

Reprint
as at 31 August 2021



COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021
(LI 2021/211)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021: revoked, at 11.59 pm on 31 August 2021, pursuant to clause 45 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021 (LI 2021/227).

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

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Health.

Order

1 Title

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

2 Commencement

This order comes into force at 11.59 pm on 18 August 2021.

3 Principal order

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

4 Clause 11 amended (Face covering requirements on public transport services)

Revoke clause 11(2)(a).

5 Clause 16 amended (Permissions for essential personal movement within alert level 4 area)

After clause 16(i), insert:

- (ia) leave their home or place of residence to provide childcare for a person described in paragraph (c) or (d) if—
 - (i) the person described in paragraph (c) or (d) has to leave their home or place of residence to work and has no one in their shared bubble arrangement who is able to provide childcare; and
 - (ii) the person to provide childcare joins the shared bubble arrangement of the person described in paragraph (c) or (d) and does not join another shared bubble arrangement:

6 Cross-heading above clause 17 replaced

Replace the cross-heading above clause 17 with:

Physical distancing and face covering requirements for individuals

7 New clauses 17A and 17B inserted

After clause 17, insert:

17A Face covering requirements for individuals in alert level 4 businesses and services

- (1) Every person must wear a face covering when on the premises of the following alert level 4 businesses or services:
 - (a) supermarkets and dairies:

- (b) petrol stations, including any stores operating as part of the petrol station;
 - (c) licensing trusts;
 - (d) pharmacies;
 - (e) food banks;
 - (f) self-service laundries;
 - (g) hardware and do-it-yourself stores;
 - (h) public areas of courts and tribunals, except that—
 - (i) a judicial officer may exercise discretion regarding the use of face coverings in a courtroom;
 - (ii) this does not affect the exclusion from the closure of premises in clause 18(2)(b):
 - (i) social and community based services provided to support persons to maintain critical well-being or as crisis support for people who are unsafe or homeless.
- (2) Every person must wear a face covering at arrival and departure points for public transport services (for example, bus stops, train stations, and airports).
- (3) Every person must wear a face covering when visiting a health service.
- (4) However, subclauses (1), (2) and (3) do not apply in the circumstances set out in clause 17B.
- (5) A breach of subclause (1), (2), or (3) is an infringement offence for the purposes of section 26(3) of the Act.

17B Exemptions from face covering requirements in clause 17A

Clause 17A does not apply if—

- (a) there is an emergency; or
- (b) wearing a face covering is not safe in all of the circumstances; or
- (c) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (d) the person is asked to remove the face covering to ascertain identity; or
- (e) removal of, or not wearing, the face covering is otherwise required or authorised by law; or
- (f) the person is under the age of 12 years; or
- (g) the person has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
- (h) the person needs to remove the face covering to take medicine; or
- (i) the person needs to remove the face covering to eat or drink.

8 Clause 23 amended (Other exemptions from this order)

After clause 23(o), insert:

- (oa) to Parliament, including members of Parliament, parliamentary staff, and any officer of Parliament:
- (ob) to Ministers of the Crown and ministerial staff, in relation to Government business:

Dated at Wellington this 18th day of August 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 18 August 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021 (the **principal order**). It provides additional requirements for the wearing of face coverings at alert level 4. It also amends clauses 16 and 23, as discussed below.

Additional face covering requirements

New clause 17A(1) of the principal order requires all people to wear face coverings on the premises of—

- supermarkets and dairies:
- petrol stations, including any stores operating as part of the petrol station:
- licensing trusts:
- pharmacies:
- food banks:
- self-service laundries:
- hardware and do-it-yourself stores:
- public areas of courts and tribunals (except that a judicial officer may exercise discretion regarding the use of face coverings in a courtroom):
- social and community based services provided to support persons to maintain critical well-being or as crisis support for people who are unsafe or homeless.

Face coverings are also required—

- for all persons at arrival and departure points for public transport services (for example, bus stops, train stations, and airports) (*new clause 17A(2)*):

- for visitors to health care facilities (*new clause 17A(3)*).

Under *new clause 17A(5)*, failure to wear a face covering is an infringement offence.

New clause 17B sets out exemptions to the face covering requirement.

Other amendments

New clause 16(ia) allows persons who provide childcare to essential workers under certain conditions to leave their home or place of residence to provide the childcare.

New clause 23(oa) and (ob) sets out exemptions to the order for Parliament, including members of Parliament, parliamentary staff, and any officer of Parliament, and for Ministers and ministerial staff, in relation to Government business.

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 2012.
Date of notification in *Gazette*: 18 August 2021.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) Amendment Order 2021 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021 (LI 2021/227): clause 45