

Version  
as at 2 December 2021



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

(LI 2021/269)

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

### 2 Commencement

- (1) This order, except clauses 5 and 6, comes into force at 11.59 pm on 28 September 2021.
- (2) Clauses 5 and 6 come into force at 11.59 pm on 5 October 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)

- (1) In clause 4, replace the definition of **people responsible** with:  
**people responsible**, in relation to a controlled gathering or social gathering, means—
  - (a) the organiser of the controlled gathering or social gathering; and
  - (b) the person in control of the defined space or premises in which the controlled gathering or social gathering is held
- (2) In clause 4, insert in its appropriate alphabetical order:  
**venue business** means a business that provides a venue for gatherings (whether as the main or an ancillary part of the business)

### 5 Clause 9 amended (Display of QR codes in workplaces)

- (1) Replace clause 9(1) with:
  - (1) A person in control of a workplace must ensure that—
    - (a) a copy of a QR code for the workplace is displayed in a prominent place at or near the main entrance of the workplace; and
    - (b) so far as is reasonably practicable, 1 or more copies of the QR code are displayed in 1 or more prominent places elsewhere within the workplace; and
    - (c) displayed copies of the QR code are in a condition that enables the QR code to be scanned for the purpose of enabling contact tracing; and

- (d) displayed copies of the QR code are not altered in a way that makes it unclear that the QR code was issued by the New Zealand Government for the purpose of enabling contact tracing.

(2) After clause 9(2), insert:

(2A) In addition, subclause (1)(d) does not apply to a copy of a QR code that is displayed on a menu or at a table in a workplace.

(3) In clause 9(3), replace “subclause (1)” with “subclause (1)(a) or (d)”.

#### **6 Clause 10 amended (Display of QR codes on public transport services)**

(1) Replace clause 10(1) with:

(1) A person in control of a public transport service must ensure that—

- (a) a copy of a QR code is displayed in a prominent place on or inside any vehicle that is in use as part of the service; and
- (b) so far as is reasonably practicable, 1 or more copies of the QR code are displayed in 1 or more prominent places elsewhere inside the vehicle; and
- (c) displayed copies of the QR code are in a condition that enables the QR code to be scanned for the purpose of enabling contact tracing; and
- (d) displayed copies of the QR code are not altered in a way that makes it unclear that the QR code was issued by the New Zealand Government for the purpose of enabling contact tracing.

(2) After clause 10(2), insert:

(2A) In addition, subclause (1)(b) and (d) does not apply in relation to a vehicle that has 5 or fewer seats (including the driver’s seat).

(3) In clause 10(3), replace “subclause (1)” with “subclause (1)(a) or (d)”.

#### **7 Clause 18 amended (Permitted purposes for travel between alert level areas)**

Revoke clause 18(2) and the heading above clause 18(2).

#### **8 Clause 19 amended (Evidence of permission for travel between alert level areas)**

After clause 19(1)(a)(viii), insert:

- (ix) going to principal home or place of residence or collecting such a person (items 18A and 18C):
- (x) relocating home or place of residence or collecting such a person (items 18B and 18C).

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

- (1) In clause 19C(1)(a), replace “items 7 to 14, 17, 18, or 19” with “items 4, 5, 7 to 14, 17, 18, 18A, 18B, 18C, and 19”.
- (2) In clause 19C(1)(b), replace “items 9 to 14, 17, 18, or 19” with “items 4, 5, 9 to 14, 17, 18, 18A, 18B, 18C, and 19”.
- (3) Replace clause 19C(2) with:

- (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)	4, 5, 7, 8, or 18	Subclauses (4) and (6)
(b)	9, 10, 11, 12, 13, 14, 17, 18A, 18B, or 18C	Subclauses (5) and (6)
(c)	19, if accompanying someone who relies on item 4, 5, 7, 8, or 18 for their permission to travel	Subclauses (4) and (6)
(d)	19, if accompanying someone who relies on item 9, 10, 11, 12, 13, 14, 17, 18A, 18B, or 18C for their permission to travel	Subclauses (5) and (6)

**10 Clause 21 amended (Permissions for essential personal movement within alert level 3 area)**

After clause 21(9), insert:

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

**11 Schedule 5 amended**

- (1) In the Schedule 5 heading, replace “cls 18(1), 19, 19A, 19B” with “cls 18(1), 19, 19A, 19B, 19C”.
- (2) In Schedule 5, replace items 4 and 5 with:

<i>Shared caregiving arrangements</i>	
4	If the person is a child leaving the home or place of residence of a shared caregiver, go to visit or stay at the home or place of residence of another shared caregiver
5	If the person is a fellow resident of a child, convey or accompany the child going to the home or place of residence of a shared caregiver or collect the child for that purpose

- (3) In Schedule 5, after item 18, insert:

<i>Going home</i>	
18A	Go to the person’s principal home or place of residence
<i>Relocating home or place of residence</i>	
18B	Relocate their home or place of residence on a permanent or long-term basis as a result of—

	(a)	starting new employment:
	(b)	attending tertiary education:
	(c)	purchasing or renting a new principal home or place of residence
18C		Collect a person referred to in item 18A or 18B for the purpose of accompanying them to their home or place of residence

- (4) In Schedule 5, item 19, replace “clause 18(2) or (3)” with “clause 18(3)”.

## 12 Schedule 6 amended

In Schedule 6, item 20, second column, replace “clause 36” with “clause 38”.

Dated at Wellington this 28th 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 5 and 6*, comes into force at 11.59 pm on 28 September 2021. *Clauses 5 and 6* come into force at 11.59 pm on 5 October 2021.

*Clause 4* replaces the definition of **people responsible** in the principal order and adds the definition of **venue business** to the principal order.

*Clause 5* amends clause 9 of the principal order to further specify the location, quantity, and quality of copies of a QR code to be displayed at a workplace. *New clause 9(1)(d)* requires a person in control of a workplace to ensure that displayed copies of the QR code are not altered in a way that makes it unclear that the QR code was issued by the New Zealand Government for the purpose of enabling contact tracing. Failure to comply with that new requirement is an infringement offence.

*Clause 6* amends clause 10 of the principal order to further specify the location, quantity, and quality of copies of a QR code to be displayed in a vehicle that is in use as a public transport service. *New clause 10(1)(d)* requires a person in control of a public transport service to ensure that displayed copies of the QR code are not altered in a way that makes it unclear that the QR code was issued by the New Zealand Government for the purpose of enabling contact tracing. Failure to comply with that new requirement is an infringement offence.

*Clause 7* revokes clause 18(2) of the principal order. The permission to go home is being expanded and added to Schedule 5 of the principal order (*see clause 11* below).

*Clause 8* amends clause 19 of the principal order to require a person to carry evidence if they are travelling between alert level areas for the purpose of—

- going to their principal home or place of residence or collecting such a person (*new item 18A and 18C* of Schedule 5); or
- relocating their home or place of residence or collecting such a person (*new item 18B and 18C* of Schedule 5).

*Clause 9* amends clause 19C of the principal order, which imposes certain obligations relating to COVID-19 testing on persons travelling out of the alert level 3 area for non-work activities, to apply it to the classes of persons referred to in *new items 4, 5, 18A, 18B, and 18C* added to Schedule 5 (*see clause 11*).

*Clause 10* amends clause 21 of the principal order to provide additional permitted movement for shared caregiving within the alert level 3 area.

*Clause 11* amends Schedule 5 of the principal order to extend the purposes for which a person in one alert level area is permitted to go into, out of, or through the other alert level area (and return to their home or place of residence afterwards). A person in one alert level area is now permitted to go into, out of, or through the other alert level area for the purpose of—

- giving effect to shared caregiving arrangements (*new items 4 and 5*):
- going to their principal home or place of residence (*new item 18A*):
- relocating their home or place of residence in the circumstances described in *new item 18B*:
- collecting a person who is going to their principal home or place of residence or relocating their home or place of residence (*new item 18C*).

*Clause 12* amends a cross-reference in Schedule 6 of the principal order.

#### *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 (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 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