

**Version  
as at 2 December 2021**



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

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order 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.**

<b>Schedule 1</b>	5
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## Order

### 1 Title

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

### 2 Commencement

- (1) This order, except clauses 7 and 8, comes into force at 11.59 pm on 24 September 2021.
- (2) Clauses 7 and 8 come into force at 11.59 pm on 25 September 2021.

### 3 Principal order

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

### 4 Clause 19A amended (Obligations concerning COVID-19 testing of certain persons travelling into or out of alert level 3 area)

- (1) In the heading to clause 19A, after “area”, insert “for work activities”.
- (2) Replace clause 19A(1) and (2) with:
  - (1) A person who relies on a permission to travel into or out of the alert level 3 area to undertake an activity described in items 1 or 2 of Schedule 5 (or a person who, under item 19 of Schedule 5, is accompanying the person so described) must comply with subclauses (3) and (5).
  - (2) However, subclause (1) does not apply to—
    - (a) a person under the age of 12 years; or
    - (b) a person who is travelling into, through, and out of the alert level 3 area.
- (3) Revoke clause 19A(4).
- (4) Revoke clause 19A(5)(b).
- (5) In clause 19A(6), replace “clause 19B” with “clauses 19B and 19C”.

### 5 New clause 19C inserted (Obligations concerning COVID-19 testing of certain persons travelling out of alert level 3 area for non-work activities)

After clause 19B, insert:

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

- (1) Subclause (2) applies to a person who—
- (a) relies on a permission to travel out of the alert level 3 area to undertake an activity described in any of items 7 to 14, 17, 18, or 19 of Schedule 5;
  - (b) travels out of the alert level 3 area to return to their home or place of residence after travelling into the alert level 3 area to undertake an activity described in any of items 9 to 14, 17, 18, or 19 of Schedule 5.
- (2) A person to whom this subclause applies must comply with subclauses (4) to (6) as follows:
- |     | <b>Item of Schedule 5 that person relies on for permission to travel</b>                                   | <b>Subclauses that person must comply with</b> |
|-----|--|--|
| (a) | 7, 8, or 18  | Subclauses (4) and (6)                         |
| (b) | 9, 10, 11, 12, 13, 14, or 17   | Subclauses (5) and (6)                         |
| (c) | 19, if accompanying someone who relies on item 7, 8, or 18 for their permission to travel                  | Subclauses (4) and (6)                         |
| (d) | 19, if accompanying someone who relies on item 9, 10, 11, 12, 13, 14, or 17 for their permission to travel | Subclauses (5) and (6)                         |
- (3) However, subclause (2) does not apply to—
- (a) a person under the age of 12 years; or
  - (b) a person who has travelled into the alert level 3 area under item 7 or 8 of Schedule 5 and is then travelling out of the alert level 3 area to return to their home or place of residence; or
  - (c) a person who is travelling into, through, and out of the alert level 3 area.
- (4) The person must carry—
- (a) evidence of having had a COVID-19 test administered no more than 7 days before their journey began; or
  - (b) a certificate that verifies that the person was examined by a medical practitioner no more than 7 days before the journey began and that the person—
    - (i) was determined to have particular physical or other needs that made it inappropriate for the person to undergo a COVID-19 test; and
    - (ii) did not exhibit symptoms of COVID-19.
- (5) The person must carry evidence of—
- (a) a negative result from a COVID-19 test administered no more than 72 hours before their journey began; or

- (b) a certificate that verifies that the person was examined by a medical practitioner no more than 72 hours before their journey began and that the person—
- (i) was determined to have particular physical or other needs that made it inappropriate for the person to undergo a COVID-19 test; and
  - (ii) did not exhibit symptoms of COVID-19.
- (6) The person must, when requested by an enforcement officer, produce evidence of,—
- (a) if the person is required to comply with subclause (4), having had a COVID-19 test; or
  - (b) if the person is required to comply with subclause (5), a negative result from a COVID-19 test; or
  - (c) a certificate.

**6 Clause 23 amended (Additional face covering requirements for individuals in alert level 3 area)**

After clause 23(1)(n), insert:

- (o) veterinary services and animal health and welfare services.

**7 Schedule 3 replaced**

Replace Schedule 3 with the Schedule 3 set out in Schedule 1 of this order.

**8 Schedule 4 replaced**

Replace Schedule 4 with the Schedule 4 set out in Schedule 2 of this order.

**9 Schedule 5 amended**

In Schedule 5, replace item 1.6 with:

- 1.6 Drug and alcohol testing services required for work purposes by—
- any business or service described in any of items 1.1 to 1.5 and 1.7 to 1.36; or
  - an exempt business or service

## Schedule 1 Schedule 3 replaced

cl 7

### Schedule 3 Description of alert level 3 area

cl 6(1)

**Alert level 3 area** means—

- (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 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 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

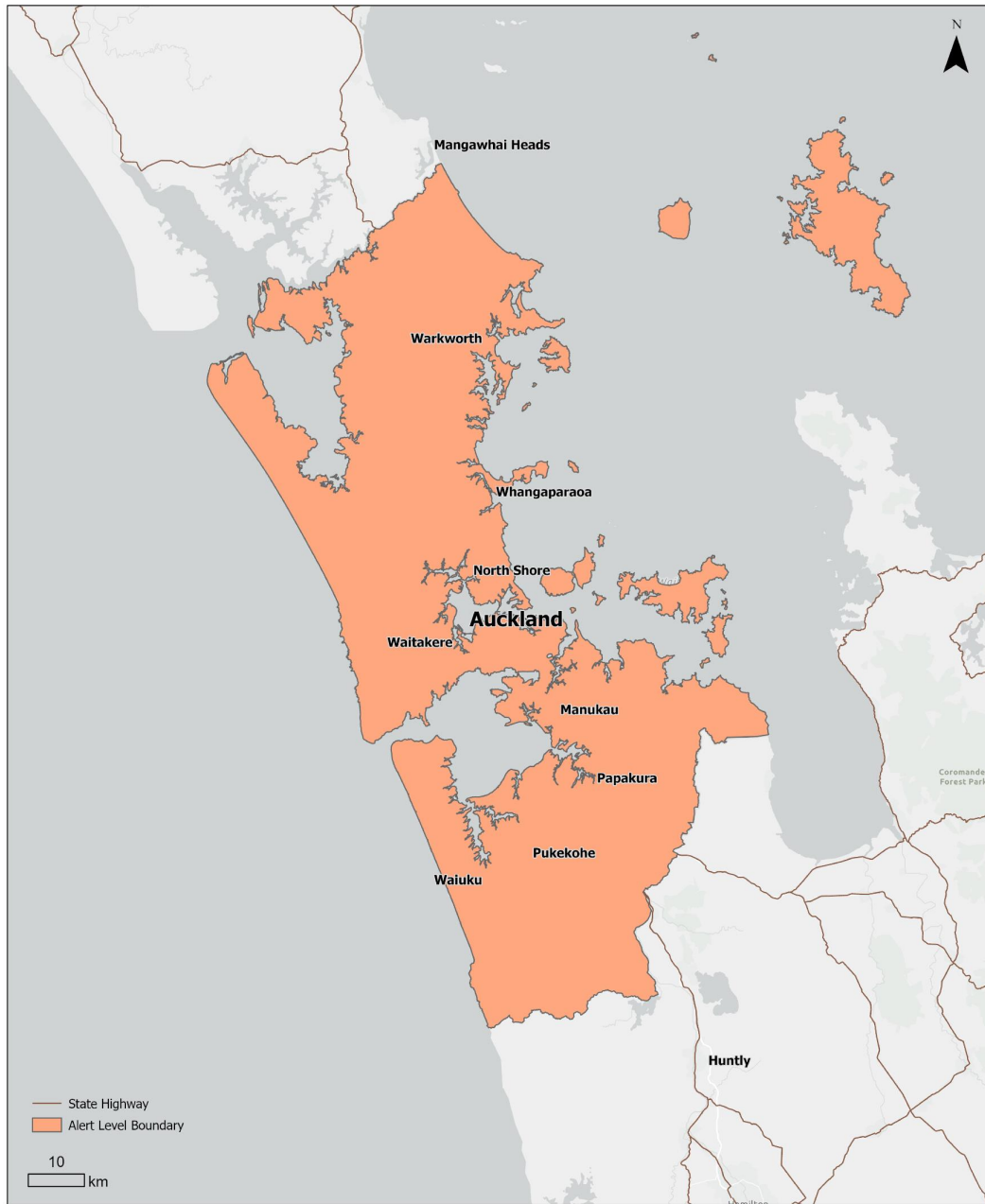
- (xiii) proceeding in a generally northerly direction along the west bank of the Waikato River to the intersection with Mercer Ferry Road; then
- (xiv) proceeding north-east along Mercer Ferry Road to the intersection with Koheroa Road; then
- (xv) proceeding north-east along Koheroa Road to the intersection 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 2**  
**Schedule 4 replaced**

cl 8

**Schedule 4**  
**Map of alert level 3 area**

cl 6(2)



Dated at Wellington this 24th day of September 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 amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the **principal order**).

This order, except *clauses 7 and 8*, comes into force at 11.59 pm on 24 September 2021. *Clauses 7 and 8* come into force at 11.59 pm on 25 September 2021.

*Clause 4* amends clause 19A so that it applies only to persons who are permitted to travel into or out of the alert level 3 area for work activities (but does not apply to persons permitted to travel through the alert level 3 area). Persons to whom clause 19A applies must continue to carry evidence of COVID-19 testing when travelling into or out of the alert level 3 area.

*Clause 5* inserts *new clause 19C*, which applies to persons who travel out of the alert level 3 area for non-work activities, and also to persons who travel out of the alert level 3 area to return to their home or place of residence after travelling into the alert level 3 area to undertake a permitted activity. Depending on the activity being undertaken, a person to whom *new clause 19C* applies is required to either carry evidence of having had a COVID-19 test administered 7 days before their travel began or evidence of a negative result from a COVID-19 test administered no more than 72 hours before their travel began. *New clause 19C* does not apply to persons permitted to travel through the alert level 3 area for non-work activities, nor to persons who have travelled into the alert level 3 area to access a health service and are travelling out of the alert level 3 area to return to their home or place of residence.

*Clause 6* adds veterinary services and animal health and welfare services to the list of businesses or services in clause 23(1) of the principal order. A person is required to wear a face covering when on the premises of any of those businesses or services that is open to the public in the alert level 3 area. This reflects an equivalent requirement in the principal order for face coverings to be worn when on the premises of veterinary services and animal health and welfare services that are open to the public in the alert level 2 area.

*Clause 7* replaces Schedule 3 of the principal order. Schedule 3 describes the alert level 3 area. *Clause 7* replaces that description with an updated description to exclude the Upper Hauraki area from the alert level 3 area.

*Clause 8* replaces Schedule 4 of the principal order. Schedule 4 sets out a map of the alert level 3 area. *Clause 8* replaces that map with an updated map to exclude the Upper Hauraki area from the alert level 3 area.



*Clause 9* replaces item 1.6 in the table in Schedule 5 of the principal order. Schedule 5 lists the purposes for which a person may travel into, out of, or through alert level areas. *Clause 9* clarifies that a person may go to or carry out work for drug and alcohol testing services required for work purposes by a business listed in Schedule 5 or an exempt business or service. Item 1.6 previously provided that a person may go to or carry out work for drug and alcohol testing services required for work purposes by an alert level 3 business or service or an exempt business or service.

*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*: 24 September 2021.

## Notes

### **1** *General*

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