

**Version  
as at 2 December 2021**



**COVID-19 Public Health Response (Alert Level  
Requirements) Order (No 12) Amendment Order (No 14)  
2021**

(SL 2021/364)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 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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## Schedule

### Item 16 replaced in Schedule 2

## Order

### 1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 2021.

### 2 Commencement

- (1) Part 3 comes into force on 17 November 2021.
- (2) The rest of this order comes into force at 11.59 pm on 11 November 2021.

### 3 Principal order

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

## **Part 1**

### **Upper Northland returned to alert level 2**

#### **4 Clause 4 amended (Interpretation)**

- (1) In clause 4(1), definition of **part of the alert level 3 area**, revoke paragraph (d).
- (2) In clause 4(1), revoke the definition of **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))**

- (1) Revoke the heading above clause 18(2AA).
- (2) Revoke clause 18(2AA).

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

Revoke clause 19(1)(f).

#### **7 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, 2, or 3 of Schedule 2” with “item 24 of Part 1 or 2 of Schedule 2”.

#### **8 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 “Part 1, 2, or 3 of Schedule 2” with “Part 1 or 2 of Schedule 2”.

#### **9 Part 3B revoked**

Revoke Part 3B.

#### **10 Part 3 of Schedule 2 revoked**

Revoke Part 3 of Schedule 2.

#### **11 Schedule 3 amended**

- (1) In Schedule 3, before Part 1, definition of **Alert level 3 area**, replace “Parts 1, 2, and 3 of this Schedule” with “Parts 1 and 2 of this schedule”.
- (2) Revoke Part 3 of Schedule 3.

#### **12 Part 3 of Schedule 4 revoked**

Revoke Part 3 of Schedule 4.

## Part 2

### Alert level 3 area face covering exemption and miscellaneous amendments

**13 Clause 39 amended (Additional face covering requirements for individuals in alert level 2 area)**

- (1) After clause 39(8), insert:
- (8A) However, subclause (8) does not apply to a worker who is—
- (i) an entertainer performing at those premises; and
  - (ii) complying with the 2-metre physical distancing rule.
- (2) In section 39(10), replace “subclauses (2) to (9)” with “subclauses (2) to (8) and (9)”.

**14 Clause 53 amended (Other exemptions from this order)**

Replace clause 53(ma) with:

- (ma) to lifesaving, maritime assistance, search, and rescue services (including training, patrolling, and other work needed to ensure preparedness for those services) provided by any of the following:
- (i) the Royal New Zealand Coastguard;
  - (ii) Surf Life Saving New Zealand;
  - (iii) Land Search and Rescue;
  - (iv) Amateur Radio Emergency Communications;

**15 Schedule 5 amended**

In Schedule 5, item 1.34, after the item relating to New Zealand Steel, insert:

- the Transport Accident Investigation Commission

## Part 3

### Schools in alert level 3 area

**16 Clause 22A amended (Exceptions for individuals at certain education entities in alert level 3 area)**

Replace clause 22A(1AAA)(b) with:

- (b) a registered school.

**17 Clause 23 amended (Additional face covering requirements for individuals in alert level 3 area)**

- (1) Revoke clause 23(4).
- (2) After clause 23(5), insert:

*Persons indoors in registered schools*

- (5A) A person must wear a face covering while indoors in a registered school in the alert level 3 area if the person is—
- (a) a staff member working to provide, or support the provision of, education to students in years 4 to 13 who are not in a specified composite class; or
  - (b) a student in years 4 to 13 who is not in a specified composite class.
- (5B) For the purposes of subclause (5A), **specified composite class** means a class in which more than half of the students are in years 1 to 3.

**18 Clause 24 amended (Exemptions from additional face covering requirements)**

- (1) In the heading to clause 24, after “**requirements**”, insert “**in this Part**”.
- (2) In clause 24(f), after “years”, insert “(and the person is not required to wear a mask by clause 23(5A)(b))”.

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

In clause 30(2), delete “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”.

**20 Schedule 2 amended**

- (1) In Schedule 2, replace item 16 with the item 16 set out in the Schedule of this order.
- (2) In Schedule 2, revoke item 18.
- (3) In Schedule 2, Part 2, replace item 18 with the item 18 set out in the Schedule of this order.
- (4) In Schedule 2, Part 2, revoke item 18B.

**21 Schedule 5 amended**

- (1) In Schedule 5, replace item 1.25A with:

1.25A Registered schools

- (2) In Schedule 5, replace the heading above item 6A and item 6A with:

*Students attending registered schools*

6A If the person is a student at a registered school, attend that registered school

## Schedule

### Item 16 replaced in Schedule 2

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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)
16	<b>Education entities</b> Education entities (except early childhood services described in item 17)	✓	Exempt—see clauses 22A and 30(2)	Must have systems and processes in place to manage numbers of students on site (including by allowing for part-time physical attendance)

Dated at Wellington this 11th 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 amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021.

The amendments in *Part 3* (to do with schools being reopened in alert level 3 areas) come into force on 17 November 2021. The other amendments come into force at 11.59 pm on 11 November 2021.

*Part 1* has the effect of returning the upper Northland area to alert level 2 from 11.59 pm on 11 November 2021.

The amendments in *Part 2* are as follows:

- *clause 13* allows performers, while they are working as such, to remove any face covering that would otherwise be required because they are working in a food or drink business or service:
- *clause 14* adds to the list of people exempted from the order. Land Search and Rescue and Amateur Radio Emergency Communications staff are now exempted while providing lifesaving, maritime assistance, search, and rescue services:
- *clause 15* allows travel between alert level areas for people working for the Transport Accident Investigation Commission for the purposes of carrying out the Commission's essential work.

The amendments in *Part 3* provide for all primary and secondary school students to physically return to classrooms in alert level 3 areas. Mask wearing will be required for students in years 4 to 8, except when they are in a class with predominantly younger classmates. Schools must have systems and processes in place to manage numbers (*clause 20*).

### *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.

## Notes

### **1     *General***

This is a consolidation of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 14) 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