

**Version
as at 12 September 2022**



**COVID-19 Public Health Response (Protection
Framework) Amendment Order (No 4) 2022**

(SL 2022/62)

COVID-19 Public Health Response (Protection Framework) Amendment Order (No 4) 2022:
revoked, at 11.59 pm on 12 September 2022, pursuant to clause 11 of the COVID-19 Public Health
Response (Masks) Order 2022 (SL 2022/255).

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

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Note

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

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

This order is administered by the Ministry of Health.

12	Clause 31 amended (Person must not be denied access to certain premises on vaccination grounds)	5
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14	New clause 33A inserted (Business or service in control of premises A must allow student access for purpose of participating in extra-curricular or curricular activity in premises B)	5
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Order

1 Title

This order is the COVID-19 Public Health Response (Protection Framework) Amendment Order (No 4) 2022.

2 Commencement

This order comes into force at 11.59 pm on 12 March 2022.

3 Principal order

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

4 Clause 5 amended (Interpretation)

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

student participating in an extra-curricular or a curricular activity means a student who is enrolled in a registered school and is participating in an extra-curricular or curricular activity if—

- (a) the activity is organised, directed, or facilitated by the school; or
- (b) the student's participation in the activity is organised, directed, authorised, or facilitated by the school

visitor, in relation to an education entity,—

- (a) means a person who is not ordinarily at the education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services; and
- (b) includes a person participating in inter-school activities, or attending activities at (or connected with) the education entity

- (2) In clause 5(1), revoke the definition of **education outside the classroom service**.

- (3) In clause 5(1), revoke the definition of **EOTC provider**.

- (4) In clause 5(1), revoke the definition of **specified EOTC event**.

5 Clause 6 amended (When person is CVC compliant)

- (1) After clause 6(1)(b), insert:

(c) is a student participating in an extra-curricular or a curricular activity.

- (2) Replace clause 6(2) with:

- (2) A person who is required under an applicable COVID-19 provision to ensure or verify that a person (**person A**) is CVC compliant satisfies that requirement if the person reasonably considers that person A is,—

- (a) in relation to subclause (1)(b), under the age of 12 years and 3 months; or
- (b) in relation to subclause (1)(c), a student participating in an extra-curricular or a curricular activity.

6 Clause 11 amended (Meaning of face covering rule)

After clause 11(1)(h), insert:

- (ha) when exercising or playing sport; or

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

In clause 23(2)(b)(ii), replace “a university lecture” with “tertiary education premises”.

8 Clause 25 amended (Regulated business or service must comply with CVC rules or non-CVC rules)

Revoke clause 25(2A).

9 Clause 27 amended (Regulated business or service must have systems and processes to check person carries CVC and to verify CVC compliance)

(1) Replace clause 27(1)(a) with:

- (a) have systems and processes in place to check that each person (including a worker) who is at the premises is carrying a CVC; and

(2) After clause 27(2)(c), insert:

- (d) do not apply in relation to a person if it is reasonable to believe that the person is—
 - (i) under the age of 12 years and 3 months; or
 - (ii) a student participating in an extra-curricular or a curricular activity.

10 Clause 28 amended (Person who is not CVC compliant must not enter regulated premises that are CVC-only)

Revoke clause 28(2)(c).

11 Clause 29 amended (Person must produce CVC when requested at regulated premises that are CVC-only)

(1) Replace clause 29(1) with:

- (1) A person (including any worker) who enters the premises of a regulated business or service that displays a sign in accordance with clause 26(1)(b) must produce their CVC when requested (on or after entering) by the business or service.

(2) After clause 29(3)(c), insert:

- (d) does not apply if the person is—
 - (i) under the age of 12 years and 3 months; or
 - (ii) a student participating in an extra-curricular or a curricular activity.

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

- (1) After clause 31(2), insert:
- (2A) A person in control of premises must not deny entry, on vaccination grounds, to a student participating in an extra-curricular or a curricular activity at the premises.
- (2) After clause 31(3A), insert:
- (3B) However, if a secondary student carries out vaccine-mandate work as part of a programme described in subclause (3)(a) or (b), subclauses (2A) and (3) do not apply to a tertiary education provider in relation to that student.

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

After clause 32(2), insert:

- (2A) A person in control of premises from which goods or services are provided must not deny a student to whom clause 31(2A) applies access to those goods or services on vaccination grounds.

14 New clause 33A inserted (Business or service in control of premises A must allow student access for purpose of participating in extra-curricular or curricular activity in premises B)

After clause 33, insert:

33A Business or service in control of premises A must allow student access for purpose of participating in extra-curricular or curricular activity in premises B

- (1) A business or service in control of premises (**premises A**) that a student participating in an extra-curricular or a curricular activity at premises B must enter for the purpose of entering premises B—
 - (a) must allow them to enter premises A for that purpose; and
 - (b) may require them to enter premises A through identified access ways for accessing premises B only; and
 - (c) must not require them to produce a CVC or other evidence of being vaccinated against COVID-19; and
 - (d) must have systems and processes in place to ensure that they are able to access other parts of premises A only in compliance with all applicable COVID-19 provisions.

- (2) In subclause (1),—
- premises B** means any premises or part of premises A that is used by a student participating in an extra-curricular or curricular activity that the student can only access by entering premises A
- other parts of premises A** means any part of premises A except—
- (a) premises used by a student participating in an extra-curricular or curricular activity that the student can only access by entering premises A; and
 - (b) identified access ways for those premises.
- (3) This clause is subject to the Trespass Act 1980.

15 Clause 43 amended (Gathering of CVC compliant people permitted)

Replace clause 43(2) with:

- (2) A person must produce their CVC when requested by a person responsible for a gathering unless the person is—
- (a) under the age of 12 years and 3 months; or
 - (b) a student participating in an extra-curricular or a curricular activity at the gathering.

16 Clause 44 amended (Gathering of fixed number of CVC compliant people permitted)

Replace clause 44(2) with:

- (2) A person must produce their CVC when requested by a person responsible for a gathering unless the person is—
- (a) under the age of 12 years and 3 months; or
 - (b) a student participating in an extra-curricular or a curricular activity at the gathering.

17 Clause 45 amended (Gathering of CVC compliant people permitted if capacity limit met)

Replace clause 45(2) with:

- (2) A person must produce their CVC when requested by a person responsible for a gathering unless the person is—
- (a) under the age of 12 years and 3 months; or
 - (b) a student participating in an extra-curricular or a curricular activity at the gathering.

18 Clause 46 amended (Gathering of CVC compliant people permitted if fixed capacity limit met)

Replace clause 46(2) with:

- (2) A person must produce their CVC when requested by a person responsible for a gathering unless the person is—
- (a) under the age of 12 years and 3 months; or
 - (b) a student participating in an extra-curricular or a curricular activity at the gathering.

19 Clause 51 amended (No event unless permitted)

In clause 51(4), replace “54, or 54A” with “or 54”.

20 Clause 52 amended (Event permitted for CVC compliant people only)

Replace clause 52(2) with:

- (2) A person (including any worker) who enters the premises at which the event is held must produce their CVC when requested (on or after entering) by the organiser unless the person is—
- (a) under the age of 12 years and 3 months; or
 - (b) a student participating in an extra-curricular or a curricular activity at the event.

21 Clause 53 amended (Fixed capacity event permitted for CVC compliant people only)

Replace clause 53(2) with:

- (2) A person (including any worker) who enters the premises at which the event is held must produce their CVC when requested (on or after entering) by the organiser unless the person is—
- (a) under the age of 12 years and 3 months; or
 - (b) a student participating in an extra-curricular or a curricular activity at the event.

22 Clause 54A revoked (Specified EOTC events permitted)

Revoke clause 54A.

23 Clause 71 revoked (Worker delivering goods must wear face covering)

Revoke clause 71.

24 Clause 74 revoked (How face covering rule applies to education entities)

Revoke clause 74.

25 Clause 74A revoked (How CVC requirements apply to education outside the classroom services)

Revoke clause 74A.

26 Clause 75 amended (How 2-metre physical distancing rule applies to education entities)

Replace clause 75(3) with:

- (3) In this clause, **non-visitor** means a person at the education entity who is not a visitor.

27 Clause 103 amended (Exemption for health services)

Revoke clause 103(2)(c).

28 Schedule 5 amended

In Schedule 5, Part 2, revoke the items relating to clauses 54A and 74A.

29 Schedule 6 amended

In Schedule 6, Part 2, revoke the items relating to clauses 54A, 71, and 74A.

30 Schedule 7 amended

- (1) In Schedule 7, Part 2, replace the item relating to clause 23 with:

cl 23	Person must comply with face covering rule in specified premises or circumstances	For the purposes of clause 23,—
		(a) the second column of Part 2A of this schedule specifies the premises and circumstances in which a person must comply with the face covering rule; and
		(b) the items in the second column are subject to the modifications (if any) in the third column.

- (2) In Schedule 7, Part 2, after the item relating to clause 33, insert:

cl 33A	Business or service in control of premises must allow student access for purpose of participating in extra-curricular or curricular activity
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- (3) In Schedule 7, Part 2, revoke the items relating to clauses 54A, 71, 74, and 74A.
- (4) In Schedule 7, after Part 2, insert the Part 2A set out in the Schedule of this order.

Schedule
New Part 2A of Schedule 7 inserted

cl 29(4)

Part 2A	
When person must comply with face covering rule	
Item	Specified premises or circumstances for purposes of clause 23
	Modification
	<i>Transport</i>
1	<p>If the person—</p> <p>(a) is on a public transport service or school transport service; and</p> <p>(b) is aged 8 years or over or is a student in year 4 or above</p>
	<p>(1) Clause 11(1)(a)(i) does not apply to item 1.</p> <p>(2) In item 1, public transport service excludes—</p> <p>(a) a ship with no enclosed space for passengers; and</p> <p>(b) a specified KiwiRail service in which passengers stay within their allocated carriage.</p>
2	When the person is at arrival and departure points for public transport services
	<i>Businesses and services</i>
3	<p>When the person is at the premises of the following businesses and services, while they are on the parts of the premises open to the public:</p> <p>(a) retail businesses or services:</p> <p>(b) public facilities (excluding swimming pools):</p> <p>(c) pharmacies:</p> <p>(d) veterinary services and animal health and welfare services</p>
4	<p>When the person is in an indoor public area of the following businesses or services:</p> <p>(a) a court or tribunal, except that a judicial officer may exercise discretion regarding the use of face coverings in the room where the hearing is held:</p> <p>(b) a specified social service:</p> <p>(c) premises operated by New Zealand Post Limited, including a customer service counter:</p> <p>(d) premises operated by a central government agency, a local authority, or the New Zealand</p>

Item	Specified premises or circumstances for purposes of clause 23	Modification
	Police, except DOC visitor accommodation	
5	When the person is at the premises of a health service other than a pharmacy, but only if the person is not a patient or worker of the health service	
6	When the person is at the premises of a food and drink business or service	If the person in item 6 carries out vaccine-mandate work at those premises, they must comply with the face covering rule in accordance with item 11.
7	When the person is at the premises of a close-proximity business or service, and only so far as is reasonably practicable	If the person in item 7 carries out vaccine-mandate work at those premises, they must comply with the face covering rule in accordance with item 11.
8	If the person is a worker delivering goods to premises and is in close proximity to a client or customer <i>Gatherings and events</i>	
9	When the person is indoors at a permitted gathering other than a gathering— (a) at a private dwellinghouse; or (b) in a defined space or premises of a workplace (other than a vehicle in use as part of a public transport service) being used exclusively for the gathering	If the person in item 9 is a worker at the permitted gathering, they must comply with the face covering rule only when working with customers or clients at the gathering.
10	When the person is at a permitted event	If the person in item 10 carries out vaccine-mandate work at the permitted event, they must comply with the face covering rule in accordance with item 11.
	<i>Vaccine-mandate work</i>	
11	When the person is carrying out vaccine-mandate work in the following circumstances: (a) working with members of the public, customers, or clients in the course of carrying out the vaccine-mandate work: (b) at the premises where the vaccine-mandate work is carried out, and only on the parts of the premises open to the public: (c) working with customers or clients at the premises of, or in the course of carrying out the activities of, a close-proximity business or service, and only so far as is reasonably practicable	(1) In item 11, the type of face covering that the person must wear is a medical-grade face covering. (2) Item 11 does not apply— (a) to a person who carries out vaccine-mandate work for licensed early childhood services or registered schools (<i>see</i> items 12 and 13); or (b) to a person who carries out vaccine-mandate work for tertiary education providers at tertiary education premises (<i>see</i> item 14).

Item	Specified premises or circumstances for purposes of clause 23	Modification
	<i>Education</i>	
12	When the person is indoors at a licensed early childhood service, but only if they are a visitor	Clause 23(2) does not apply to item 12.
13	When the person is indoors at a registered school and is— (a) a student receiving education services at that school who is— (i) in year 4 to 13; but (ii) not in a specified composite class; or (b) a staff member working to provide, or support the provision of, education services to students described in paragraph (a); or (c) a visitor to that school	(1) The type of face covering that a staff member described in item 13(b) must wear is a medical-grade face covering. (2) Clause 23(2) does not apply to item 13. (3) Clause 11(1)(a)(i) does not apply to item 13(a).
14	When the person is indoors at tertiary education premises and is— (a) on the parts of the premises open to the public; or (b) attending formal teaching or learning activities	

Dated at Wellington this 10th day of March 2022.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This order amends the COVID-19 Public Health Response (Protection Framework) Order 2021 (the **principal order**). It comes into force at 11.59 pm on 12 March 2022.

Amendments relating to face covering requirements

Clauses 6, 7, and 29 of this order relate to face covering requirements.

Clause 11 of the principal order (meaning of face covering rule) is amended so that people are not required to wear a face covering when exercising or playing sport.

Schedule 7 of the principal order, which specifies the COVID-19 provisions that have effect at Red, is amended in relation to face covering requirements. Schedule 7 is restructured so that all the premises and circumstances in which a person is required

to comply with the face covering rule are now listed in 1 place (*see new Part 2A of Schedule 7* set out in the *Schedule* of this order). As a consequence, clauses 71 and 74 of the principal order are revoked.

Substantive changes relating to face covering requirements at Red are also made. The main effects of the changes are—

- people are now required to wear a face covering when at a permitted event:
- people at a permitted gathering are no longer required to wear a face covering when outdoors:
- workers delivering goods to premises now only have to wear face coverings when in close proximity to a client or customer.

Amendments relating to students participating in an extra-curricular or a curricular activity

This order also amends the principal order to do the following:

- treat a student enrolled at a registered school as if they are CVC compliant regardless of their vaccination status when they are participating in curricular and extra-curricular activities (*see clause 5*), including for the purposes of the gathering and event provisions:
- prevent a person from denying entry to premises on vaccination grounds to a student enrolled at a registered school when they are there to participate in an extra-curricular or a curricular activity (*see clause 12*):
- consequentially revoke provisions relating to education outside the classroom. The specific provisions that related to education outside the classroom are no longer needed because education outside the classroom will be covered by the new rules relating to extra-curricular and curricular activities.

Approval by resolution required

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

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Protection Framework) Amendment Order (No 4) 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

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

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this consolidation*

COVID-19 Public Health Response (Masks) Order 2022 (SL 2022/255): clause 11