

Reprint
as at 7 March 2021



COVID-19 Public Health Response (Alert Level Requirements) Order (No 4) 2021

(LI 2021/31)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 4) 2021: revoked, at 6 am on 7 March 2021, by clause 35 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 5) 2021 (LI 2021/37).

This order is made by the Minister for COVID-19 Response under sections 11 and 15(1) of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
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This order is administered by the Ministry of Health.

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Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 4) 2021.

2 Commencement

- (1) This order comes into force at 6 am on 28 February 2021.
- (2) However, clause 18(2), (3)(c), and (4) comes into force at 6 am on 1 March 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.

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 not more than 10 residents of the same accommodation service; and
- (b) in which the residents who are aged 18 years or over 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) to not 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 the whole 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 29 and 31 to 37

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 23 and 24

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 business or service means a business or service listed in Part 1 of Schedule 2

category A social service means a service of a kind described in item 3 of Part 1 of Schedule 2

category B business or service means a business or service listed in Part 2 of Schedule 2

contact tracing 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) a telephone number that may be used to easily contact the person

controlled gathering has the meaning given by clause 26(7)

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

education entity has the same meaning as in section 10(8) of the Education and Training Act 2020

extended bubble arrangement means an agreement by all of the residents (other than a person under the age of 18 years) of 2 or more homes or places of residence 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 caregiving 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

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 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

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

people responsible, in relation to a controlled gathering or a 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

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

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 29 and 31 to 37; but
- (c) despite paragraph (b)(ii), includes a gathering held at a facility or venue of a business or service that has been hired for the gathering if the gathering is not for the purpose of a business or service

transport station has the same meaning as in section 591(6) of the Local Government Act 1974

vehicle includes a vessel, train, tram, ship, or aircraft

venue business means a business of providing 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

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 or outdoor space is a **single space** if there are walls (whether permanent or temporary) that substantially divide that space from other spaces:
 - (b) an outdoor space is also a **single space** if there is at least 2 metres that separates all people in that space from other people who are outside that space.

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.

6 Alert level 3 area: description and map

- (1) The area described in Schedule 4 is the alert level 3 area.
- (2) An indicative map of the alert level 3 area is set out in Schedule 5.
- (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.

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 to all areas of New Zealand except to the extent that Part 3 applies.
- (3) The rest of this order applies to the whole of New Zealand.

Part 2

Alert level requirements to prevent outbreak or spread of COVID-19 that apply to all areas

QR codes

9 Display of QR codes in workplaces

- (1) A person in control of a workplace must ensure that a copy of a QR code for the workplace is displayed in a prominent place at or near the main entrance of the workplace.
- (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 dwelling house only if—
 - (i) customers or clients of the business or service customarily enter the dwelling house; or
 - (ii) workers of the business or service customarily enter the dwelling house (and those workers are not residents of the dwelling house or providing a category A social service).
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

10 Display of QR codes on public transport services

- (1) A person in control of a public transport service must ensure that a copy of a QR code is displayed in a prominent place on or inside any vehicle that is in use as part of that service.
- (2) However, subclause (1) does not apply in relation to a public transport service if all persons using the service are required to supply their contact details in order to use the service.
- (3) In subclause (1), **public transport service** excludes a school transport service.
- (4) In subclause (2), **contact details** means—
 - (a) the name of the person; and
 - (b) a telephone number that may be used to easily contact the person.

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

Contact tracing records in workplaces

11 Contact tracing records in workplaces

- (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 tracing 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 entering that workplace.
- (2) Subclause (1) does not apply if the workplace is excluded from the application of clause 9(1).
- (3) 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.
- (4) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.
- (5) In relation to how the contact tracing record under subclause (1) is collected, kept, and used, *see* the requirements in the Privacy Act 2020 that apply to persons collecting personal information.
- (6) *See also* additional requirements for contact tracing in clause 24(1)(f) and (g).

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 person who is a passenger on a small passenger service vehicle; or
- (b) to a ferry service carrying passengers between the North Island and the South Island; or
- (c) to air transport; or
- (d) to a school transport service; or
- (e) 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.

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.

14 Exemptions from face covering requirements

Clauses 12(1) and 13(1) do not apply 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).

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, if 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 an alert level area that is not an alert level 3 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 an alert level area that is not an alert level 3 area).

Physical distancing requirements on public transport services on specified route

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, clause 24(1)(d) or (e) applies in respect of the entire specified route taken by that vehicle.
- (2) In this clause, **specified route** means a route that involves a vehicle travelling—
 - (a) from the alert level 3 area to the alert level 2 area; or
 - (b) to and from the alert level 2 area, if the vehicle passes through the alert level 3 area; or
 - (c) from the alert level 2 area to the alert level 3 area.
- (3) 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* clause 33).

Restrictions on travel between alert level 3 area and another alert level area

17 Restrictions on travel between alert level 3 area and another alert level area

- (1) A person may go into an alert level 3 area from another alert level area, or go out of an alert level 3 area into another alert level area, only if—
 - (a) that 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 (except for a permitted airport transfer) while in the alert level 3 area.
- (2) For the purposes of subclause (1)(b), 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.

18 Permitted purposes for travel between alert level 3 area and another alert level area

Travel into or out of (but not through) alert level 3 area

- (1) For the purposes of clause 17, a person is permitted to go into, or out of, the alert level 3 area (but not into, through, and out of the alert level 3 area in 1 trip) for 1 or more of the following purposes:

Working for certain businesses or services

- (a) to go to, return from, or carry out work for a business or service listed in Schedule 3 (and, if necessary, stay in no more than 1 place as temporary accommodation):
- (b) if the person is a worker referred to in clause 45(p) or (q), to go to and return from work (and, if necessary, stay in no more than 1 place as temporary accommodation):

Care of children and others

- (c) if the person is a child, to go to, or return from, the home or place of residence of a shared caregiver (and then visit or stay), whether or not it is the child’s principal home or place of residence:
- (d) if the person is a shared caregiver or fellow resident of a child, to accompany the child going to, or returning from, the home or place of residence of a shared caregiver or to collect a child for that purpose:
- (e) to provide urgent care for a child, or to 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:

Accessing health services with appointment

- (f) to go to an appointment with a health service:

Accessing judicial institutions if required or permitted

- (g) 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

- (h) to—
- (i) leave or change the person's home or place of residence as required by a court order or by a person exercising any other power under any enactment to order a person to be detained, to change their place of detention, or otherwise determine their place of residence (for example, a direction of the New Zealand Parole Board or a probation officer); or
- (ii) go to a home or place of residence after that detention or determination ceases:

Leaving New Zealand

- (i) if leaving New Zealand for another jurisdiction, to go to—
- (i) an airport or a port from which the person will leave New Zealand; or
- (ii) any managed isolation or quarantine facility immediately before leaving New Zealand:

Emergencies

- (j) if it is necessary to preserve their own or any other person's life or safety:

Going home

- (k) to go to the person's principal home or place of residence:

Relocating home or business premises

- (l) to relocate their home or place of residence or business premises on a permanent or long-term basis:

Going home after isolation or quarantine (or arrival)

- (m) to go to the person's principal home or place of residence (or intended principal home or place of residence) in New Zealand following—
- (i) the completion of their period of isolation or quarantine under the Isolation and Quarantine Order or the Maritime Border Order; or
- (ii) their arrival in New Zealand, if the Isolation and Quarantine Order and Maritime Border Order do not apply to the person on their arrival:
- (n) to collect a person referred to in paragraph (m) 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:

Accompanying tūpāpaku or deceased persons

- (o) to collect or accompany a tūpāpaku or deceased person, but only if the total number of people collecting or accompanying the tūpāpaku or deceased person (including the person operating the vehicle) is no more than 10:

Caring for pets or other animals

- (p) to provide care, or enable care to be provided, for pets or other animals, but only if—
 - (i) a breach of the Animal Welfare Act 1999 could result if the care were not provided; and
 - (ii) the travel between alert level areas is necessary to provide the care or enable it to be provided:

Accompanying others

- (q) to accompany any person referred to in paragraphs (a) to (p), but only if it is reasonably necessary for them to accompany that person.
- (2) A person who relies on a permission under any of the following provisions must carry evidence of the purpose of their travel and the location of their destination:
- (a) subclause (1)(a) or (b) (working for certain businesses or services):
 - (b) subclause (1)(f) (accessing health services with appointment):
 - (c) subclause (1)(g) (accessing judicial institutions if required or permitted):
 - (d) subclause (1)(h) (leaving or relocating home on court order, etc):
 - (e) subclause (1)(i) (leaving New Zealand):
 - (f) subclause (1)(k) (going home):
 - (g) subclause (1)(l) (relocating home or business premises):
 - (h) subclause (1)(m) (going home after isolation or quarantine (or arrival)).

Travel through alert level 3 area

- (3) For the purposes of clause 17, a person may go into, through, and out of the alert level 3 area (in 1 trip) for the purpose of going to, or returning from, work or going to the person's principal home or place of residence 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; and
 - (c) the person carries evidence of the purpose of their travel and the location of their destination.

Evidence required by subclause (2) or (3)

- (4) The evidence required by subclause (2) or (3) may (but need not) be or include a document issued by the New Zealand Government for the purposes of this clause.

Permissions do not apply to travel within alert level 3 area

- (5) The permissions in this clause do not apply to travel that takes place only within the alert level 3 area (to which clause 20 applies).

Part 3

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

Stay-at-home requirements in alert level 3 area

19 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 20; 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 20 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.

20 Permissions for essential personal movement within alert level 3 area

A person is permitted to do any of the following as **essential personal movement** within the alert level 3 area:

Accessing businesses or services

- (a) leave their home or place of residence to access any business or service operating in compliance with the alert level 3 requirements if doing so for their own needs or on behalf of a fellow resident, a vulnerable person, or a high-risk person:

Attending education entities

- (b) leave their home or place of residence to attend any education entity if permitted to do so by the entity in compliance with the alert level 3 requirements:

Working

- (c) leave their home or place of residence 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 22(2));
- (d) if they are a worker referred to in clause 45(p) or (q), leave their home or place of residence to go to, or return from, work;
- (e) leave their home or place of residence to work at an education entity operating in compliance with the alert level 3 requirements:

Limited recreation purposes

- (f) leave their home or place of residence for exercise or other recreation if—
 - (i) it is done in an outdoor place appropriate for that kind of exercise or recreation that is readily accessible (including by using their vehicle) from their home or place of residence; and
 - (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 21) and the prohibition against gathering in outdoor places (*see* clause 25); and
 - (iii) it does not involve flying manned aircraft, scuba-diving, hunting in motorised vehicles, or water-based activities involving sailing boats, motorised craft, or motorised equipment; and
 - (iv) it does not involve any other activities that expose the participant to danger (taking account of their experience and abilities):

Limited customary purposes

- (g) leave their home or place of residence to exercise Māori customary rights to fishing and food gathering if—
 - (i) it is done in an outdoor place that is readily accessible (including by using their vehicle) from their home or place of residence; and
 - (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 21) and the prohibition against gathering in outdoor places (*see* clause 25); and
 - (iii) it does not involve flying manned aircraft, scuba-diving, hunting in motorised vehicles, or water-based activities involving sailing boats, motorised craft, or motorised equipment; and
 - (iv) it does not involve any other activities that expose the participant to danger (taking account of their experience and abilities):

Controlled gatherings

- (h) leave their home or place of residence to attend a controlled gathering:

Extended bubble arrangements and shared caregiver arrangements

- (i) leave their home or place of residence to visit or stay at another home or place of residence (and then visit or stay) if the residents of those homes or places of residence are part of an extended bubble arrangement:
- (j) if the person is a child, leave a home or place of residence that is covered by an extended bubble arrangement of one shared caregiver to visit or stay at a home or place of residence that is covered by an extended bubble arrangement of another shared caregiver:

Care of children and others and visiting residential disability care

- (k) leave their home or place of residence to provide urgent care for a child, or to provide care or support to a person in a critical or terminal condition:
- (l) leave their home or place of residence to visit people 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

- (m) leave their home or place of residence to access health services:

Accessing judicial institutions

- (n) leave their home or place of residence to attend a court, tribunal, New Zealand Parole Board hearing, or other judicial institution:

Leaving or relocating home on court order, etc

- (o) either—
 - (i) leave or change the person's home or place of residence as required by a court order or by a person exercising any other power under any enactment to order a person to be detained, to change their place of detention, or otherwise determine their place of residence (for example, a direction of the New Zealand Parole Board or a probation officer); or
 - (ii) go to a home or place of residence after that detention or determination ceases:

Leaving New Zealand

- (p) if leaving New Zealand for another jurisdiction, leave their home or place of residence to go to—
 - (i) an airport or a port from which the person will leave New Zealand; or
 - (ii) any managed isolation and quarantine facility immediately before leaving New Zealand:

Emergencies

- (q) leave their home or place of residence if it is necessary to preserve their own or any other person's life or safety:

Relocating home or business premises

- (r) 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):
- (s) 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)

- (t) go to the person's home or place of residence (or intended home or place of residence) in the alert level 3 area following—
 - (i) the completion of their period of isolation or quarantine under the Isolation and Quarantine Order or the Maritime Border Order; or
 - (ii) if the Isolation and Quarantine Order and Maritime Border Order do not apply to the person, their arrival in New Zealand:
- (u) collect a person referred to in paragraph (t) for the purpose of accompanying them to their home or place of residence (or intended home or place of residence) in the alert level 3 area:

Accompanying tūpāpaku or deceased persons

- (v) collect or accompany a tūpāpaku or deceased person, but only if the total number of people collecting or accompanying the tūpāpaku or deceased person (including the person operating the vehicle) is no more than 10 (which is the number of people permitted at any one time at a controlled gathering):

Caring for pets or other animals

- (w) leave their home or place of residence if it is necessary to care for pets or other animals that they own or are in charge of:

Travelling between alert level 3 area and another alert level area if permitted by clause 18

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

Assisting fellow resident

- (y) leave their home or place of residence 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.

*Physical distancing requirements for individuals in alert level 3 area***21 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), (5), and (6).
- (3) All workers of a business or service in the workplace of, or while working for, the business or service must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (4) All persons who enter a workplace of, use the services of, or work for any of the following businesses or services must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable:
 - (a) a category A business or service:
 - (b) an education entity:
 - (c) a transport station:
 - (d) a public transport service (other than one provided by means of air transport or a small passenger service vehicle).
- (5) 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.
- (6) The 2-metre physical distancing rule and the 1-metre physical distancing rule do not apply to a school transport service.
- (7) A breach of subclause (1), (3), or (4) is an infringement offence for the purposes of section 26(3) of the Act.

*Workplace requirements in alert level 3 area***22 Closure of premises unless alert level 3 requirements operating**

- (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 opening (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 clauses 23 and 24 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.

23 Workplaces to have systems and processes in place for physical distancing requirements in alert level 3 area

- (1) A business or service 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 that arise to the extent that physical distancing is not 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 24.

24 Adjusted alert level 3 requirements for businesses and services

- (1) A business or service must operate in compliance with the following alert level 3 requirements:

Category A businesses or services

- (a) a category A 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:

Category B businesses or services

- (b) a category B business or service must have systems and processes in place to prevent food and drink from being served for consumption on the premises (unless the service is an accommodation service):

Education entities

- (c) an education entity must have systems and processes in place to—
- (i) 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; and
 - (ii) keep children, students, and teachers, so far as is reasonably practicable, in groups that are appropriately sized and stable; and
 - (iii) for 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:

Transport stations and public transport services (other than air transport or small passenger service vehicle)

- (d) a transport station and a public transport service (other than one provided by means of air transport or a small passenger service vehicle) 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:

Public transport services provided by means of air transport or small passenger service vehicle

- (e) a public transport service provided by means of air transport or a small passenger service vehicle 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:

Venue businesses

- (f) a venue business must have systems and processes in place to ensure that—
- (i) the venue workplace is used only for the purpose of a controlled gathering; and
 - (ii) so far as is reasonably practicable, each person who enters the venue workplace—
 - (A) scans the QR code for the workplace; or

- (B) provides details in a contact tracing record that the person in control of the venue workplace collects:

All other businesses and services

- (g) all businesses and services other than those referred to in paragraphs (a) to (f) must have systems and processes in place to ensure so far as is reasonably practicable that—
 - (i) no customers or clients enter the workplace (other than only, and then to the minimum extent necessary, to collect goods through a method that minimises physical contact and does not involve—
 - (A) entering a building; or
 - (B) in the case of a shopping mall, entering an individual store); and
 - (ii) there is no close personal contact with or between customers or clients; and
 - (iii) each person who enters the workplace—
 - (A) scans the QR code for the workplace; or
 - (B) provides details in a contact tracing record that the person in control of the workplace collects.
- (2) If subclause (1)(f)(ii) or (g)(iii) applies, the person in control of the workplace must keep the contact tracing record for a period of 30 days.
- (3) Subclause (1)(f)(ii) and (g)(iii) does not apply to a workplace that is excluded from the application of clause 9(1).

Prohibition on gatherings in outdoor places in alert level 3 area

25 Prohibition on gathering in outdoor places in alert level 3 area

- (1) A person must not attend a gathering in any outdoor place in an alert level 3 area.
- (2) A person must not organise a gathering in any outdoor place in an alert level 3 area.
- (3) This clause does not apply to—
 - (a) a gathering of fellow residents; or
 - (b) a gathering organised by a venue business operating in compliance with the alert level 3 requirements; or
 - (c) a controlled gathering (*see* clause 26); or
 - (d) any premises referred to in section 12(2)(d) of the Act.
- (4) A breach of subclause (2) is an infringement offence for the purposes of section 26(3) of the Act.

*Controlled gatherings in alert level 3 area***26 People responsible for controlled gatherings must comply with contact tracing requirements**

- (1) A controlled gathering is permitted in an alert level 3 area, but only if the requirements in subclause (2) are met.
- (2) The people responsible for a controlled gathering in an 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 who attends the controlled gathering—
 - (a) scans the QR code for the controlled gathering; or
 - (b) provides details in a contact tracing 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 at the controlled gathering knows, and can identify for the purposes of contact tracing, every other person who is attending the controlled gathering.
- (4) Subclauses (1) and (2) do not apply to a gathering organised by a venue business operating in compliance with the alert level 3 requirements.
- (5) A breach of subclause (2) is an infringement offence for the purposes of section 26(3) of the Act.
- (6) In relation to how the contact tracing record under subclause (2) is collected, kept, and used, *see* the requirements in the Privacy Act 2020 that apply to persons collecting personal information.
- (7) In this clause, **controlled gathering** means a gathering that meets all of the following requirements:
 - (a) there are no more than 10 people at any one time at the gathering (including any celebrant, organiser, or other assistant); and
 - (b) the gathering is for one of the following purposes:
 - (i) a funeral service;
 - (ii) a tangihanga;
 - (iii) a wedding or civil union service; and
 - (c) the gathering is one at which no food or drink is served.

27 Individuals must comply with contact tracing requirements for controlled gatherings

If clause 26(2) applies to a controlled gathering, a person who attends the controlled gathering must—

- (a) scan the QR code for the controlled gathering; or
- (b) provide details in the contact tracing record referred to in that clause.

Part 4
**Alert level 2 requirements to prevent outbreak or spread of
COVID-19**

Physical distancing requirements in workplaces

28 Application of clauses 29 to 37

- (1) Clauses 29 to 37 apply to workplaces of businesses and services, but 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) households carrying out family activities involving only fellow residents; or
 - (e) a gathering held at a facility or venue of a business or service that has been hired for the gathering if the gathering is not for the purpose of the business or service.
- (2) *See* clauses 39 to 43, which contain requirements relating to social gatherings (including those described in subclause (1)(a) to (e)).
- (3) However, nothing in this Part applies to a school transport service.

29 Workplaces to have systems and processes in place for physical distancing

- (1) A business or service 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 that arise to the extent that physical distancing is not 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 clauses 31 to 37.

30 Individuals must comply with physical distancing requirements for workplaces

- (1) All workers of a business or service in the workplace of, or while working for, the business or service must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (2) All other persons who enter a workplace of, or use the services of, a business or service must comply with the 2-metre physical distancing rule so far as is reasonably practicable.
- (3) Subclauses (1) and (2) apply except to the extent adjusted by clauses 31 to 37.
- (4) A breach of subclause (1) or (2) is an infringement offence for the purposes of section 26(3) of the Act.

31 Adjusted alert level 2 requirements for category A businesses and services

- (1) This clause adjusts the alert level 2 requirements for category A businesses and services.
- (2) Category A businesses and services 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.
- (3) All persons who enter the workplace of, use the services of, or work for a category A business or service must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (4) A breach of subclause (3) is an infringement offence for the purposes of section 26(3) of the Act.

32 Adjusted alert level 2 requirements for education entities

- (1) This clause adjusts the alert level 2 requirements for education entities.
- (2) Education entities—
 - (a) need not have systems and processes in place to maintain compliance with either 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).

- (3) People who are ordinarily at an education entity 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.
- (4) The adjustment in subclause (2) and the exemption from physical distancing in subclause (3) do not apply to—
 - (a) inter-school activities; or
 - (b) activities at (or connected with) an education entity that are attended by people who are otherwise not ordinarily at that education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services.

33 Adjusted alert level 2 requirements for public transport services

- (1) This clause adjusts the alert level 2 requirements for public transport services.
- (2) Public transport services need not have systems and processes in place to maintain compliance with either 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.
- (3) All persons who enter the workplace of, use the services of, or work for a public transport service are not required to comply with either the 1-metre physical distancing rule or the 2-metre physical distancing rule.
- (4) *See*, however, clause 16 if the vehicle travels on a specified route described in that clause.

34 Adjusted alert level 2 requirements for transport stations

- (1) This clause adjusts the alert level 2 requirements for transport stations.
- (2) Transport stations 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.
- (3) All persons who enter the workplace of, use the services of, or work for a transport station must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (4) A breach of subclause (3) is an infringement offence for the purposes of section 26(3) of the Act.

35 Adjusted alert level 2 requirements for controlled-access businesses and services

- (1) This clause adjusts the alert level 2 requirements for controlled-access businesses and services.
- (2) In this clause, **controlled-access businesses and services**—

- (a) means the following businesses and services:
 - (i) businesses and services to the extent that they largely have a consistent group of workers and usually have a fixed workplace, such as office workplaces and factories; and
 - (ii) businesses and services to the extent that their customers or clients are members of the business or service, such as gyms; and
 - (iii) public facilities that are located within a building or structure, such as swimming pools, libraries, and museums; and
 - (iv) event facilities such as cinemas, theatres, stadiums, concert venues, conference venues, and casinos; but
 - (b) excludes retail businesses, such as shopping malls, supermarkets, marketplaces, takeaway-food stores, and retail stores.
- (3) Controlled-access businesses and services 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 persons entering the workplace of, using the services of, or working for the business or service; and
 - (b) if they are an event facility, permit no more than 100 customers or clients to be in any 1 defined space in the facility at any 1 time (not including workers).
- (4) All persons who enter the workplace of, use the services of, or work for a controlled-access business or service must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (5) A breach of subclause (4) is an infringement offence for the purposes of section 26(3) of the Act.

36 Adjusted alert level 2 requirements for food and drink businesses and services

- (1) This clause adjusts the alert level 2 requirements for businesses or services to the extent that customers or clients enter their workplaces and food or drink is sold or provided for consumption (or offered for consumption) to those customers or clients in the workplace, such as—
- (a) a restaurant or cafe; or
 - (b) a soup kitchen or other place where food or drink is provided without charge.
- (2) Businesses and services must, in relation to that activity, have systems and processes in place to,—

- (a) in on-licence premises or club premises, ensure that each customer or client is seated at a table other than when entering, using a toilet or bathroom, paying, or departing:
 - (b) in other premises, ensure that each customer or client is seated at a table other than when—
 - (i) entering, using a toilet or bathroom, paying, or departing; or
 - (ii) ordering or collecting food or drink.
- (3) All persons who are customers or clients in an on-licence premises or club premises must be seated at a table other than when entering, using a toilet or bathroom, paying, or departing.
- (4) All persons who are customers or clients of any other business or service in which food or drink is sold or provided for consumption (or offered for consumption) must be seated at a table other than when—
 - (a) entering, using a toilet or bathroom, paying, or departing; or
 - (b) ordering or collecting food or drink.
- (5) Businesses and services must also, in relation to the activity described in sub-clause (1), have systems and processes in place to—
 - (a) permit no more than 100 customers or clients to be in any 1 defined space in the workplace at any 1 time; and
 - (b) ensure that the number of customers or clients seated at a table together does not exceed the maximum number limit (if any) for social gatherings; and
 - (c) ensure that there is at least a 1-metre separation between adjacent tables where customers or clients are seated; and
 - (d) ensure, so far as is reasonably practicable, that only 1 worker serves at any table; and
 - (e) so far as is reasonably practicable, maintain compliance with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) for all customers and clients when they are not seated at a table.
- (6) All persons who are customers or clients at a business or service in which food or drink is sold or provided for consumption (or offered for consumption) must—
 - (a) be seated at a table together in a number that does not exceed the maximum number limit (if any) for social gatherings;
 - (b) 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.
- (7) 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.
- (8) A breach of subclause (3), (4), or (6) is an infringement offence for the purposes of section 26(3) of the Act.

37 Adjusted alert level 2 requirements for close-proximity businesses and services

- (1) This clause adjusts the physical distancing requirements for close-proximity businesses and services.
- (2) 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 or semi-professional sports).
- (3) Close-proximity businesses and services must, in relation to that activity, 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.
- (4) However, subclause (3) does not apply to the extent that workers are required to have physical contact with, or close proximity to, people in order to carry out the activities of that business or service.
- (5) All persons who enter the workplace of, use the services of, or work for a close-proximity business or service must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (6) However, neither subclause (5) nor the 2-metre physical distancing rule apply 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.
- (7) A breach of subclause (5) is an infringement offence for the purposes of section 26(3) of the Act.

Social gatherings requirements

38 Application of clauses 39 to 43

Clauses 39 to 43 do not apply to a gathering of fellow residents.

39 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.

40 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 39.

41 Individuals must comply with requirements for social gatherings

- (1) A person must not attend a social gathering that exceeds the number limit for that gathering specified in clause 39.
- (2) If clause 43(2) applies to a social gathering, a person who attends the social gathering must—
- (a) scan the QR code for the social gathering; or
 - (b) provide details in the contact tracing record referred to in that clause.

42 People responsible for social gatherings must comply with number limit

- (1) A social gathering that exceeds the number limit for the gathering in clause 39 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.

43 People responsible for social gatherings must comply with contact tracing 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 who attends the social gathering—
- (a) scans the QR code for the social gathering; or
 - (b) provides details in a contact tracing 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 at the social gathering knows, and can identify for the purposes of contact tracing, every other person who is a participant in the social gathering.
- (4) A breach of subclause (2) is an infringement offence for the purposes of section 26(3) of the Act.
- (5) In relation to how the contact tracing record under subclause (2) is collected, kept, and used, *see* the requirements in the Privacy Act 2020 that apply to persons collecting personal information.

Part 5 Miscellaneous

Exemptions

44 Exemption for emergencies

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

45 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:
- (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:

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

46 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 3 area and another alert level area), 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 must—

- (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
- (b) be notified in the *Gazette*.

Revocation

47 **Revocation of COVID-19 Public Health Response (Alert Level Requirements) Order (No 3) 2021**

The COVID-19 Public Health Response (Alert Level Requirements) Order (No 3) 2021 (LI 2021/13) is revoked.

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.

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 21 and 23, if the accommodation service is in an alert level 3 area; or
 - (b) are described in clauses 29 and 30, if the accommodation service is in an alert level 2 area.

3 Previous exemptions have no effect

An exemption granted before commencement by the Director-General under a COVID-19 order that is replaced by this order, or to which this order corresponds, has no effect for the purposes of this order.

Schedule 2

Businesses and services

cl 4(1)

Part 1

Category A businesses or services

Number	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
4	Courts and tribunals

Part 2

Category B businesses or services

Number	Business or service
1	Supermarkets and dairies
2	Retail butchers, fishmongers, and greengrocers, but only if their premises are indoors and have a fixed location
3	Petrol stations, including any stores operating as part of the petrol station
4	Accommodation services
5	Pharmacies
6	Licensing trusts
7	Hardware and do-it-yourself stores, but only for the purpose of sale to trade customers
8	Banks
9	Shopping malls, but only for the purpose of doing 1 or both of the following: <ul style="list-style-type: none">• allowing goods to be collected through a method that minimises physical contact:• enabling access to category A businesses or services or other category B businesses or services

Schedule 3

Businesses or services for which travel permitted for work purposes between alert level 3 area and another alert level area

cl 18

Number	Business or service
1	Justice sector, including Courts of New Zealand, facilities and related services of the Department of Corrections, and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 22(2)(b))
2	Parliament, including members of Parliament, parliamentary staff, and any officer of Parliament (but note that this list does not affect the exclusion from the closure of premises in clause 22(2)(b))
3	Postal operators and courier services
4	The following services: <ul style="list-style-type: none">• freight services (including those for transporting livestock) provided by means of road, rail, air, or sea:• passenger services (including public transport services) provided by means of road, rail, air, or sea:• any other transport and logistics services provided at or through an aerodrome
5	Scientific services (including research organisations) of the following kind or provided by the following entities or facilities: <ul style="list-style-type: none">• ESR, GNS, 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
6	Key utilities , which means utilities that provide for the production, supply, sale, distribution, or disposal of 1 or more of the following: <ul style="list-style-type: none">• electricity:• gas:• water:• wastewater (for example, sanitation):• waste (for example, rubbish collection and recycling):• liquid or solid fuel:• telecommunications services (as defined in section 5 of the Telecommunications Act 2001)
7	Key communications , which— <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
8	Emergency services (other than those described in clause 45, which sets out exemptions from this order)

Number	Business or service
9	Services provided under the Oranga Tamariki Act 1989, and other social services provided to support persons to maintain critical well-being or as crisis support for people who are unsafe or homeless
10	Diplomatic and consular services
11	<p>A transport-related entity or service provider, but only if—</p> <ul style="list-style-type: none"> • the travel is for a specified function; and • the travel is reasonably necessary to enable the specified function to occur (for example, because the function cannot be performed by an appropriate person who is already within the relevant alert level area); and • performance of the function cannot reasonably be delayed <p>In this item,—</p> <p>specified function means a function to which 1 or more of the following apply:</p> <ul style="list-style-type: none"> • an enactment requires that the function be performed; • the function is necessary to support the response to COVID-19; • the function is necessary to preserve the national security of New Zealand; • the function is necessary to preserve human life or safety <p>transport-related entity or service provider means any of the following:</p> <ul style="list-style-type: none"> • New Zealand Transport Agency; • Civil Aviation Authority of New Zealand (including the Aviation Security Service); • Airways Corporation of New Zealand Limited; • Maritime New Zealand (including the Rescue Coordination Centre New Zealand); • KiwiRail Holdings Limited (including Interislander); • Transport Accident Investigation Commission; • any entity or service provider that is contracted by 1 or more of these entities
12	<p>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; • key infrastructure <p>In this item, key infrastructure means—</p> <ul style="list-style-type: none"> • the key utilities as defined in item 6; and • infrastructure that enables or supports supply chains that are needed for 1 or both of the following: <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; and • other road and rail networks; and • other infrastructure whose operations, if interrupted, would be seriously impacted
13	<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 or social service, or relates to infrastructure; and • the travel between alert level areas is reasonably necessary to enable the service to be provided (for example, because the service cannot be provided by an appropriate person who is already within the relevant alert level area); and

Number	Business or service
	<ul style="list-style-type: none">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>
14	<p>Veterinary and animal health and welfare services, but only if—</p> <ul style="list-style-type: none">a breach of the Animal Welfare Act 1999 could result if the service were not provided; andthe travel between alert level areas is reasonably necessary to enable the service to be provided (for example, because the customer does not have access to an appropriate person who is within their alert level area)
15	<p>Businesses engaged in any of the following activities, but only if the travel between alert level areas is reasonably necessary to enable those activities:</p> <ul style="list-style-type: none">the production, processing, or supply of food or drink;the production, processing, or supply of packaging for food or drink
16	<p>Unions, but only if—</p> <ul style="list-style-type: none">the travel between alert level areas is reasonably necessary to enable the union to provide a service (for example, because the service cannot be provided by an appropriate person who is already within the relevant alert level area); andprovision of the service cannot reasonably be delayed (for example, because a delay would risk the health and safety of workers)
17	<p>Services that are required to do 1 or both of the following in relation to a vehicle that is used for the purposes of a business or service described in this schedule:</p> <ul style="list-style-type: none">keep the vehicle operational (for example, mechanics, tyre services, aircraft maintenance services, vehicle testing services, and vehicle recovery services);disinfect or clean the vehicle to enable the business or service to comply with legal requirements relating to biosecurity, animal welfare, human health, the management of hazardous substances or dangerous goods, or transport safety
18	<p>Services for the transport of tūpāpaku or deceased persons</p>

Schedule 4

Description of alert level 3 area

cl 6(1)

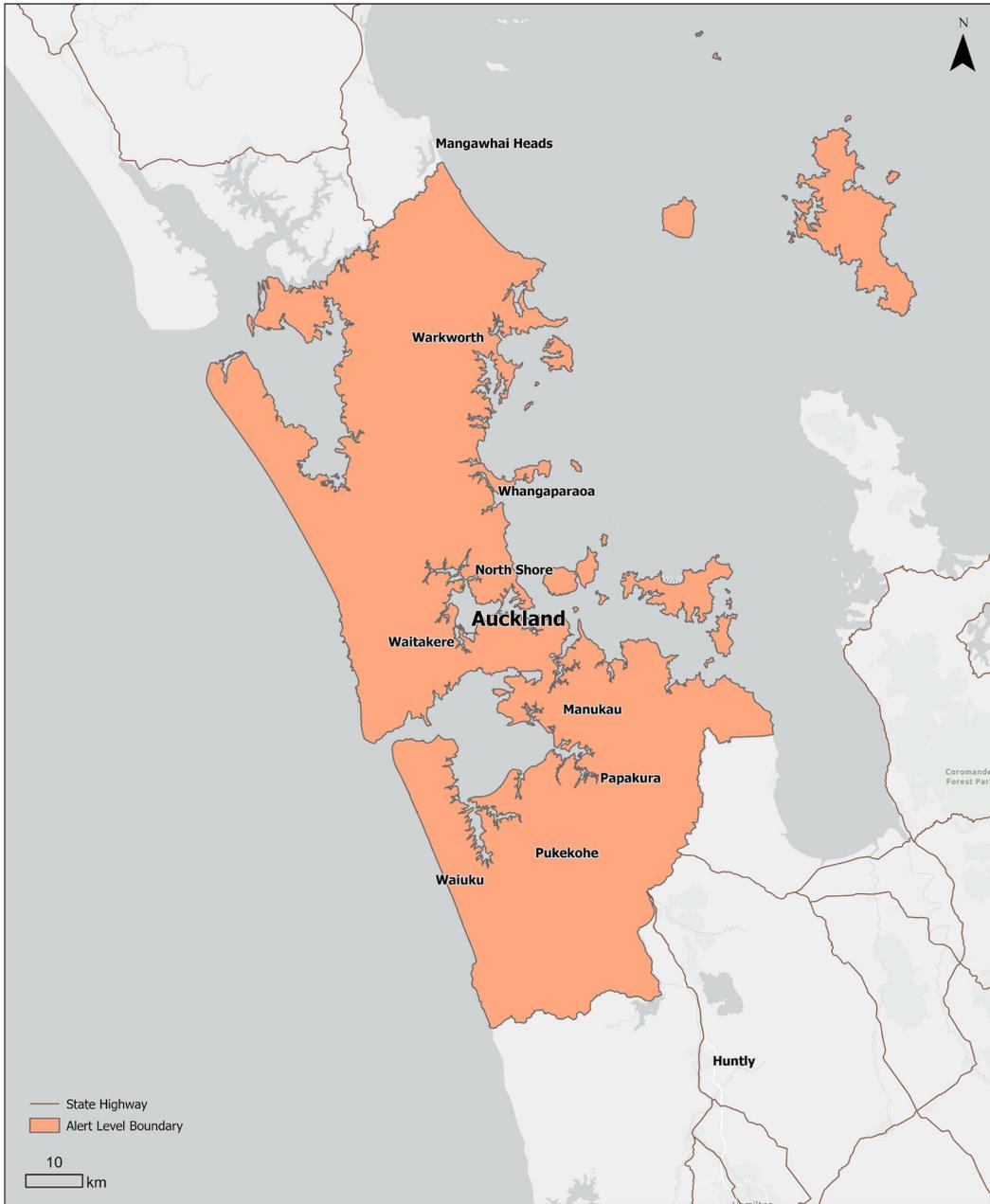
Alert level 3 area means—

- (a) the area within the boundaries of Auckland as determined by the Local Government (Auckland Boundaries) Determination 2010 (*Gazette* 2010, p 858); 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 east along Baker Road to the intersection with Wairamarama-Onewhero Road; then
 - (vi) proceeding south along Wairamarama-Onewhero Road to the intersection with Bothwell Loop Road; then
 - (vii) proceeding east along Bothwell Loop Road to the intersection with Waikaretu Valley Road; then
 - (viii) proceeding east along Waikaretu Valley Road to the intersection with State Highway 22; then
 - (ix) proceeding north-east along State 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 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 5 Map of alert level 3 area

cl 6(2)



Dated at Wellington this 27th day of February 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 4) 2021. Most of the order comes into force at 6 am on 28 February 2021. However, clause 18(2), (3)(c), and (4), which requires evidence for certain travel between alert level areas, comes into force at 6 am on 1 March 2021.

Part 1 of this order sets out the purpose of this order (*see clause 3*) and definitions used in the order (*see clause 4*).

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19.

Clause 5 provides for how the requirements in this order apply to businesses and services.

Clause 6 provides for the description of the alert level 3 area in *Schedule 4* and the map of the area in *Schedule 5*.

Clause 7 refers to the transitional, savings, and related provisions set out in *Schedule 1*.

Clause 8 sets out where parts of this order apply, as follows:

- *Part 3* applies in the alert level 3 area, to any property if a part of it is in the alert level 3 area, and to any other place if necessary for the purposes of enforcing the measures in those 2 places (for example, to enable roadblocks). The alert level 3 area means the area described in *Schedule 4*:
- *Part 4* applies to all areas of New Zealand except to the extent that *Part 3* applies:
- the rest of this order applies to the whole of New Zealand.

Alert level requirements to prevent outbreak or spread of COVID-19 that apply to all areas

Clauses 9 and 10 set out requirements for unique identifying codes for the purpose of enabling contact tracing (QR codes).

Clause 11 sets out requirements for contact tracing in workplaces.

Clauses 12 to 14 set out face covering requirements on public transport services and domestic air transport services, and exemptions from those requirements.

Clause 15 describes the 1-metre and 2-metre physical distancing rules.

Clause 16 sets out physical distancing requirements on public transport services that travel between alert level areas or through the alert level 3 area.

Clause 17 prohibits travel between alert level areas unless the travel is permitted under *clause 18*.

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

Clause 19 sets out the stay-at-home requirements in the alert level 3 area.

All people within that area must—

- remain at their current home or place of residence except for essential personal movement permitted under *clause 20*; and
- if their home is mobile, keep that home in the same general location except for essential personal movement permitted under *clause 20*.

These requirements do not apply to a person while the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 or the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 applies to that person.

Clause 20 sets out movements that are permitted as essential personal movement within the alert level 3 area. These are the reasons for which a person is permitted to leave their current home or place of residence. The permissions relate to—

- accessing businesses and services:
- attending education entities:
- working:
- limited recreation purposes:
- limited customary purposes:
- controlled gatherings:
- extended bubble arrangements and shared caregiving arrangements:
- care of children and others and visiting residential disability care:
- accessing health services:
- accessing judicial institutions:
- leaving or relocating home on court order or under another authority:
- leaving New Zealand:
- emergencies:
- relocating home or business premises:
- going home after isolation or quarantine or arriving in New Zealand:
- accompanying tūpāpaku or deceased persons:
- caring for pets or other animals:
- travelling between alert level areas if permitted under *clause 18*:
- assisting fellow residents.

Clause 21 requires people to maintain physical distancing so far as is reasonably practicable. For the alert level 3 area, this means staying 2 metres away from other people. There are exceptions for certain businesses or services in which people must stay 1 metre away from other people (*see* the general requirements in *clause 23*, as adjusted in *clause 24*).

Clause 22 requires premises in the alert level 3 area to be closed unless the business or service complies with the alert level 3 requirements (*see Part 2 and clauses 23 and 24*). The alert level 3 requirements differ, depending on whether the business or service is a category A business or service, a category B business or service, an education entity, a transport station or public transport service, a venue business, or another business or service.

Clause 25 prohibits outdoor gatherings in an alert level 3 area, other than in an outdoor place that is a venue used for gatherings that has the relevant alert level 3 requirements in place.

Clause 26 permits controlled gatherings in an alert level 3 area, as long as the people responsible for the gathering ensure that contact tracing processes are in place. (People responsible is defined in *clause 4*.)

Clause 27 sets out contact tracing requirements that apply to the people who attend a controlled gathering within an alert level 3 area.

Alert level 2 requirements to prevent outbreak or spread of COVID-19

Part 4 applies in all areas of New Zealand to which *Part 3* does not apply. *Part 4* sets out alert level 2 requirements to prevent the outbreak or spread of COVID-19.

Clause 28 is an application clause. *Clauses 29 to 37* apply to workplaces of businesses and services, except those described in *clause 28(1)(a) to (e)*. *Clauses 39 to 43* apply to social gatherings including, but not limited to, gatherings described in *clause 28(1)(a) to (e)*.

Clause 29 requires a workplace to have systems and processes in place to—

- maintain compliance with the 1-metre physical distancing rule (so far as is reasonably practicable) for workers; and
- maintain compliance with the 2-metre physical distancing rule (so far as is reasonably practicable) for other persons entering the workplace of, or using the services of, the business or service; and
- mitigate risks that arise to the extent that physical distancing is not fully maintained (such as through regular cleaning of surfaces or installing plastic barriers).

Clause 30 requires a person to comply, so far as is reasonably practicable, with either the 1-metre physical distancing rule or the 2-metre physical distancing rule, if that rule applies to the person.

The requirements in *clauses 29 and 30* that relate to the 1-metre physical distancing rule and the 2-metre physical distancing rule apply except to the extent adjusted by *clauses 31 to 37*.

Clause 31 sets out adjusted requirements for category A businesses and services.

Clause 32 sets out adjusted requirements for education entities.

Clause 33 sets out adjusted requirements for public transport services.

Clause 34 sets out adjusted requirements for transport stations.

Clause 35 sets out adjusted requirements for controlled-access businesses and services, defined as—

- businesses or services that have a largely consistent group of workers and that usually have a fixed workplace (such as office workplaces and factories):
- businesses or services with customers or clients that are members of the business or service (such as gyms):
- public facilities located within a building or structure (such as swimming pools, libraries, and museums):
- event facilities such as cinemas, theatres, stadiums, concert venues, conference venues, and casinos.

However, retail businesses, such as shopping malls, supermarkets, marketplaces, takeaway-food stores, and retail stores, are excluded from *clause 35*.

Clause 36 sets out adjusted requirements for businesses or services with workplaces that customers may enter and where food or drink is sold or provided to be consumed there (such as restaurants, cafes, and soup kitchens).

Clause 37 sets out adjusted requirements for businesses or services that cannot operate without physical contact or close proximity between people (such as massage and hairdressing services and professional sports).

Clauses 38 to 43 relate to social gatherings. (Social gathering is defined in *clause 4*.)

Clause 38 states that the requirements for social gatherings do not apply to gatherings of fellow residents.

Clause 39 sets out the number limit for a social gathering in an alert level 2 area.

Clause 40 provides that the number limit for a social gathering does not include workers providing services in relation to the gathering.

Clause 41 provides that people must not attend a social gathering that exceeds the number limit (not including workers who are providing services in relation to the gathering). *Clause 41(2)* also provides that people must, if attending a social gathering, comply with requirements to enable contact tracing records to be kept.

Clause 42 requires the people responsible for a social gathering to ensure that the social gathering does not exceed the number limit.

Clause 43 requires the people responsible for a social gathering to ensure that contact tracing processes are in place. This does not apply if every person at the social gather-

ing knows, and can identify for the purpose of contact tracing, every other person at the social gathering.

Exemptions

Clause 44 exempts people assisting in or responding to an emergency from the application of the order.

Clause 45 sets out other exemptions for specified activities and services.

Clause 46 empowers the Director-General of Health to grant exemptions from any provision of this order, subject to the Director-General being satisfied that certain criteria are met.

Revocation

Clause 47 revokes the COVID-19 Public Health Response (Alert Level Requirements) Order (No 3) 2021.

Schedules

Schedule 1 is for transitional, savings, and related provisions.

Schedule 2 describes the category A businesses or services and the category B businesses or services

Schedule 3 sets out a list of businesses and services for which travel between alert level areas is permitted for work purposes.

Schedule 4 is a description of the alert level 3 area.

Schedule 5 is an indicative map of the alert level 3 area.

Approval by resolution required

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

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 4) 2021 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Alert Level Requirements) Order (No 5) 2021 (LI 2021/37): clause 35