

Version
as at 2 December 2021



COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021

(SL 2021/367)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021: revoked, at 11.59 pm on 2 December 2021, pursuant to clause 107 of the COVID-19 Public Health Response (Protection Framework) Order 2021 (SL 2021/386).

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

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Note

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

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

This order is administered by the Ministry of Health.

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Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021.

2 Commencement

This order comes into force at 11.59 pm on 16 November 2021.

3 Principal order

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

4 Clause 4 amended (Interpretation)

In clause 4(1), revoke the following definitions:

- (a) **Auckland part of the alert level 3 area:**
- (b) **part of the alert level 3 area:**
- (c) **Waikato part of the alert level 3 area.**

5 Cross-heading above clause 17 amended

In the cross-heading above clause 17, delete “(or between parts of alert level 3 area)”.

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

- (1) In the heading to clause 17, delete “(or between parts of alert level 3 area)”.
- (2) Revoke clause 17(1A).
- (3) Revoke clause 17(4).

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

- (1) In the heading to clause 18, delete “(or between parts of alert level 3 area)”.
- (2) Revoke clause 18(2) and the heading above clause 18(2).
- (3) Revoke clause 18(2A) and the heading above clause 18(2A).
- (4) In the heading above clause 18(2B), delete “(or between parts of alert level areas)”.
- (5) In clause 18(2B), delete “(or a different part of the alert level area)”.
- (6) In clause 18(6), delete “1 part of”.

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

- (1) In the heading to clause 19, delete “(or between parts of alert level 3 area)”.
- (2) Revoke clause 19(1)(d) and (e).

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

- (1) In the heading to clause 19A, delete “Auckland part of”.
- (2) In clause 19A(1), delete “the Auckland part of”.
- (3) In clause 19A(2)(b), delete “the Auckland part of”.

10 Clause 19B amended (Duty of businesses and services to facilitate testing and medical examination for workers who travel into or out of Auckland part of alert level 3 area)

- (1) In the heading to clause 19B, delete “Auckland part of”.
- (2) In clause 19B(1)(a), delete “the Auckland part of”.
- (3) In clause 19B(2), delete “the Auckland part of”.
- (4) In clause 19B(3), delete “the Auckland part of”.

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

- (1) In the heading to clause 19C, delete “**Auckland part of**”.
- (2) In clause 19C(1)(a), delete “the Auckland part of”.
- (3) In clause 19C(1)(b), delete “the Auckland part of” in each place.
- (4) In clause 19C(3)(b), delete “the Auckland part of” in each place.
- (5) In clause 19C(3)(c), delete “the Auckland part of”.
- (6) In clause 19C(3A), delete “the Auckland part of”.

12 Clause 21 amended (Permissions for essential personal movement within each part of alert level 3 area)

- (1) In the heading to clause 21, delete “**each part of**”.
- (2) In clause 21, replace “within the part of the alert level 3 area in which their home or place of residence is located” with “within the alert level 3 area”.
- (3) In clause 21(1)(c)(iii), delete “Part 1 or 2 of”.
- (4) Revoke clause 21(30A) and the heading above clause 21(30A).

13 Clause 27 amended (Businesses and services in alert level 3 area to have systems and processes to minimise travel)

- (1) Replace clause 27(a) with:
 - (a) minimise travel of its workers between alert level areas; and
- (2) Replace clause 27(b) with:
 - (b) mitigate the risks of spreading COVID-19 that arise to the extent that its workers travel between alert level areas.

14 Clause 29 amended (Contact record in respect of home services provided by businesses and services in alert level 3 area)

In clause 29(1), delete “Part 1 or 2 of”.

15 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in Schedule 1 of this order.

16 Schedule 3 replaced

Replace Schedule 3 with the Schedule 3 set out in Schedule 2 of this order.

17 Schedule 4 replaced

Replace Schedule 4 with the Schedule 4 set out in Schedule 3 of this order.

18 Schedule 5 heading amended

In the Schedule 5 heading, delete “(or between parts of alert level 3 area)”.

Schedule 1
Schedule 2 replaced

cl 15

Schedule 2		Face covering and alert level 3 requirements		
	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	cls 11(6), 21, 22, 23, 28(2), 29, 30
Category A business or service				
1	Rental car services and car share services	✓	✓	
2	Veterinary services and animal health and welfare services	✓	✓	
3	Services provided under the Oranga Tamariki Act 1989, and other social services provided to support persons to maintain critical well-being and as crisis support for people who are unsafe or homeless	✓	✓	
4	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 25(2)(b))	✓	✓	

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021

Schedule 1

Version as at
2 December 2021

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
5	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓	✓	Contact record rule applies to all persons
	Category B business or service			
6	Retail businesses (for example, supermarkets, dairies, retail butchers, fishmongers, greengrocers, bakeries, marketplaces, takeaway food stores, petrol stations (including any stores operating as part of the petrol station), hardware and do-it-yourself stores, retail stores, banks, and self-service laundries), but not including shopping malls (see item 10)	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	Licensing trusts operating in Waitakere and Portage, but only in respect of the sale of alcohol under an off-licence	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises
8	Pharmacies	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises Contact record rule applies in relation to persons other than workers of the business or service
9	Food banks	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
10	Shopping malls	✓	✓	<p>Must have systems and processes in place that allow access only for the purpose of 1 or both of the following:</p> <ul style="list-style-type: none"> enabling goods to be collected through a method that minimises physical contact; enabling access to other businesses or services to which persons may have access under this schedule <p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
11	Accommodation services	✓		<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
12	Public areas of New Zealand Post Limited, including customer service counters	✓	✓	<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
13	Car parking buildings	✓	✓	<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p>
14	Public facilities (for example, libraries, museums, and zoos) (not including swimming pools or recreation centres)	✓	✓	<p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p> <p>Contact record rule applies in relation to persons other than workers of the business or service</p>

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	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
15	Local authorities and central government agencies In this item, local authority has the same meaning as in section 5(1) of the Local Government Act 2002 Education entities	✓	✓	
16	Education entities (except early childhood services and registered schools described in items 17 and 18)	✓	✓	<ul style="list-style-type: none"> Must have systems and processes in place to— <ul style="list-style-type: none"> keep children, students, and teachers, so far as is reasonably practicable, in groups that are appropriately sized and stable; and for registered schools, limit students' physical attendance to students in years 1 to 10 and, for other students, as otherwise permitted by any direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020
17	Early childhood services	✓	Exempt—see clauses 22A and 30(2)	Must have systems and processes in place to keep children, students, and teachers, so far as is reasonably practicable, in groups that are appropriately sized and stable
18	Registered schools that students in years 9 to 13 are permitted to attend under a	✓	Exempt—see clauses 22A and 30(2)	Must have systems and processes in place to permit physical attendance by any direction given by the chief executive of the Ministry of

	<p>direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020</p>	<p>Customers and clients allowed in workplace (clause 30)</p>	<p>Face covering rule for all persons in parts of premises open to public (clause 23)</p>	<p>1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)</p>	<p>Additional conditions (clauses 28, 29, 30) Education under Schedule 25 of the Education and Training Act 2020</p>
19	<p>Transport Transport stations and public transport services (other than those provided by means of air transport, small passenger service vehicles, ferries, or boats, or any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses))</p>	✓	See clauses 12 and 23(5)	✓	Must have systems and processes in place to ensure that passengers remain seated in a vehicle when it is in motion and in use in the alert level 3 area or on a specified route
20	<p>Public transport services provided by ferries and boats, and any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses)</p>	✓	See clause 12	✓	
21	<p>Public transport services provided by means of air transport or small passenger service vehicles</p>	✓	See clauses 12 and 13	See clause 30(1)(c)	
22	<p>Health Health services (other than pharmacies)</p>	✓	See clause 23(6)	Exempt—see clause 53	Contact record rule applies in relation to persons other than workers of the business or service

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

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

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25	Venues Venue businesses	✓		See clause 32(5)(d)
26	The following outdoor sports facilities: <ul style="list-style-type: none"> • golf courses: • tennis courts: • bowls greens: • croquet lawns All other businesses and services All businesses and services other than those referred to in items 1 to 26	✓		Must have systems and processes in place to ensure that the venue workplace is used only for the purpose of a controlled gathering Contact record rule applies to all persons All indoor parts of facilities must remain closed to customers and clients
27				Must have systems and processes in place to ensure, so far as is reasonably practicable, that no customers or clients enter the workplace except to the minimum extent necessary to collect goods through a method that minimises physical contact and— <ul style="list-style-type: none"> • does not involve entering a building; or • involves entering a shopping mall, but not entering a business or service unless it is referred to items 1 to 26 Contact record rule applies to all persons

Schedule 2
Schedule 3 replaced

cl 16

Schedule 3
Description of alert level 3 area

cl 6(1)

The alert level 3 area is—

- (a) the area within the boundaries of Auckland as shown on LGC-Ak-R1; and
- (b) the area (bounded by the middle of the roads listed below)—
 - (i) commencing on the mean high-water mark of the west coast of the North Island at the southernmost point of the south-west corner of the area described in paragraph (a) (the boundaries of Auckland); then
 - (ii) proceeding in a generally south-easterly direction along the mean high-water mark (and across the mouth of the Waikato River) to the Kaawa Stream; then
 - (iii) proceeding in a generally north-easterly direction along the north bank of the Kaawa Stream to the intersection with Port Waikato-Waikaretu Road; then
 - (iv) proceeding south along Port Waikato-Waikaretu Road to the intersection with Baker Road; then
 - (v) proceeding north-east along Baker Road to the intersection with Wairamarama-Onewhero Road; then
 - (vi) proceeding south-east along Wairamarama-Onewhero Road to the intersection with Bothwell Loop Road; then
 - (vii) proceeding north-east along Bothwell Loop Road to the intersection with Waikaretu Valley Road; then
 - (viii) proceeding east along Waikaretu Valley Road to the intersection with Highway 22; then
 - (ix) proceeding north-east along Highway 22 to the intersection with Glen Murray Road; then
 - (x) proceeding south-east along Glen Murray Road to the intersection with Churchill Road; then
 - (xi) proceeding north along Churchill Road until it crosses the Opuatia Stream; then
 - (xii) proceeding in a generally north-easterly direction along the north bank of the Opuatia Stream to the Waikato River; then

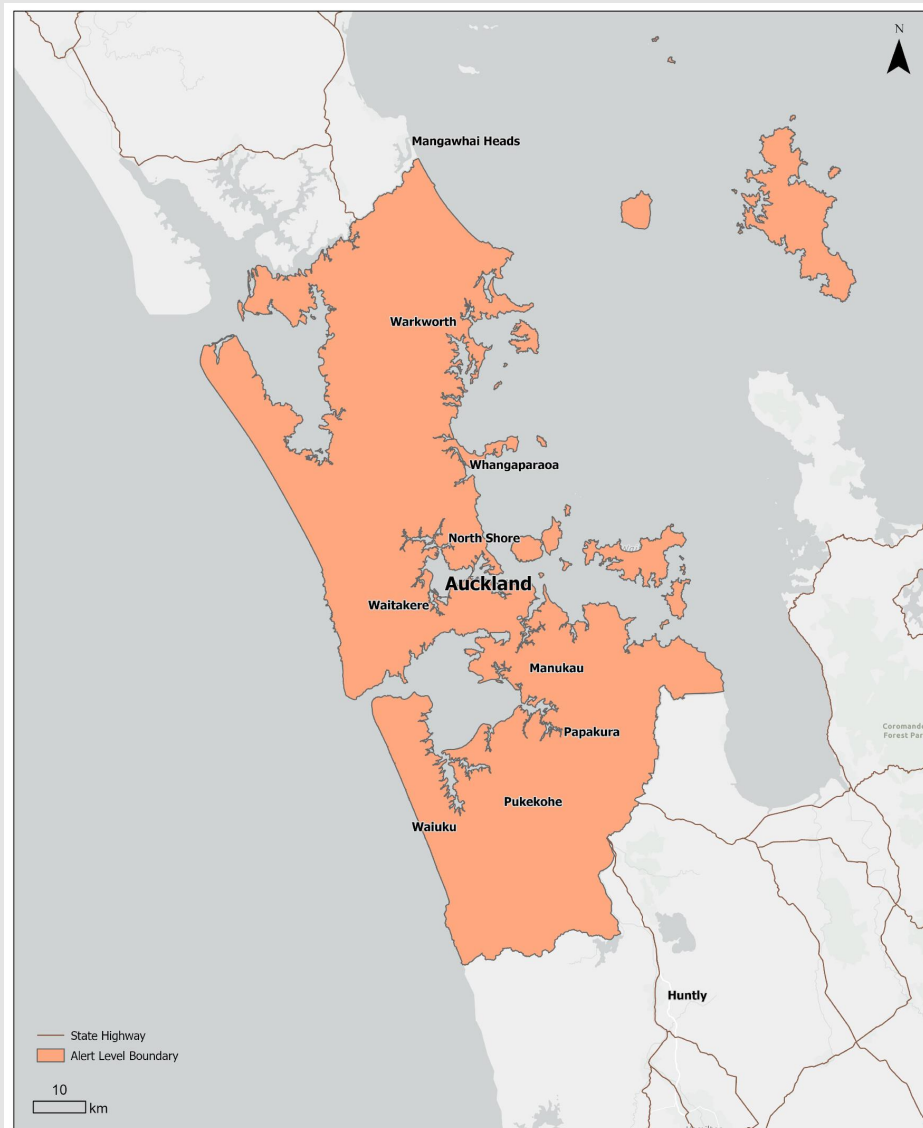
- (xiii) proceeding in a generally northerly direction along the west bank of the Waikato River to the intersection with Mercer Ferry Road; then
- (xiv) proceeding north-east along Mercer Ferry Road to the intersection with Koheroa Road; then
- (xv) proceeding north-east along Koheroa Road to the intersection with Mangatawhiri Road; then
- (xvi) proceeding north-west along Mangatawhiri Road to the intersection with Lyons Road; then
- (xvii) proceeding north-east along Lyons Road to the intersection with Paparimu Road; then
- (xviii) proceeding north-west along Paparimu Road to the intersection with the area described in paragraph (a) (the boundaries of Auckland); then
- (xix) proceeding in a generally westerly direction along the southern boundary of the boundaries of Auckland to the point of commencement described in subparagraph (i).

Schedule 3
Schedule 4 replaced

cl 17

Schedule 4
Map of alert level 3 area

cl 6(2)



Dated at Wellington this 16th day of November 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This order, which comes into force at 11.59 pm on 16 November 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the **principal order**). It removes Waikato from the alert level 3 area.

Clause 4 amends clause 4 of the principal order to revoke the definitions of Auckland part of the alert level 3 area, part of the alert level 3 area, and Waikato part of the alert level 3 area.

Clauses 5 to 14 and 18 amend clauses 17 to 19C, 21, 27, and 29 and the Schedule 5 heading of the principal order to remove references to different parts of the alert level 3 area. Those references are no longer necessary as the alert level 3 area covers Auckland only.

Clauses 15, 16, and 17 replace Schedules 2, 3, and 4 of the principal order to reflect that Waikato is removed from the alert level 3 area. The schedules are amended to refer to Auckland only.

Approval by resolution required

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

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 16 November 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 15) 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

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

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this consolidation*

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