

Version
as at 2 December 2021



COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021

(LI 2021/326)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 Clause 4 amended (Interpretation)	2
5 Clause 12 amended (Face covering requirements on public transport services)	2
6 Clause 16A amended (Person may not change principal home or place of residence following Government announcement of more restrictive alert level requirements)	3
7 Clause 18 amended (Permitted purposes for travel between alert level areas (or between parts of alert level 3 area))	3
8 Clause 19 amended (Evidence of permission for travel between alert level areas (or between parts of alert level 3 area))	3
9 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)	3

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.

10	Clause 22A amended (Exceptions for individuals at education entities that are early childhood services in alert level 3 area)	4
11	Clause 30 amended (Adjusted alert level 3 requirements for businesses and services)	4
12	Schedule 2 amended	4
13	Schedule 5 amended	4

	Schedule	6
	New items inserted into Schedule 2	

Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 2021.

2 Commencement

This order comes into force at 11.59 pm on 22 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)

In clause 4, insert in their appropriate alphabetical order:

registered school has the same meaning as in section 10(1) of the Education and Training Act 2020

tertiary education entity means—

- (a) an educational body (within the meaning of section 10(8) of the Education and Training Act 2020); or
- (b) an institution (within the meaning of section 10(1) of the Education and Training Act 2020); or
- (c) a private training establishment (within the meaning of section 10(1) of the Education and Training Act 2020)

5 Clause 12 amended (Face covering requirements on public transport services)

Revoke clause 12(2)(c).

6 Clause 16A amended (Person may not change principal home or place of residence following Government announcement of more restrictive alert level requirements)

Replace clause 16A(3)(c) with:

- (c) attending a tertiary education entity or completing a course of study at a tertiary education entity.

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

- (1) In the cross-heading above clause 18(2B), replace “*from alert level 3 area to alert level 2 area*” with “*between alert level areas (or between parts of alert level areas)*”.
- (2) In clause 18(2B),—
- (a) replace “alert level 3 area” with “alert level area”; and
- (b) replace “an alert level 2 area” with “a different alert level area (or a different part of the alert level area)”; and
- (c) delete “located in the alert level 2 area”.
- (3) In clause 18(2C), delete “in the alert level 3 area”.

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

- (1) After clause 19(1)(a)(i), insert:
- (ia) attending a registered school under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020 (item 6A):
- (2) In clause 19(1)(a)(x), after “items 18B”, insert “, 18BA,”.

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

	Item of Schedule 5 that person relies on for permission to travel	Subclauses that person must comply with
(a)	4, 5, 7, 8, or 18	Subclauses (4) and (6)

	Item of Schedule 5 that person relies on for permission to travel	Subclauses that person must comply with
(b)	9, 10, 11, 12, 13, 14, 17, 18A, 18B, 18BA, 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, 18BA, or 18C for their permission to travel	Subclauses (5) and (6)

- (4) In clause 19C(3A), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”.

10 Clause 22A amended (Exceptions for individuals at education entities that are early childhood services in alert level 3 area)

- (1) In the heading to clause 22A, replace “education entities that are early childhood services” with “certain education entities”.

- (2) Before clause 22A(1), insert:

(1AAA) This clause applies to the following education entities:

- (a) an early childhood service;
- (b) a registered school that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020.

- (3) In clause 22A(1), replace “an education entity that is an early childhood service” with “the education entity”.

- (4) After clause 22A(2)(a), insert:

(aa) activities that involve 2 or more registered schools:

11 Clause 30 amended (Adjusted alert level 3 requirements for businesses and services)

In clause 30(2), after “early childhood services”, insert “or registered schools that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020”.

12 Schedule 2 amended

In Schedule 2, replace items 18 and 18A with the items 18, 18A, and 18B set out in the Schedule of this order.

13 Schedule 5 amended

- (1) In Schedule 5, after item 1.25, insert:

1.25A Registered schools that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020

- (2) In Schedule 5, after item 6, insert:

Students in years 9 to 13 attending registered schools

6A If the person is a student in years 9 to 13 at a registered school, attend that registered school under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020

- (3) In Schedule 5, revoke item 18B(b).

- (4) In Schedule 5, after item 18B(c), insert:

18B Relocate their home or place of residence as a result of attending a tertiary education
A entity or completing a course of study at a tertiary education entity

- (5) In Schedule 5, item 18C, replace “or 18B” with “, 18B, or 18BA”.

**Schedule
New items inserted into Schedule 2**

cl 12

	Customers and clients allowed in workplace (clause 30)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Contact record rule applies (clause 28)	Additional conditions
18	Education entities Education entities (except early childhood services and registered schools described in item 18A and 18B)	✓	✓	<p>Must have systems and processes in place to—</p> <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
18A	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
18B	Registered schools that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020	✓	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 Education under Schedule 25 of the Education and Training Act 2020

Dated at Wellington this 22nd day of October 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 22 October 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the **principal order**).

Clause 4 amends clause 4 of the principal order to insert definitions of registered school and tertiary education entity. These definitions refer to terms used in the Education and Training Act 2020.

Clause 5 revokes clause 12(2)(c) of the principal order. The effect of this is that students aged 12 years or older will be required to wear a face covering when travelling on a school transport service.

Clause 6 amends clause 16A of the principal order to ensure that a student at a tertiary education entity may change residences as a result of their study beginning or concluding, even if the Government has announced a more restrictive alert level for the area in which the student currently resides.

Clause 7 amends clause 18 of the principal order to provide that a student may travel between alert level areas (or between parts of the alert level 3 area) to return to a school hostel and remain there for the rest of the 2021 school year.

Clause 8 amends clause 19 of the principal order to require the following persons to provide evidence of their reason to travel when travelling between alert level areas (or between parts of the alert level 3 area):

- a student in years 9 to 13 who is travelling to attend a registered school under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020; and
- a student at a tertiary education entity who is relocating their home or place of residence as a result of their study beginning or concluding.

Clause 9 amends clause 19C of the principal order to require a student at a tertiary education entity who is relocating their home or place of residence as a result of their study beginning or concluding to comply with certain COVID-19 testing requirements.

Clause 10 amends clause 22A of the principal order to exempt registered schools from certain physical distancing requirements in the alert level 3 area, but only to the extent that students in years 9 to 13 are permitted to attend the school under a direc-

tion given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020.

Clause 11 amends clause 30 of the principal order so that registered schools do not need to have systems and processes in place to comply with physical distancing requirements, to the extent that students in years 9 to 13 are permitted to attend the school under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020.

Clause 12 replaces item 18 and 18A of Schedule 2 of the principal order with the items 18, 18A, and 18B set out in the Schedule of this order.

Clause 13 amends Schedule 5 of the principal order to provide that—

- a worker may travel into, out of, or through alert level areas (or between different parts of the alert level 3 area) to work at a registered school that students in years 9 to 13 are permitted to attend under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020;
- a student in years 9 to 13 at a registered school may attend that registered school under a direction given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020;
- a student at a tertiary education entity may change residences as a result of their study beginning or concluding, and this relocation does not have to be on a permanent or long-term basis.

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*: 22 October 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 9) 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