

**Version
as at 2 December 2021**



**COVID-19 Public Health Response (Alert Level
Requirements) Order (No 12) Amendment Order (No 13)
2021**

(SL 2021/361)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 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 21 amended (Permissions for essential personal movement within each part of alert level 3 area)	2
5 Part 3A revoked	2
6 Part 1 of Schedule 2 replaced	2
7 Schedule 3 amended	2
Schedule	3

Part 1 of Schedule 2 replaced

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.

Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 13) 2021.

2 Commencement

This order comes into force at 11.59 pm on 9 November 2021.

3 Principal order

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

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

In clause 21(1)(c)(iii), replace “item 24 of Part 1 or 2 of Schedule 2” with “item 24 of Part 1, 2, or 3 of Schedule 2”.

5 Part 3A revoked

Revoke Part 3A.

6 Part 1 of Schedule 2 replaced

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

7 Schedule 3 amended

In Schedule 3, before Part 1, definition of **Alert level 3 area**, replace “Part 1 and Part 2” with “Parts 1, 2, and 3”.

Schedule Part 1 of Schedule 2 replaced

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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))
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

**COVID-19 Public Health Response (Alert Level
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13) 2021**

Schedule

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)
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 Retail businesses (for example, supermarkets, dairies, retail butchers, fishmongers, greengrocers, bakeries, marketplaces, takeaway food stores, petrol 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)	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	[blank]				
8	[blank]				
9	[blank]				
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

		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
12	Food banks	✓	✓		
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: • 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
16	Accommodation services	✓			
17	Public areas of New Zealand Post Limited, including customer service counters	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
17A	Car parking buildings	✓	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises

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17B	Public facilities (for example, libraries, museums, and zoos) (not including swimming pools or recreation centres)	✓	✓	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
17C	Local authorities and central government agencies In this item, local authority has the same meaning as in section 5(1) of the Local Government Act 2002	✓		
18	Education entities Education entities (except early childhood services and registered schools described in items 18A and 18B)	✓	✓	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 2.5 of the Education and Training Act 2020

		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)
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
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	✓	

**COVID-19 Public Health Response (Alert Level
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20	Public transport services provided by means of air transport or small passenger service vehicles	✓	See clauses 12 and 13	
21	Health Health services (other than pharmacies)	✓	See clause 23(6)	Contact record rule applies in relation to persons other than workers of the business or service
21A	Drug and alcohol testing services Drug and alcohol testing services necessary for work purposes	✓		
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—	✓	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

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))
• gas: • electricity: • water: • 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):	Additional conditions (clauses 28, 29, 30) 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 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

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	- gardening and landscaping services: - services for deceased persons and tūpākū: - legal services to execute documents				
	Venues				
22	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	✓			
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

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) 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
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Dated at Wellington this 9th day of November 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 9 November 2021, amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021.

Clause 4 makes a minor technical amendment to fix a cross-referencing error.

Clause 5 revokes Part 3A, which sets out permissions for essential personal movement in the Auckland part of the alert level 3 area. The permissions applied at stage 1 of the alert level 3 step down, but do not apply at stage 2.

Clause 6 replaces Part 1 of Schedule 2, which sets out the face covering and alert level 3 requirements that apply in Auckland. The requirements set out in the replacement part are those that apply at stage 2 of the alert level 3 step down.

Clause 7 makes a minor technical amendment to fix a cross-referencing error.

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*: 9 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 13) 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