

**Version
as at 2 December 2021**



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

(SL 2021/344)

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

10	Clause 29 amended (Contact record in respect of home services provided by businesses and services in alert level 3 area)	5
11	Clause 32 amended (People responsible for controlled gatherings in alert level 3 area must comply with contact record requirements)	5
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13	New Parts 3A and 3B inserted	5

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Order

- Title**
This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 12) 2021.
- Commencement**
This order comes into force at 11.59 pm on 2 November 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(1), insert in its appropriate alphabetical order:

upper Northland part of the alert level 3 area means the upper Northland part of the alert level 3 area as described in Part 3 of Schedule 3 and set out in the map in Part 3 of Schedule 4

- (2) In clause 4(1), definition of **part of the alert level 3 area**, after paragraph (c), insert:

(d) the upper Northland part of the alert level 3 area

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

After clause 18(2A), insert:

Permissions for travel from alert level 2 area into upper Northland part of alert level 3 area for work

- (2AA) A person may go from the alert level 2 area that is north of the Auckland part of the alert level 3 area into the upper Northland part of the alert level 3 area (and return to their home or place of residence afterwards) for the purpose of going to work.

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

After clause 19(1)(e), insert:

- (f) they rely on the permission in clause 18(2AA) to go from the alert level 2 area north of the Auckland part of the alert level 3 area into the upper Northland part of the alert level 3 area (and return to their home or place of residence afterwards) for the purpose of going to work.

7 Clause 21 amended (Permissions for essential personal movement within each part of alert level 3 area)

- (1) In clause 21(1)(c)(iii), replace “item 24 of Schedule 2” with “item 24 of Part 1 or 2 of Schedule 2, depending on the location of the business or service”.
- (2) In clause 21(25)(a), replace “no more than 10” with “no more than 25”.
- (3) Revoke clause 21(25)(b).
- (4) In clause 21(27)(a), replace “no more than 10” with “no more than 25”.
- (5) Revoke clause 21(27)(b).

8 Clause 23 replaced (Additional face covering requirements for individuals in alert level 3 area)

Replace clause 23 with:

23 Additional face covering requirements for individuals in alert level 3 area

- (1) In this clause, **face covering rule** means that a person must wear a face covering.

Every person must wear face covering in public areas

- (2) In addition to the requirements in Part 2 to wear a face covering, every person on the parts of the premises of a business or service that are open to the public in the alert level 3 area must wear a face covering if Schedule 2 indicates that the face covering rule applies.

- (3) Every person must wear a face covering when in the following indoor public areas of a business or service in the alert level 3 area:

- (a) a public area of a court or tribunal, except that—
 - (i) a judicial officer may exercise discretion regarding the use of face coverings in the room where the hearing is held;
 - (ii) this does not affect the exclusion from the closure of premises in clause 25(2)(b):
- (b) a public area of a category A social service, including a customer service counter;
- (c) a public area of premises operated by the New Zealand Police.

- (4) A person must wear a face covering while indoors in a registered school that provides secondary education in the alert level 3 area if—

- (a) the school is open for physical attendance in accordance with this order; and
- (b) the person is—
 - (i) a student receiving secondary education; or
 - (ii) a staff member working to provide, or support the provision of, that education.

- (5) Every person must wear a face covering at arrival and departure points for public transport services in the alert level 3 area (for example, bus stops, train stations, and airports).

Persons other than patients or workers of health services

- (6) On the premises of a health service (other than a pharmacy) in the alert level 3 area, every person who is not a patient or worker of the health service must wear a face covering.

Delivery and home service workers

- (7) A worker delivering goods to a home or place of residence in the alert level 3 area must wear a face covering for any part of the delivery during which they are on the property of the home or place of residence.
- (8) A worker must wear a face covering while providing services in a home or place of residence in the alert level 3 area (except for a worker who is providing childcare in the home or place of residence).

Exemptions in clause 24

- (9) However, subclauses (2) to (8) do not apply in the circumstances set out in clause 24.

Infringement offence

- (10) A breach of any of subclauses (2) to (8) is an infringement offence for the purposes of section 26(3) of the Act.

9 Clause 28 amended (Certain businesses and services in alert level 3 area to have systems and processes for contact record rule)

After clause 28(3)(c), insert:

- (d) a public facility (for example, a library, museum, or zoo), but only if Schedule 2 indicates that customers and clients are permitted to be in the workplace.

10 Clause 29 amended (Contact record in respect of home services provided by businesses and services in alert level 3 area)

In clause 29(1), replace “item 21B of Schedule 2” with “item 21B of Part 1, 2, or 3 of Schedule 2, depending on the location of the home or place of residence”.

11 Clause 32 amended (People responsible for controlled gatherings in alert level 3 area must comply with contact record requirements)

In clause 32(5)(b), replace “10 people” with “25 people”.

12 Clause 32A amended (Limited outdoor gatherings permitted in alert level 3 area)

- (1) In clause 32A(2)(b), replace “10 people” with “25 people”.
- (2) Revoke clause 32A(2)(c).

13 New Parts 3A and 3B inserted

After Part 3, insert:

Part 3A**Alert level 3 requirements continued for Auckland part of
alert level 3 area****32B Permissions for essential personal movement**

In the Auckland part of the alert level 3 area, clause 21(25) to (27) does not apply, and the following paragraphs apply instead:

Accompanying tūpāpaku or deceased persons

- (25) to collect or accompany a tūpāpaku or deceased person, but only if—
- (a) the total number of people collecting or accompanying the tūpāpaku or deceased person (including the person operating the vehicle) is no more than 10 (excluding workers); and
 - (b) the people collecting or accompanying the tūpāpaku or deceased person (other than the person operating the vehicle) are fellow residents of each other:
- (26) to provide, or assist with providing, services to a tūpāpaku or deceased person (including washing, dressing, shrouding, or otherwise preparing for burial or cremation):
- (27) to view a tūpāpaku or deceased person, but only if—
- (a) the total number of people viewing the tūpāpaku or deceased person at any time is no more than 10 (excluding workers); and
 - (b) the people viewing the tūpāpaku or deceased person at any time (other than the person having charge of the tūpāpaku or deceased person) are fellow residents of each other:

32C Requirement for controlled gatherings

In the Auckland part of the alert level 3 area, clause 32(5)(b) does not apply, and the following paragraph applies instead:

- (b) there are no more than 10 people at any one time at the gathering, excluding workers; and

32D Limited outdoor gatherings

In the Auckland part of the alert level 3 area, clause 32A(2)(b) does not apply, and the following paragraphs apply instead:

- (b) there are no more than 10 people at any one time at the gathering:
- (c) each of those people resides at 1 of a total of no more than 2 homes or places of residence within the alert level 3 area.

Part 3B

Alert level 3 requirements continued for upper Northland part of alert level 3 area

32E Modified permissions for essential personal movement

- (1) In the upper Northland part of the alert level 3 area, clause 21(6) and (7) does not apply, and the following paragraphs apply instead:

Limited recreation purposes

- (6) to undertake exercise or other recreation if—
- (a) it is done in an outdoor place appropriate for that kind of exercise or recreation that is readily accessible (including by using their vehicle) from their home or place of residence; and
 - (b) it is done in compliance with the requirements that relate to physical distancing (*see* clause 22) and the prohibition against gatherings (*see* clause 31); and
 - (c) it does not involve scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, or flying manned aircraft; and
 - (d) it does not involve any other activities that expose the participant to danger or may require search and rescue services:

Limited customary purposes

- (7) to exercise Māori customary rights to fishing and food gathering if—
- (a) it is done in an outdoor place that is readily accessible (including by using their vehicle) from their home or place of residence; and
 - (b) it is done in compliance with the requirements that relate to physical distancing (*see* clause 22) and the prohibition against gatherings (*see* clause 31); and
 - (c) it does not involve scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, or flying manned aircraft; and
 - (d) it does not involve any other activities that expose the participant to danger or may require search and rescue services.
- (2) In the upper Northland part of the alert level 3 area, clause 21(24A) (which relates to limited outdoor gatherings) does not apply (*see also* clause 32H).
- (3) In the upper Northland part of the alert level 3 area, clause 21(25) to (27) does not apply, and the following paragraphs apply instead:

Accompanying tūpāpaku or deceased persons

- (25) to collect or accompany a tūpāpaku or deceased person, but only if—

- (a) the total number of people collecting or accompanying the tūpāpaku or deceased person (including the person operating the vehicle) is no more than 10 (excluding workers); and
 - (b) the people collecting or accompanying the tūpāpaku or deceased person (other than the person operating the vehicle) are fellow residents of each other:
- (26) to provide, or assist with providing, services to a tūpāpaku or deceased person (including washing, dressing, shrouding, or otherwise preparing for burial or cremation):
- (27) to view a tūpāpaku or deceased person, but only if—
- (a) the total number of people viewing the tūpāpaku or deceased person at any time is no more than 10 (excluding workers); and
 - (b) the people viewing the tūpāpaku or deceased person at any time (other than the person having charge of the tūpāpaku or deceased person) are fellow residents of each other:

32F No exceptions for individuals at certain education entities in alert level 3 area

In the upper Northland part of the alert level 3 area, clause 22A does not apply.

32G Modified requirement for controlled gatherings

- (1) In the upper Northland part of the alert level 3 area, clause 32(5)(b) does not apply, and the following paragraph applies instead:
- (b) there are no more than 10 people at any one time at the gathering, excluding workers; and
- (2) In the upper Northland part of the alert level 3 area, clause 32(5)(e) does not apply, and the following paragraph applies instead:
- (e) the gathering is one at which no food or drink is served.

32H Limited outdoor gatherings not permitted

In the upper Northland part of the alert level 3 area, clauses 31(3)(ca) and 32A do not apply (*see also* clause 32E(2)).

14 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in Schedule 1 of this order.

15 Schedule 3 amended

In Schedule 3, after Part 2, insert the Part 3 set out in Schedule 2 of this order.

16 Schedule 4 amended

In Schedule 4, after Part 2, insert the Part 3 set out in Schedule 3 of this order.

Schedule 1 Schedule 2 replaced

cl 14

Schedule 2				
Face covering and alert level 3 requirements				
cls 11(6), 21, 22, 23, 28(2), 29, 30				
Part 1				
Auckland part of alert level 3 area				
	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
Category A business or service				
1	Rental car services and car share services	✓	✓	
2	Veterinary services and animal health and welfare services	✓		
3	Services provided under the Oranga Tamariki Act 1989, and other social services provided to support persons to maintain critical well-being and as crisis support for people who are unsafe or homeless	See clause 23(3)	✓	Contact record rule applies in relation to— - persons other than workers of the business and service; and - a category A social service with a public area, including a customer service counter

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

Schedule 1

Version as at
2 December 2021

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
4	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 25(2)(b))	✓	See clause 23(3)	✓	Contact record rule applies in relation to persons other than workers of the business or service or judicial officers
5	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓		✓	Contact record rule applies to all persons
6	Category B business or service				
	Supermarkets	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	Dairies	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
8	Retail butchers, fishmongers, and greengrocers, but only if their premises are indoors and have a fixed location	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
9	Petrol stations, including any stores operating as part of the petrol station	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
10	Licensing trusts operating in Waitakere and Portage, but only in respect of the sale of alcohol under an off-licence	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
11	Pharmacies	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) Contact record rule applies in relation to persons other than workers of the business or service Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place to allow customers (other than trade customers) to collect goods only through a method that— • minimises physical contact; and • does not involve entering a building or involves entering a building only for the purpose of using a drive-through facility In this item, drive-through facility means a facility at which customers collect goods by having them loaded into their vehicles Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place to prevent food and drink from being served for consumption on premises
12	Food banks	✓	✓		
13	Hardware and do-it-yourself stores	✓	✓		
14	Banks	✓	✓		

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

Schedule 1

Version as at
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15	Shopping malls	Customers and clients allowed in workplace (clause 30) ✓	Face covering rule for all persons in parts of premises open to public (clause 23) ✓	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) Must have systems and processes in place that allow access only for the purpose of 1 or both of the following: • enabling goods to be collected through a method that minimises physical contact: • enabling access to other businesses or services to which persons may have access under this schedule Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place that allow customers to have access only to 1 or both of the following: • PO Boxes (including in-person collection services at a PO Box lobby); • in-person collection services at a Card to Call counter Must have systems and processes in place to prevent food and drink from being served for consumption on premises
16	Accommodation services	✓			
17	New Zealand Post Limited	✓	✓		

17A	Car parking buildings	Customers and clients allowed in workplace (clause 30) ✓	Face covering rule for all persons in parts of premises open to public (clause 23) ✓	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) Must have systems and processes in place to prevent food and drink from being served for consumption on premises
18	Education entities Education entities (except early childhood services and registered schools described in items 18A and 18B)	✓	See clause 23(4)	✓	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; 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	✓	See clause 23(4)	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

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Schedule 1

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		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
	Transport				
19	Transport stations and public transport services (other than those provided by means of air transport, small passenger service vehicles, ferries, or boats, or any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses))	✓	See clauses 12 and 23(5)	✓	Must have systems and processes in place to ensure that passengers remain seated in a vehicle when it is in motion and in use in the alert level 3 area or on a specified route
19A	Public transport services provided by ferries and boats, and any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses)	✓	See clause 12	✓	
20	Public transport services provided by means of air transport or small passenger service vehicles	✓	See clauses 12 and 13	See clause 30(1)(c)	
	Health				
21	Health services (other than pharmacies)	✓	See clause 23(6)	Exempt—see clause 53	Contact record rule applies in relation to persons other than workers of the business or service
	Drug and alcohol testing services				
21A	Drug and alcohol testing services necessary for work purposes	✓			

	Face covering rule for all persons in parts of premises open to public (clause 23)	Customers and clients allowed in workplace (clause 30)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
21B In-home services The following services provided to a person (A) at A's home or place of residence: • building, construction, and maintenance services; • housing services provided by landlords and property managers; • real estate or property relocation services; • home-help services (including cleaning services) for persons who require assistance because of sickness or disability; • utility services relating to— • gas; • electricity; • water; • waste; • waste water; • liquid or solid fuel; • telecommunications services (as defined in section 5 of the Telecommunications Act 2001);	✓ See clause 23(8)			Service may be provided only if— • no person other than a fellow resident of A (or a worker providing the service) is present when the business or service is provided; • in the case of real estate or property relocation services, no person is present when the service is provided other than— • a resident of the home or place of residence; and • residents of 1 other home or place of residence who are inspecting the property for the purposes of relocation, or who are relocating to the property; and • the minimum number of workers required to provide the service; • in the case of legal services to execute documents,— • it is not reasonably practicable for the service to be provided

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Schedule 1

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Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	
- information technology maintenance and repair services: - security services (including locksmiths): - veterinary services and animal health and welfare services: - pest management services: - delivery, installation, and maintenance of consumer goods: - Government services: - building and resource consenting services (for example, building inspections and geotechnical inspections): - gardening and landscaping services: - services for deceased persons and tūpāpaku: - legal services to execute documents		Additional conditions (clauses 28, 29, 30) through electronic means, such as under a relevant immediate modification order made under the Epidemic Preparedness Act 2006; and - the execution of the document is urgently required; and - no person is present when the service is provided other than a fellow resident, a worker, or up to 2 other people if those other people are necessary to enable the execution of the document Contact record to be kept as required under clause 29	
Venues Venue businesses	See clause 32(5)(d)	Must have systems and processes in place to ensure that the venue workplace is used only for the purpose of a controlled gathering Contact record rule applies to all persons	22

		Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	
23	Customers and clients allowed in workplace (clause 30) ✓ The following outdoor sports facilities: • golf courses; • tennis courts; • bowls greens; • croquet lawns All other businesses and services All businesses and services other than those referred to in items 1 to 23		Additional conditions (clauses 28, 29, 30) All indoor parts of facilities must remain closed to customers and clients	Must have systems and processes in place to ensure, so far as is reasonably practicable, that no customers or clients enter the workplace except to the minimum extent necessary to collect goods through a method that minimises physical contact and— • does not involve entering a building; or • involves entering a shopping mall, but not entering an individual store; or • involves entering a building, but only to access a PO Box (including an in-person collection service at a PO Box lobby) or an in-person collection service at a Card to Call counter operated by New Zealand Post Limited Contact record rule applies to all persons
24	See the additional condition			

Part 2					
Waikato part of alert level 3 area					
	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	Additional conditions (clauses 28, 29, 30)	
Category A business or service					
1	Rental car services and car share services	✓	✓		
2	Veterinary services and animal health and welfare services	✓			
3	Services provided under the Oranga Tamariki Act 1989, and other social services provided to support persons to maintain critical well-being and as crisis support for people who are unsafe or homeless	✓	✓	Contact record rule applies in relation to— - persons other than workers of the business and service; and - a category A social service with a public area, including a customer service counter	
4	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 25(2)(b))	✓	✓	Contact record rule applies in relation to persons other than workers of the business or service or judicial officers	
5	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓	✓	Contact record rule applies to all persons	
Category B business or service					
6	Retail businesses (for example, supermarkets, dairies, retail butchers, fishmongers, greengrocers, bakeries, marketplaces, takeaway food stores, petrol	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises	

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	Additional conditions (clauses 28, 29, 30)
7	stations (including any stores operating as part of the petrol station), hardware and do-it-yourself stores, retail stores, banks, and self-service laundries), but not including shopping malls (<i>see</i> item 15)			
8	[blank]			
9	[blank]			
10	[blank]			
11	Pharmacies	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises Contact record rule applies in relation to persons other than workers of the business or service Must have systems and processes in place to prevent food and drink from being served for consumption on premises
12	Food banks	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises
13	[blank]			
14	[blank]			
15	Shopping malls	✓	✓	Must have systems and processes in place that allow access only for the purpose of 1 or both of the following:

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Schedule 1

Version as at
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		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	Additional conditions (clauses 28, 29, 30)
					- enabling goods to be collected through a method that minimises physical contact: - enabling access to other businesses or services to which persons may have access under this schedule Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place to prevent food and drink from being served for consumption on premises Contact record rule applies in relation to persons other than workers of the business or service
16	Accommodation services	✓			
17	Public areas of New Zealand Post Limited, including customer service counters	✓	✓		
17A	Car parking buildings	✓	✓		
17B	Public facilities (for example, libraries, museums, and zoos) (not including swimming pools or recreation centres)	✓	✓		
17C	Local authorities and central government agencies	✓			

	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	Additional conditions (clauses 28, 29, 30)
	In this item, local authority has the same meaning as in section 5(1) of the Local Government Act 2002			
	Education entities			
18	Education entities (except early childhood services and registered schools described in items 18A and 18B)	✓	See clause 23(4)	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; 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	✓	See clause 23(4)	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

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

Schedule 1

Version as at
2 December 2021

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	Additional conditions (clauses 28, 29, 30)
	Transport				
19	Transport stations and public transport services (other than those provided by means of air transport, small passenger service vehicles, ferries, or boats, or any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses))	✓	See clauses 12 and 23(5)	✓	Must have systems and processes in place to ensure that passengers remain seated in a vehicle when it is in motion and in use in the alert level 3 area or on a specified route
19A	Public transport services provided by ferries and boats, and any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses)	✓	See clause 12	✓	
20	Public transport services provided by means of air transport or small passenger service vehicles	✓	See clauses 12 and 13	See clause 30(1)(c)	
	Health				
21	Health services (other than pharmacies)	✓	See clause 23(6)	Exempt—see clause 53	Contact record rule applies in relation to persons other than workers of the business or service
	Drug and alcohol testing services				
21A	Drug and alcohol testing services necessary for work purposes	✓			

	Face covering rule for all persons in parts of premises open to public (clause 23)	Customers and clients allowed in workplace (clause 30)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	Additional conditions (clauses 28, 29, 30)
In-home services 21B The following services provided to a person (A) at A's home or place of residence: • building, construction, and maintenance services; • housing services provided by landlords and property managers; • real estate or property relocation services; • home-help services (including cleaning services) for persons who require assistance because of sickness or disability; • utility services relating to— • gas; • electricity; • water; • waste; • waste water; • liquid or solid fuel; • telecommunications services (as defined in section 5 of the Telecommunications Act 2001);	✓			Service may be provided only if— • no person other than a fellow resident of A (or a worker providing the service) is present when the business or service is provided; • in the case of real estate or property relocation services, no person is present when the service is provided other than— • a resident of the home or place of residence; and • residents of 1 other home or place of residence who are inspecting the property for the purposes of relocation, or who are relocating to the property; and • the minimum number of workers required to provide the service; • in the case of legal services to execute documents,— • it is not reasonably practicable for the service to be provided

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Schedule 1

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2 December 2021

Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	Additional conditions (clauses 28, 29, 30) through electronic means, such as under a relevant immediate modification order made under the Epidemic Preparedness Act 2006; and - the execution of the document is urgently required; and - no person is present when the service is provided other than a fellow resident, a worker, or up to 2 other people if those other people are necessary to enable the execution of the document Contact record to be kept as required under clause 29
- information technology maintenance and repair services; - security services (including locksmiths); - veterinary services and animal health and welfare services; - pest management services; - delivery, installation, and maintenance of consumer goods; - Government services; - building and resource consenting services (for example, building inspections and geotechnical inspections); - gardening and landscaping services; - services for deceased persons and tūpāpaku; - legal services to execute documents			
Venues			
Venue businesses	✓	See clause 32(5)(d)	Must have systems and processes in place to ensure that the venue workplace is used only for the purpose of a controlled gathering Contact record rule applies to all persons

		Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22))	
23	Customers and clients allowed in workplace (clause 30) ✓ The following outdoor sports facilities: • golf courses; • tennis courts; • bowls greens; • croquet lawns All other businesses and services All businesses and services other than those referred to in items 1 to 23		Additional conditions (clauses 28, 29, 30) All indoor parts of facilities must remain closed to customers and clients	
24	<i>See the additional condition</i>		Must have systems and processes in place to ensure, so far as is reasonably practicable, that no customers or clients enter the workplace except to the minimum extent necessary to collect goods through a method that minimises physical contact and— • does not involve entering a building; or • involves entering a shopping mall, but not entering a business or service unless it is referred to items 1 to 23 Contact record rule applies to all persons	

Part 3					
Upper Northland part of alert level 3 area					
	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)	
Category A business or service					
1	Rental car services and car share services	✓	✓		
2	Veterinary services and animal health and welfare services	✓	✓		
3	Services provided under the Oranga Tamariki Act 1989, and other social services provided to support persons to maintain critical well-being and as crisis support for people who are unsafe or homeless	✓	See clause 23(3)	✓	Contact record rule applies in relation to— • persons other than workers of the business and service; and • a category A social service with a public area, including a customer service counter
4	Courts and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 25(2)(b))	✓	See clause 23(3)	✓	Contact record rule applies in relation to persons other than workers of the business or service or judicial officers
5	Justice sector (other than the justice sector businesses and services specified elsewhere in this schedule)	✓	✓	✓	Contact record rule applies to all persons
Category B business or service					
6	Supermarkets	✓	✓	Must have systems and processes in place to prevent food and drink from being served for consumption on premises	

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
7	Dairies	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
8	Retail butchers, fishmongers, and greengrocers, but only if their premises are indoors and have a fixed location	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
9	Petrol stations, including any stores operating as part of the petrol station	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
10	Licensing trusts operating in Waitakere and Portage, but only in respect of the sale of alcohol under an off-licence	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
11	Pharmacies	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
					Contact record rule applies in relation to persons other than workers of the business or service
12	Food banks	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
13	Hardware and do-it-yourself stores	✓	✓		Must have systems and processes in place to allow customers (other than trade customers) to collect goods only through a method that— • minimises physical contact; and

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Schedule 1

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	Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	
				Additional conditions (clauses 28, 29, 30)
				does not involve entering a building or involves entering a building only for the purpose of using a drive-through facility
				In this item, drive-through facility means a facility at which customers collect goods by having them loaded into their vehicles Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place that allow access only for the purpose of 1 or both of the following: - enabling goods to be collected through a method that minimises physical contact; - enabling access to other businesses or services to which persons may have access under this schedule Must have systems and processes in place to prevent food and drink from being served for consumption on premises
14	Banks	✓	✓	
15	Shopping malls	✓	✓	

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
16	Accommodation services	✓			
17	New Zealand Post Limited	✓	✓		Must have systems and processes in place that allow customers to have access only to 1 or both of the following: • PO Boxes (including in-person collection services at a PO Box lobby); • in-person collection services at a Card to Call counter Must have systems and processes in place to prevent food and drink from being served for consumption on premises Must have systems and processes in place to prevent food and drink from being served for consumption on premises 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; 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
17A	Car parking buildings	✓	✓		
18	Education entities Education entities	✓	See clause 23(4)	✓	

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Schedule 1

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		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) given by the chief executive of the Ministry of Education under Schedule 25 of the Education and Training Act 2020
18A	[blank]				
18B	[blank]				
19	Transport Transport stations and public transport services (other than those provided by means of air transport, small passenger service vehicles, ferries, or boats, or any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses))	✓	See clauses 12 and 23(5)	✓	Must have systems and processes in place to ensure that passengers remain seated in a vehicle when it is in motion and in use in the alert level 3 area or on a specified route
19A	Public transport services provided by ferries and boats, and any public transport service where the service supplies all passengers with a confirmation of their guaranteed seat on booking (including Cook Strait ferries and inter-regional buses)	✓	See clause 12	✓	
20	Public transport services provided by means of air transport or small passenger service vehicles	✓	See clauses 12 and 13	See clause 30(1)(c)	
	Health				

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
21	Health services (other than pharmacies)	✓	See clause 23(6)	Exempt—see clause 53	Contact record rule applies in relation to persons other than workers of the business or service
	Drug and alcohol testing services				
21A	Drug and alcohol testing services necessary for work purposes	✓			
	In-home services				
21B	The following services provided to a person (A) at A's home or place of residence:	✓	See clause 23(8)		Service may be provided only if—
	• building, construction, and maintenance services:				• no person other than a fellow resident of A (or a worker providing the service) is present when the business or service is provided;
	• housing services provided by landlords and property managers:				• in the case of real estate or property relocation services, no person is present when the service is provided other than—
	• real estate or property relocation services:				• a resident of the home or place of residence; and
	• home-help services (including cleaning services) for persons who require assistance because of sickness or disability:				• residents of 1 other home or place of residence who are inspecting the property for the purposes of relocation, or who are relocating to the property; and
	• utility services relating to—				
	• gas:				
	• electricity:				
	• water:				

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

Schedule 1

Version as at
2 December 2021

Face covering rule for all persons in parts of premises open to public (clause 23) Customers and clients allowed in workplace (clause 30)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)
• waste: • waste water: • liquid or solid fuel: • telecommunications services (as defined in section 5 of the Telecommunications Act 2001): • information technology maintenance and repair services: • security services (including locksmiths): • veterinary services and animal health and welfare services: • pest management services: • delivery, installation, and maintenance of consumer goods: • Government services: • building and resource consenting services (for example, building inspections and geotechnical inspections): • gardening and landscaping services: • services for deceased persons and tūpāpaku:	Additional conditions (clauses 28, 29, 30) • the minimum number of workers required to provide the service: • in the case of legal services to execute documents,— • it is not reasonably practicable for the service to be provided through electronic means, such as under a relevant immediate modification order made under the Epidemic Preparedness Act 2006; and • the execution of the document is urgently required; and • no person is present when the service is provided other than a fellow resident, a worker, or up to 2 other people if those other people are necessary to enable the execution of the document Contact record to be kept as required under clause 29

		Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30)
	• legal services to execute documents				
22	Venues Venue businesses	✓	See clause 32(5)(d)		Must have systems and processes in place to ensure that the venue workplace is used only for the purpose of a controlled gathering Contact record rule applies to all persons All indoor parts of facilities must remain closed to customers and clients
23	The following outdoor sports facilities: • golf courses; • tennis courts; • bowls greens; • croquet lawns All other businesses and services	✓			
24	All other businesses and services All businesses and services other than those referred to in items 1 to 23	See the additional condition			Must have systems and processes in place to ensure, so far as is reasonably practicable, that no customers or clients enter the workplace except to the minimum extent necessary to collect goods through a method that minimises physical contact and— • does not involve entering a building; or • involves entering a shopping mall, but not entering an individual store; or • involves entering a building, but only to access a PO Box (including an in-

Customers and clients allowed in workplace (clause 30)	Face covering rule for all persons in parts of premises open to public (clause 23)	1 m (rather than 2 m) physical distancing rule applies to all persons (clause 22)	Additional conditions (clauses 28, 29, 30) person collection service at a PO Box lobby) or an in-person collection service at a Card to Call counter operated by New Zealand Post Limited Contact record rule applies to all persons

Schedule 2
New Part 3 of Schedule 3 inserted

cl 15

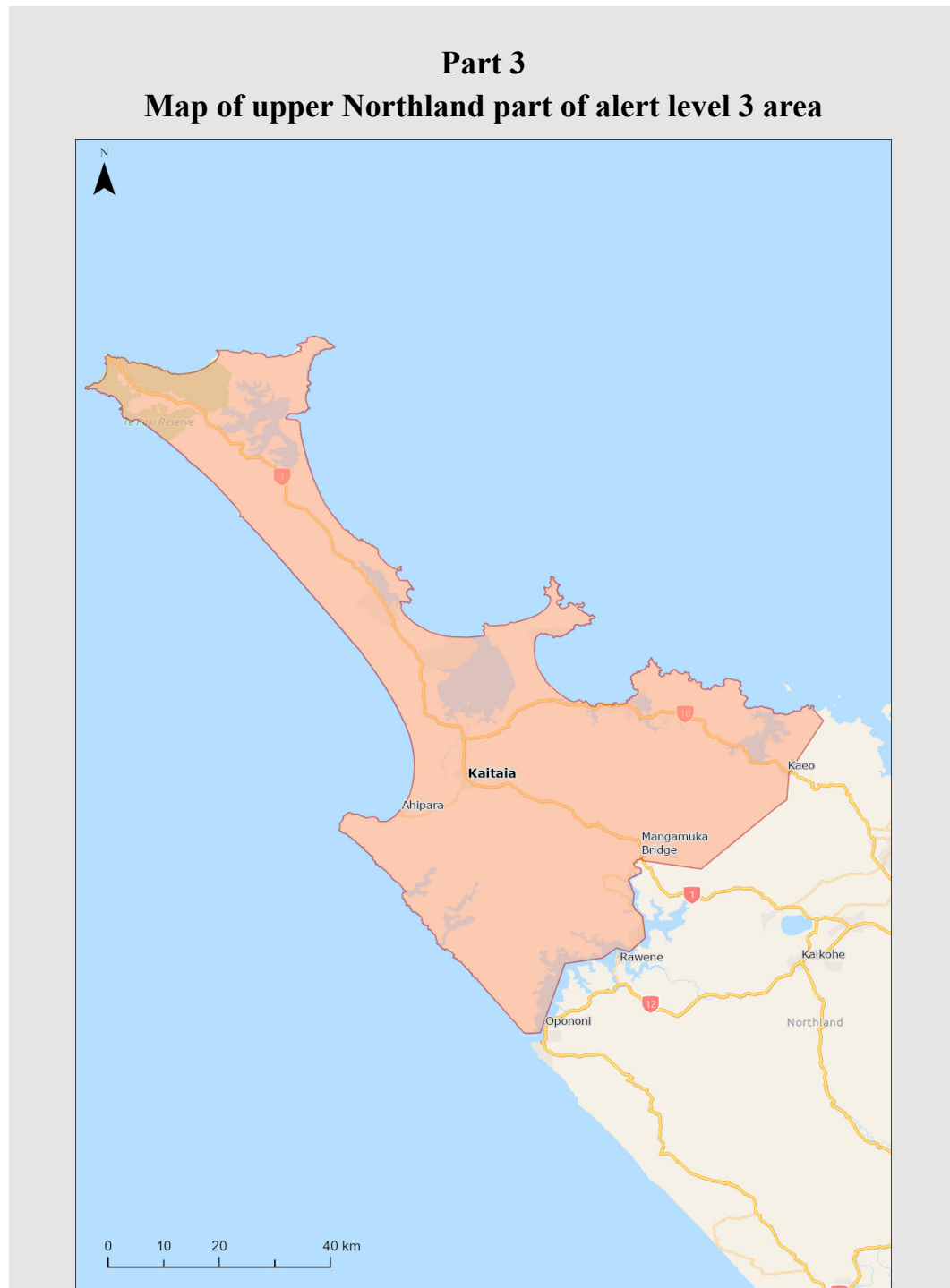
Part 3
Upper Northland part of alert level 3 area

Alert level 3 area includes the area—

- (a) commencing on the mean high-water mark of the west coast of the North Island at the mouth of the Hokianga Harbour; then
- (b) proceeding in a generally north-easterly direction up the Hokianga Harbour to where it intersects with the Mangamuka River; then
- (c) proceeding in a generally northerly direction up the Mangamuka River to where it intersects with State Highway 1; then
- (d) proceeding in a generally southerly direction along State Highway 1 to the intersection with Omahuta Road; then
- (e) proceeding in a generally south-easterly direction to latitude -35.2570, longitude 173.6405; then
- (f) proceeding in a generally north-easterly direction to latitude -35.1450, longitude 173.7791; then
- (g) proceeding in a generally northerly direction to where it intersects State Highway 10 at latitude -35.1008, longitude 173.7827 (at Kaeo); then
- (h) proceeding in a generally north-easterly direction to latitude -35.0172, longitude 173.8385; then
- (i) proceeding in a generally north-westerly direction to the mean high water mark on the east coast of New Zealand at latitude -34.9999, longitude 173.8229; then
- (j) proceeding in a generally northerly direction along the mean high-water mark of the east coast of the North Island to the top of the North Island; then
- (k) proceeding in a generally southerly 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 3
New Part 3 of Schedule 4 inserted

cl 16



Dated at Wellington this 2nd day of November 2021.

Hon Dr Ayesha Verrall,
Associate Minister of Health.

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 2 November 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the **principal order**). This order—

- moves the Waikato part of the alert level 3 area to stage 2 of the alert level 3 step down; and
- continues the Auckland part of the alert level 3 area at stage 1 of the alert level 3 step down; and
- moves the upper Northland part of the alert level 3 area to alert level 3.

Clause 4 amends clause 4 of the principal order to add definitions relating to the upper Northland part of the alert level 3 area.

Clause 5 amends clause 18 to permit travel from the alert level 2 area that is north of the Auckland part of the alert level 3 area into the upper Northland part of the alert level 3 area for the purpose of going to work. The permission applies only if the person returns to their home or place of residence afterwards.

Clause 6 amends clause 19 to require a person to carry evidence of their permission for travel if they travel in reliance on the permission added to clause 18 by *clause 5*.

Clause 7(1) amends clause 21(1) of the principal order to account for different requirements in different parts of the alert level 3 area.

Clause 7(2) to (5) amends clause 21(25) and (27) to modify the requirements in relation to who may collect, accompany, or view a tūpāpaku or deceased person. This amendment applies to the Waikato part of the alert level 3 area and is consistent with the increased number of people allowed at a controlled gathering.

Clause 8 replaces clause 23 of the principal order, which sets out additional requirements for face coverings in the alert level 3 area. This order also replaces Schedule 2. *New clause 23* is to be read alongside *new Schedule 2*.

Clause 9 amends clause 28 of the principal order to require businesses and services to have systems and processes to ensure a contact record is kept of people who enter a public facility that is permitted to be open to customers and clients in the alert level 3 area. An example of a public facility is a library, museum, or zoo. The contact record rule does not apply to workers of the public facility.

Clause 10 amends clause 29 of the principal order to account for different parts of the alert level 3 area.

Clause 11 amends clause 32 of the principal order to expand controlled gatherings in the Waikato part of the alert level 3 area to 25 people, excluding workers.

Clause 12 amends clause 32A of the principal order to expand limited outdoor gatherings in the Waikato part of the alert level 3 area to 25 people.

Clause 13 inserts *new Parts 3A and 3B*, which apply as follows:

- *new Part 3A* continues the current requirements (stage 1 of the alert level 3 step down) in relation to who can collect, accompany, or view a tūpāpaku or deceased person in the Auckland part of the alert level 3 area. *New Part 3A* also caps at 10 (excluding workers) the number of people who can attend controlled gatherings and limited outdoor gatherings. This is because the Auckland part of the alert level 3 area remains at stage 1 of the alert level 3 step down:
- *new Part 3B* sets out modifications to the alert level 3 requirements in Part 3 of the principal order (which now reflect stage 2 of the alert level 3 step down). The modifications apply the original alert level 3 requirements to the upper Northland part of the alert level 3 area.

Clause 14 replaces Schedule 2 of the principal order. It inserts a separate column for face covering requirements. The contact record rule requirements are moved to the additional conditions for the businesses and services to which they apply.

New Schedule 2 is divided into 3 parts, as follows:

- *Part 1* continues the current requirements for businesses and services in the Auckland part of the alert level 3 area:
- *Part 2* sets out requirements for businesses and services in the Waikato part of the alert level 3 area. *Items 1 to 5 and 18 to 23* are the same as those relating to the Auckland part of the alert level 3 area. The differences between the 2 parts are found in the category B businesses and services (*items 6 to 17C*) and *item 24*. Those modifications and additions enable the Waikato part of the alert level 3 area to move to stage 2 of the alert level 3 step down:
- *Part 3* sets out requirements for businesses and services in the upper Northland part of the alert level 3 area. These are mostly the same as the requirements in *Part 1*. The only difference is that the physical distancing rule in clause 22 of the principal order applies equally to all education entities in the upper Northland part of the alert level 3 area, because the exceptions in clause 22A of the principal order do not apply (*see new clause 32F*).

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*: 2 November 2021.

Notes

1 *General*

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