

**Version  
as at 2 December 2021**



**COVID-19 Public Health Response (Alert Level  
Requirements) Order (No 12) Amendment Order (No 3)  
2021**

(LI 2021/297)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 3) 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 3) 2021.

### 2 Commencement

This order comes into force at 11.59 pm on 3 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:

**Auckland part of the alert level 3 area** means the Auckland part of the alert level 3 area as described in Part 1 of Schedule 3 and set out in the map in Part 1 of Schedule 4

**Waikato part of the alert level 3 area** means the Waikato part of the alert level 3 area as described in Part 2 of Schedule 3 and set out in the map in Part 2 of Schedule 4

**5 Cross-heading above clause 17 amended**

In the cross-heading above clause 17, after “*areas*”, insert “*(or between Auckland and Waikato parts of alert level 3 area)*”.

**6 Clause 17 amended (Restrictions on travel into, out of, or through alert level areas)**

(1) In the heading to clause 17, after “**areas**”, insert “**(or between Auckland and Waikato parts of alert level 3 area)**”.

(2) After clause 17(1), insert:

(1A) A person may travel between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area only if—

- (a) the travel is for 1 or more of the purposes permitted under clause 18; and
- (b) the person, so far as is reasonably practicable, travels directly without stopping while in the other part of the alert level 3 area (except for the permitted purpose of the travel under clause 18 or a permitted airport transfer).

(3) In clause 17(2), replace “subclause (1)(b)” with “this clause”.

(4) After clause 17(3), insert:

(4) For the purposes of subclause (1A), a person does not travel between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area just because—

- (a) the person is travelling along a road that forms part of the boundary between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area; or
- (b) the person’s property is divided by the boundary between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area (or a road that forms part of the boundary) and the person is accessing a part of their property.

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

(1) In the heading to clause 18, after “**areas**”, insert “**(or between Auckland and Waikato parts of alert level 3 area)**”.

(2) After clause 18(1), insert:

*Permissions for travel between Auckland and Waikato parts of alert level 3 area*

(2) For the purposes of clause 17, a person may travel between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area (and return to their home or place of residence afterwards) for 1 or more purposes set out in Schedule 5.

*Permissions for travel from alert level 2 area into Waikato part of alert level 3 area for work*

- (2A) A person may go from the alert level 2 area into the Waikato part of the alert level 3 area (including travelling through the Auckland part of the alert level 3 area) (and return to their home or place of residence afterwards) for the purpose of going to work.
- (3) Replace clause 18(6) with:
- (6) The permissions in this clause do not apply to travel that takes place only within—
- (a) the Auckland part of the alert level 3 area; or
  - (b) the Waikato part of the alert level 3 area (*see* clause 21).

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

- (1) In the heading to clause 19, after “**areas**”, insert “**(or between Auckland and Waikato parts of alert level 3 area)**”.
- (2) After clause 19(1)(c), insert:
- (d) they rely on a permission under clause 18 to return to their home or place of residence after travelling between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area for another permitted purpose:
  - (e) they rely on the permission in clause 18(2A) to go from the alert level 2 area into the Waikato part of the alert level 3 area (including travelling through the Auckland part of the alert level 3 area) (and return to their home or place of residence afterwards) for the purpose of going to work.

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

- (1) In the heading to clause 19A, replace “**alert level 3 area**” with “**Auckland part of alert level 3 area**”.
- (2) In clause 19A(1), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”.

**10 Clause 19B amended (Duty of businesses and services to facilitate testing and medical examination for workers who cross alert level boundaries)**

- (1) In the heading to clause 19B, replace “**cross alert level boundaries**”, with “**(travel into or out of Auckland part of alert level 3 area)**”.
- (2) In clause 19B(1)(a), replace “into or out of (but not into, through, and out of) the alert level 3 area” with “into or out of the Auckland part of the alert level 3 area”.

- (3) In clause 19B(2), replace “into or out of (but not into, through, and out of) the alert level 3 area” with “into or out of the Auckland part of the alert level 3 area”.
- (4) After clause 19B(2), insert:
- (3) This clause does not apply to workers who are travelling into, through, and out of the alert level 3 area.

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

- (1) In the heading to clause 19C, replace “alert level 3 area” with “Auckland part of alert level 3 area”.
- (2) In clause 19C(1)(a), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”.
- (3) In clause 19C(1)(b), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”, in both places.
- (4) In clause 19C(3)(b), replace “the alert level 3 area” with “the Auckland part of the alert level 3 area”, in both places.

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

- (1) In the heading to clause 21, replace “alert level 3 area” with “each part of alert level 3 area”.
- (2) In clause 21, replace “within the alert level 3 area” with “within either the Auckland part of the alert level 3 area or the Waikato part of the alert level 3 area (but not both parts)”.
- (3) After clause 21(30), insert:

*Travelling between Auckland part of alert level 3 area and Waikato part of alert level 3 area if permitted by clause 18*

(30A) to travel, in accordance with clause 17(1A), for 1 or more of the purposes permitted by clause 18:

**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—
    - (i) between alert level areas; and
    - (ii) between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area; and
- (2) Replace clause 27(b) with:

- (b) mitigate the risks of spreading COVID-19 that arise to the extent that its workers travel—
  - (i) between alert level areas; or
  - (ii) between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area.

**14 Schedule 3 replaced**

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

**15 Schedule 4 replaced**

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

**16 Schedule 5 amended**

In the Schedule 5 heading,—

- (a) after “**areas**”, insert “**(or between Auckland and Waikato parts of alert level 3 area)**”; and
- (b) replace “cl 18(1)” with “cl 18(1), 18(2),”.

**Schedule 1**  
**Schedule 3 replaced**

cl 14

**Schedule 3**  
**Description of alert level 3 area**

cl 6(1)

**Alert level 3 area** means the areas described in Part 1 and Part 2 of this Schedule.

**Part 1**  
**Auckland part of alert level 3 area**

**Alert level 3 area** includes—

- (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).

## Part 2

### Waikato part of alert level 3 area

**Alert level 3 area** includes the area (bounded by the middle of the roads listed below)—

- (a) commencing on the mean high-water mark of the west coast of the North Island at the mouth of the Kaawa Stream; then
- (b) proceeding in a generally north-easterly direction along the north bank of the Kaawa Stream to the intersection with Port Waikato-Waikaretu Road; then
- (c) proceeding south along Port Waikato-Waikaretu Road to the intersection with Baker Road; then
- (d) proceeding north-east along Baker Road to the intersection with Wairamarama-Onewhero Road; then
- (e) proceeding south-east along Wairamarama-Onewhero Road to the intersection with Bothwell Loop Road; then
- (f) proceeding north-east along Bothwell Loop Road to the intersection with Waikaretu Valley Road; then
- (g) proceeding east along Waikaretu Valley Road to the intersection with State Highway 22; then



- (h) proceeding north-east along State Highway 22 to the intersection with Glen Murray Road; then
- (i) proceeding south-east along Glen Murray Road to the intersection with Churchill Road; then
- (j) proceeding north along Churchill Road until it crosses the Opuatia Stream; then
- (k) proceeding in a generally north-easterly direction along the north bank of the Opuatia Stream to the Waikato River; then
- (l) proceeding in a generally northerly direction along the west bank of the Waikato River to the intersection with Mercer Ferry Road; then
- (m) proceeding north-east along Mercer Ferry Road to the intersection with Koheroa Road; then
- (n) proceeding north-east along Koheroa Road to the intersection with State Highway 2; then
- (o) proceeding south-east along State Highway 2 to the intersection with the Waikato District Territorial Authority Boundary (SO plan LG-013-2019-W-1); then
- (p) proceeding in a generally southerly direction along the Waikato District Territorial Authority Boundary to the intersection with the Hamilton City Territorial Authority Boundary (SO plan LG-016-2013-W-1); then
- (q) proceeding in a generally westerly direction along the Hamilton City Territorial Authority Boundary to the intersection with the Waikato District Territorial Authority Boundary; then
- (r) proceeding in a generally westerly direction along the Waikato District Territorial Authority Boundary to the mean high-water mark of the eastern shore of the Aotea Harbour; then
- (s) proceeding in a northerly direction along the mean high-water mark of the west coast of the North Island to the point of commencement described in paragraph (a).

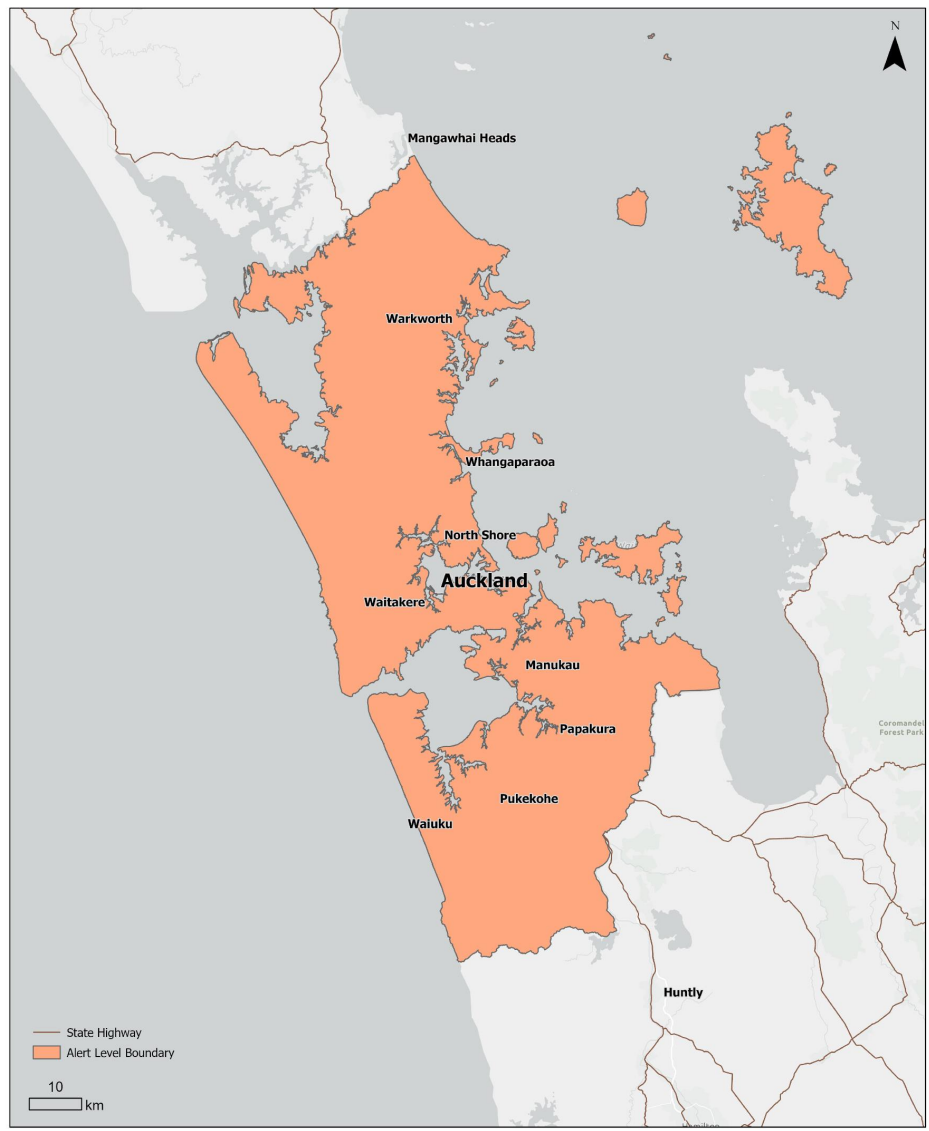
Schedule 2  
Schedule 4 replaced

cl 15

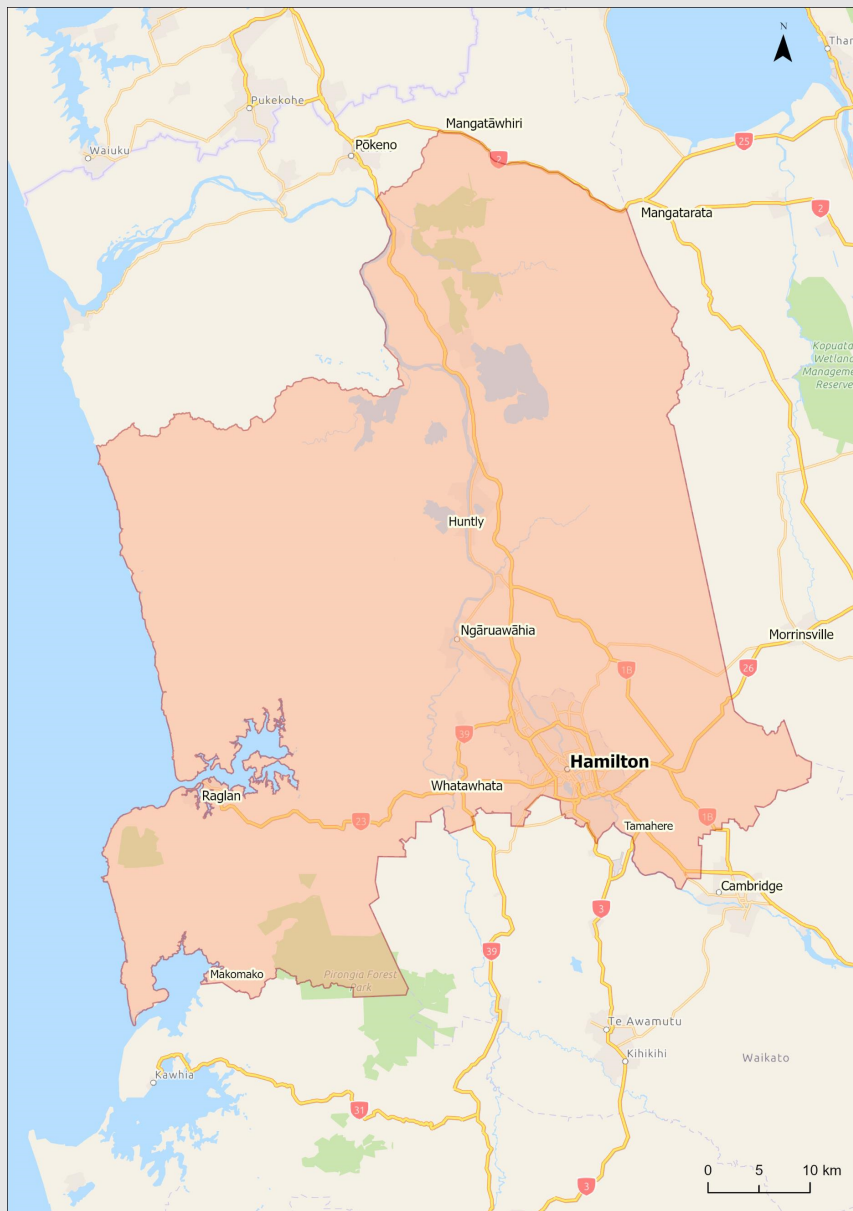
Schedule 4  
Map of alert level 3 area

cl 6(2)

Part 1  
Map of Auckland part of alert level 3 area



**Part 2**  
**Map of Waikato part of alert level 3 area**



Dated at Wellington this 3rd 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 3 October 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the **principal order**). It includes part of Waikato in the alert level 3 area.

*Clause 4* inserts new definitions for the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area.

*Clauses 5 to 8* amend clauses 17 to 19 of the principal order by setting out the restrictions on travel between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area.

*Clauses 7 and 8* also amend clauses 18 and 19 of the principal order to permit a person to travel from the alert level 2 area into the Waikato part of the alert level 3 area for the purpose of work (and to return to their home or place of residence afterwards). The travel from the alert level 2 area into the Waikato part of the alert level 3 area may be through the Auckland part of the alert level 3 area. The person must carry evidence of the purpose of their travel.

*Clauses 9 to 11* amend clauses 19A to 19C of the principal order so the requirements about COVID-19 testing of certain persons travelling into or out of the alert level 3 area apply only to the Auckland part of the alert level 3 area (not to the Waikato part of that area).

*Clause 12* amends clause 21 of the principal order to clarify the purposes for which a person is permitted to leave their home or place of residence for essential personal movement within the Auckland part of the alert level 3 area or the Waikato part of the alert level 3 area (but not within both).

*Clause 13* amends clause 27 of the principal order to require businesses and services to have systems and processes in place to minimise travel between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area.

*Clause 14* replaces Schedule 3 of the principal order. Schedule 3 describes the alert level 3 area. *Clause 14* replaces that description with an updated description to include part of Waikato in the alert level 3 area.

*Clause 15* replaces Schedule 4 of the principal order. Schedule 4 sets out a map of the alert level 3 area. *Clause 15* replaces that map with an updated map to include part of Waikato in the alert level 3 area.

*Clause 16* amends the heading to Schedule 5 of the principal order by referring also to travel between the Auckland part of the alert level 3 area and the Waikato part of the alert level 3 area.

### *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*: 3 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 3) 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