of foreign missions based in New Zealand)
1.31	Security services (including locksmiths)
1.32	Pest management services
1.33	Essential elements of pulp and paper plants
1.34	The essential operations of the following businesses and services:
	<ul style="list-style-type: none"> • the Golden Bay Cement manufacturing plant in Portland, Whangarei:
	<ul style="list-style-type: none"> • New Zealand Steel:
	<ul style="list-style-type: none"> • the Transport Accident Investigation Commission

94	Number	Activity
	1.35	Services provided for deceased persons or tūpāpaku (including washing, dressing, shrouding, or otherwise preparing for burial or cremation)
	1.36	Unions, if reasonably necessary to provide a service that cannot reasonably be delayed (for example, because a delay would risk the health and safety of workers)
	1.36A	Forestry and wood product processing for which the travel between alert level areas is reasonably necessary to enable the business or service to be provided and where the provision of the business or service cannot reasonably be delayed without substantial implications for the supply chain
	1.37	Businesses or services necessary to maintain any of the following: <ul style="list-style-type: none"> • businesses or services described in items 1.1 to 1.36A: • exempt businesses or services
	1.38	Services provided to a person (A) at A's home or place of residence relating to the delivery, installation, or maintenance of goods that are necessary for A's health or safety (for example, the maintenance of kitchen appliances)
2		Do necessary work of the kind described in clause 25(2)(a) at premises of a business or service that are in the same or an adjacent district and, if necessary, stay in no more than 1 place as temporary accommodation
3		If the person is referred to in clause 53(p) to (t), go to or carry out work and, if necessary, stay in no more than 1 place as temporary accommodation
		<i>Shared caregiving arrangements</i>
4		If the person is a child leaving the home or place of residence of a shared caregiver, go to visit or stay at the home or place of residence of another shared caregiver
5		If the person is a fellow resident of a child, convey or accompany the child going to the home or place of residence of a shared caregiver or collect the child for that purpose
		<i>Care of children and others</i>
6		Provide urgent care for a child, or 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
		<i>Students in years 9 to 13 attending registered schools</i>
6A		If the person is a student in years 9 to 13 at a registered school, attend that registered school under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020
		<i>Accessing health services with appointment</i>
7		Receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine, if the facility providing the vaccine is the nearest such facility to the person's home or place of residence

Number	Activity
8	Attend a scheduled appointment to receive another kind of health service <i>Leaving or relocating home from hospital, etc</i>
9	Leave or change a home or a place of residence that is a hospital, another residential health service, or residential care <i>Accessing judicial institutions if required or permitted</i>
10	Attend a court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend by that institution <i>Leaving or relocating home on court order, etc</i>
11	Leave or change their home or place of residence as required by— <ul style="list-style-type: none"> • a court order (except an order relating to parenting or guardianship); or • anyone exercising a power under any enactment to— <ul style="list-style-type: none"> • order the person to be detained; or • order the person to change their place of detention; or • determine the person's place of residence;
	Example of power
12	A direction of the New Zealand Parole Board or a probation officer
13	Leave or change a home or a place of residence after a period of requirement, detention, or determination described in item 11 Collect a person referred to in item 9, 11, or 12 for the purpose of accompanying them to their home or place of residence (or intended home or place of residence) in New Zealand <i>Leaving New Zealand</i>
14	If leaving New Zealand for another jurisdiction, go to— <ul style="list-style-type: none"> (a) an airport or a port from which the person will leave New Zealand; or (b) any managed isolation or quarantine facility immediately before leaving New Zealand <i>Emergencies</i>
15	If necessary, preserve their own or any other person's life or safety <i>Going home after isolation or quarantine (or arrival) in New Zealand</i>
16	Go to the person's principal home or place of residence (or intended principal home or place of residence) in New Zealand following— <ul style="list-style-type: none"> (a) the completion of their period of isolation or quarantine under the Isolation and Quarantine Order or the Maritime Border Order; or

96	Number	Activity
		(b) their arrival in New Zealand, if the Isolation and Quarantine Order and Maritime Border Order do not apply to the person on their arrival
17		Collect a person referred to in item 16 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
		<i>Caring for pets or other animals</i>
18		Without limiting item 2, to provide care, or enable care to be provided, for pets or other animals, but only if—
		(a) a breach of the Animal Welfare Act 1999 could result if the care were not provided; and
		(b) the travel between alert level areas is necessary to provide the care or enable it to be provided
		<i>Going home</i>
18A		Go to the person's principal home or place of residence (not being a school student who has relied on the permission in clause 18(2B) to travel to a school hostel)
		<i>Relocating home or place of residence</i>
18B		Relocate their home or place of residence on a permanent or long-term basis as a result of—
		(a) starting new employment;
		(b) <i>[Revoked]</i>
		(c) purchasing or renting a new principal home or place of residence
18BA		Relocate their home or place of residence as a result of attending a tertiary education entity or completing a course of study at a tertiary education entity
18C		Collect a person referred to in item 18A, 18B, or 18BA for the purpose of accompanying them to their home or place of residence
		<i>Accompanying others</i>
19		Accompany any person travelling for a purpose referred to in clause 18(3) or any other item of this schedule, but only if it is reasonably necessary for them to accompany that person
		Schedule 5 item 1.6: replaced, at 11.59 pm on 24 September 2021, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268).
		Schedule 5 item 1.6: amended, at 11.59 pm on 7 October 2021, by clause 11 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310).
		Schedule 5 item 1.22A: inserted, at 11.59 pm on 15 October 2021, by clause 11(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Schedule 5 item 1.25A: inserted, at 11.59 pm on 22 October 2021, by clause 13(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Schedule 5 item 1.34: amended, at 11.59 pm on 11 November 2021, by clause 15 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364).

Schedule 5 item 1.36A: inserted, at 11.59 pm on 5 October 2021, by clause 17 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Schedule 5 item 1.37: replaced, at 11.59 pm on 5 October 2021, by clause 17 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Schedule 5 item 4 heading: inserted, at 11.59 pm on 28 September 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 4: replaced, at 11.59 pm on 28 September 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 5: replaced, at 11.59 pm on 28 September 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 6A: inserted, at 11.59 pm on 22 October 2021, by clause 13(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Schedule 5 item 13: amended, at 11.59 pm on 28 October 2021, by clause 14(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Schedule 5 item 18A heading: inserted, at 11.59 pm on 28 September 2021, by clause 11(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 18A: inserted, at 11.59 pm on 28 September 2021, by clause 11(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 18A: amended, at 11.59 pm on 28 October 2021, by clause 14(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 11) 2021 (SL 2021/340).

Schedule 5 item 18A: amended, at 11.59 pm on 15 October 2021, by clause 11(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314).

Schedule 5 item 18B heading: inserted, at 11.59 pm on 28 September 2021, by clause 11(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 18B: inserted, at 11.59 pm on 28 September 2021, by clause 11(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 18B(b): revoked, at 11.59 pm on 22 October 2021, by clause 13(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Schedule 5 item 18BA: inserted, at 11.59 pm on 22 October 2021, by clause 13(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Schedule 5 item 18C: inserted, at 11.59 pm on 28 September 2021, by clause 11(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 5 item 18C: amended, at 11.59 pm on 22 October 2021, by clause 13(5) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326).

Schedule 5 item 19: amended, at 11.59 pm on 28 September 2021, by clause 11(4) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269).

Schedule 6 Face covering and workplace requirements in alert level 2 area

cls 11(6), 34, 39, 42, 44

1-m physical distancing rule (rather than 2-m physical distancing rule) applies to all persons (clauses 34, 42)
Additional conditions (clauses 42, 44)

1-m physical distancing rule (rather than 2-m physical distancing rule) applies to all persons (clauses 34, 42)

Face covering rule for all persons in parts of premises open to public (clause 39)

✓

Business or service

Retail businesses (for example, supermarkets, dairies, retail butchers, fishmongers, greengrocers, bakeries, shopping malls, indoor marketplaces, takeaway food stores, petrol stations (including any stores operating as part of the petrol station), hardware and do-it-yourself stores, retail stores, banks, and self-service laundries)

Number

1

See clause 39(6) in relation to workers

2

Postal services, couriers, and other businesses and services (including those listed in this schedule) that deliver goods to homes or places of residence

✓

Indoor public facilities (for example, libraries, museums, and recreation centres) (not including swimming pools)

3

Contact record rule applies in relation to persons other than workers of the business or service

Indoor swimming pools

4

Contact record rule applies in relation to persons other than workers of the business or service

100	<p>Number</p> <p>5</p>	<p>Business or service</p> <p>Event facilities (for example, cinemas, theatres, stadiums, concert venues, conference venues, and casinos)</p> <p>Businesses and services whose customers or clients are members of the business or service (for example, gyms)</p>	<p>Face covering rule for all persons in parts of premises open to public (clause 39)</p>	<p>1-m physical distancing rule (rather than 2-m physical distancing rule) applies to all persons (clauses 34, 42)</p> <p>✓</p>	<p>Additional conditions (clauses 42, 44)</p> <p>Contact record rule applies in relation to—</p> <ul style="list-style-type: none"> • persons other than workers of the business or service; and • indoor event facilities only <p>Contact record rule applies in relation to—</p> <ul style="list-style-type: none"> • persons other than workers of the business or service; and • indoor exercise facilities (for example, gyms) only
	6				
	7	<p>Local authorities and central government agencies</p> <p>In this item, local authority has the same meaning as in section 5(1) of the Local Government Act 2002</p>	<p>See clause 39(3)</p>		
	8	<p>Businesses and services that largely have a consistent group of workers and usually a fixed workplace (for example, offices and factories) (not including businesses or services described in another item of this schedule)</p>			
	9	<p>Health services (other than pharmacies)</p>	<p>See clause 39(5) in relation to persons other than workers or patients</p>	<p>Exempt—see clause 53</p>	<p>Contact record rule applies in relation to persons other than workers of the business or service</p>

Number	Business or service	Face covering rule for all persons in parts of premises open to public (clause 39)	1-m physical distancing rule (rather than 2-m physical distancing rule) applies to all persons (clauses 34, 42)	Additional conditions (clauses 42, 44)
10	Pharmacies	✓	✓	Contact record rule applies in relation to persons other than workers of the business or service
11	Category A social service	See clause 39(3)	✓	Contact record rule applies in relation to— <ul style="list-style-type: none"> persons other than workers of the business or service; and a category A social service with a public area, including a customer service counter
12	Courts and tribunals	See clause 39(3)	✓	Contact record rule applies in relation to persons other than workers of the business or service or judicial officers
13	Justice sector (other than justice sector businesses and services specified elsewhere in this schedule)	✓	✓	
14	Rental car services and car share services	✓	✓	
15	Veterinary services and animal health and welfare services	✓		
16	Education entities			
17	Public transport services	See clauses 12 and 14	See clauses 36 and 42 See clauses 37 and 42(3)	
18	[blank]		✓	
19	Transport stations	See clause 39(4)	✓	
20	Cafes, restaurants, bars, clubs, soup kitchens, and other food and drink businesses or	See clause 39(8) in relation to workers	✓	For requirements for individuals, see clause 38 Businesses and services must have systems and processes in place to—

Number	Business or service	Face covering rule for all persons in parts of premises open to public (clause 39)	1-m physical distancing rule (rather than 2-m physical distancing rule) applies to all persons (clauses 34, 42)	Additional conditions (clauses 42, 44)
	services to which clause 38 applies			<ul style="list-style-type: none"> • ensure that each customer or client is seated at a table (unless clause 38(3) applies); and • ensure that there is at least a 1-metre separation between customers and clients seated at adjacent tables; and • ensure compliance with clause 38(5)
21	Public areas of premises operated by New Zealand Post Limited, including customer service counters	See clause 39(3)		Contact record rule applies in relation to persons other than workers of the business or service
22	Close-proximity businesses and services (for example, massage and hairdressing services) (except professional and semi-professional sports)	See clause 39(9) in relation to workers	✓ See <i>also</i> clauses 35 and 42(2)	Contact record rule applies in relation to persons other than workers of the business or service
23	Professional and semi-professional sports		✓ See <i>also</i> clauses 35 and 42(2)	Contact record rule applies in relation to persons other than workers of the business or service

Schedule 6 item 5: replaced, at 11.59 pm on 5 October 2021, by clause 18(1) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Schedule 6 item 17: replaced, at 11.59 pm on 5 October 2021, by clause 18(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Schedule 6 item 18: replaced, at 11.59 pm on 5 October 2021, by clause 18(2) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Schedule 6 item 20: replaced, at 11.59 pm on 5 October 2021, by clause 18(3) of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298).

Dated at Wellington this 21st day of September 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 September 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 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 (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021 (SL 2021/364)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 2021 (SL 2021/361)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021 (SL 2021/344)

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 10) 2021 (LI 2021/332)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021 (LI 2021/326)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 8) 2021 (LI 2021/317)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021 (LI 2021/314)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 6) 2021 (LI 2021/311)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 5) 2021 (LI 2021/310)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 4) 2021 (LI 2021/298)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 2021 (LI 2021/297)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 (LI 2021/269)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 2021 (LI 2021/268)