

Reprint  
as at 18 November 2020



## COVID-19 Public Health Response (Alert Level Requirements) Order 2020

(LI 2020/231)

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

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#### Note

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

**This order is administered by the Ministry of Health.**

**Part 3**  
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COVID-19**

*[Revoked]*

Subpart 1—Contact tracing records in workplaces

*[Revoked]*

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**Order**

**1 Title**

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order 2020.

**2 Commencement**

- (1) This order comes into force at 11.59 pm on 30 August 2020 (except as provided in subclause (2)).
- (2) Clause 9 comes into force at 11.59 pm on 3 September 2020.

**Part 1**  
**Preliminary provisions**

**3 Purpose**

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19, and to otherwise support the purposes of the Act.

Compare: LI 2020/222 cl 3

**4 Interpretation**

In this order, unless the context otherwise requires,—

**Act** means the COVID-19 Public Health Response Act 2020

**businesses and services** includes—

- (a) voluntary and not-for-profit services; and
- (b) both public sector and private sector businesses and services; and

- (c) businesses and services that provide space for other businesses and services to operate within (for example, shopping malls and marketplaces); and
- (d) businesses and services that provide facilities or venues for events or activities if people pay to attend the event or participate in the activities or pay to hire the facility or venue; and
- (e) the playing of sports professionally or semi-professionally

**face covering** means a covering of any type that covers the nose and mouth of a person

**health service** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**managers of a private school** has the same meaning as in section 10(1) of the Education and Training Act 2020

**person in control**,—

- (a) in relation to premises (other than a vehicle in use as part of a public transport service),—
  - (i) means a person who manages or controls the premises; and
  - (ii) includes—
    - (A) any occupier of the premises; and
    - (B) if a facility or venue of a business or service is hired for an event or activity, that business or service; and
- (b) in relation to a public transport service,—
  - (i) means a person who carries on the business of operating the public transport service; but
  - (ii) excludes a person who drives or operates a vehicle in use as part of that service (unless the driver or operator is also a person described in subparagraph (i))

**premises** has the same meaning as in section 2(1) of the Health Act 1956 (which includes any commercial premises, private premises, vehicle, ship, or aircraft)

**public transport service** has the same meaning as in paragraph (a) of the definition of public transport service in section 5(1) of the Land Transport Management Act 2003, but—

- (a) includes air transport that is available to the public generally; and
- (b) excludes a service that is not available to the public generally, and is operated for the sole or primary purpose of transporting to or from a pre-determined event all the passengers carried by the service

**QR code** means a unique identifying code issued by the New Zealand Government for the purpose of enabling contact tracing

**school board** has the same meaning as in section 7(1)(d) of the Crown Entities Act 2004

**small passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998

**vehicle** includes a vessel, train, tram, ship, or aircraft

**worker** means, in relation to a business or service, any person who carries out work in any capacity for that business or service (whether paid or unpaid)

**workplace**—

- (a) means premises where work is being carried out, or is customarily carried out, for a business or service; and
- (b) includes premises where a worker goes, or is likely to be, while at work.

Clause 4: replaced, at 11.59 pm on 7 October 2020, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

Clause 4 **face covering**: inserted, at 11.59 pm on 18 November 2020, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020 (LI 2020/283).

Clause 4 **small passenger service vehicle**: inserted, at 11.59 pm on 18 November 2020, by clause 4 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020 (LI 2020/283).

## 5 How requirements apply to businesses and services

- (1) A reference in this order to a requirement applying to a business or service applies that requirement to the person who carries on that business or service.
- (2) A requirement for a particular activity applies to a business or service to the extent that the activity is carried out.
- (3) If more than 1 business or service operates in the same, or shared, premises (for example, a shopping mall, a marketplace, or a cafe that operates in an office building), each of those businesses and services must comply with all of the requirements in this order to the extent that they apply to that business or service or its activities.

Compare: LI 2020/222 cl 5

## 6 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Compare: LI 2020/222 cl 6

## 7 Application

This order applies to the whole of New Zealand.

Clause 7: replaced, at 11.59 pm on 7 October 2020, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

## Part 2

### Requirements at all alert levels to prevent outbreak or spread of COVID-19

#### **8 Display of QR codes in workplaces**

- (1) A person in control of a workplace must ensure that a copy of a QR code for the workplace is displayed in a prominent place at or near the main entrance of the workplace.
- (2) However, subclause (1) does not apply if the workplace is a vehicle.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

Compare: LI 2020/222 cl 10

#### **9 Display of QR codes on public transport services**

- (1) A person in control of a public transport service must ensure that a copy of a QR code is displayed in a prominent place on or inside any vehicle that is in use as part of that service.
- (2) However, subclause (1) does not apply in relation to a public transport service if all persons using the service are required to supply their contact details in order to use the service.
- (3) In subclause (2), **contact details** means—
  - (a) the name of the person; and
  - (b) a telephone number that may be used to easily contact the person.
- (4) A breach of subclause (1), without reasonable excuse, is an infringement offence for the purposes of section 26(3) of the Act.

#### **9A Face covering requirements on public transport services travelling on Auckland routes**

- (1) This clause applies in respect of the entire Auckland route taken by a vehicle that is used as part of a public transport service.
- (2) Every person must wear a face covering while—
  - (a) driving or operating the vehicle on that route; or
  - (b) using the vehicle on that route (unless it is a small passenger service vehicle).
- (3) However, this clause does not apply—
  - (a) in the circumstances set out in clause 9C; or
  - (b) to air transport that is available to the public generally.
- (4) In this clause,—

**Auckland area** means the area within the boundaries of Auckland as determined by the Local Government (Auckland Boundaries) Determination 2010

**Auckland route** means a route that involves a vehicle travelling—

- (a) within the Auckland area; or
- (b) from a place in the Auckland area to a place in any non-Auckland area; or
- (c) between places in 2 non-Auckland areas, if the vehicle passes through the Auckland area; or
- (d) from a place in a non-Auckland area to a place in the Auckland area

**non-Auckland area** means an area of New Zealand other than the Auckland area.

- (5) A breach of subclause (2), without reasonable excuse, is an infringement offence for the purposes of section 26(3) of the Act.

Clause 9A: inserted, at 11.59 pm on 18 November 2020, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020 (LI 2020/283).

#### **9A Face covering requirements on public transport services travelling certain routes**

*[Revoked]*

Clause 9A: revoked, at 11.59 pm on 7 October 2020, by clause 6 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

#### **9B Face covering requirements on domestic air transport service**

- (1) Every person must wear a face covering while using a domestic air transport service.
- (2) However, this clause does not apply in the circumstances set out in clause 9C.
- (3) In this clause, **domestic air transport service** means a public transport service that is transporting persons by air transport between places that are both in New Zealand.
- (4) A breach of subclause (1), without reasonable excuse, is an infringement offence for the purposes of section 26(3) of the Act.

Clause 9B: inserted, at 11.59 pm on 18 November 2020, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020 (LI 2020/283).

#### **9C Exemptions from face covering requirements**

Clauses 9A(2) and 9B(1) do not apply if—

- (a) there is an emergency; or
- (b) wearing a face covering is not safe in all of the circumstances; or
- (c) the person is driving or operating the vehicle from an enclosed space that is separate from the passenger area; or

- (d) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (e) the person is asked to remove the face covering to ascertain identity; or
- (f) removal of, or not wearing, the face covering is otherwise required or authorised by law; or
- (g) the person is under the age of 12 years; or
- (h) the person has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
- (i) the person needs to remove the face covering to take medicine; or
- (j) the person needs to remove the face covering to eat or drink (if eating or drinking is permitted by the conditions of carriage on the relevant service).

Clause 9C: inserted, at 11.59 pm on 18 November 2020, by clause 5 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020 (LI 2020/283).

### **Part 3**

#### **Alert level 2 requirements to prevent outbreak or spread of COVID-19**

*[Revoked]*

Part 3: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

#### **Subpart 1—Contact tracing records in workplaces**

*[Revoked]*

Subpart 1: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

#### **10 Contact tracing records in workplaces**

*[Revoked]*

Clause 10: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

#### **Subpart 2—Physical distancing requirements in workplaces**

*[Revoked]*

Subpart 2: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

#### **11 Meaning of 1-metre and 2-metre physical distancing rules**

*[Revoked]*

Clause 11: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).



**12 Application of requirements in clauses 13 to 20**

*[Revoked]*

Clause 12: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**13 Workplaces to have systems and processes in place for physical distancing requirements**

*[Revoked]*

Clause 13: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**14 Individuals must comply with physical distancing requirements for workplaces**

*[Revoked]*

Clause 14: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**15 Physical distancing requirements for category A businesses and services**

*[Revoked]*

Clause 15: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**16 Physical distancing requirements for education entities**

*[Revoked]*

Clause 16: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**17 Physical distancing requirements for public transport services**

*[Revoked]*

Clause 17: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**18 Physical distancing requirements for controlled-access businesses and services**

*[Revoked]*

Clause 18: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**19 Physical distancing requirements for food and drink businesses and services**

*[Revoked]*

Clause 19: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**20 Physical distancing requirements for close-proximity businesses and services**

*[Revoked]*

Clause 20: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**Subpart 3—Social gatherings**

*[Revoked]*

Subpart 3: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**21 Number limit for social gathering**

*[Revoked]*

Clause 21: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**22 Number limits for social gathering in other areas**

*[Revoked]*

Clause 22: revoked, at 11.59 pm on 21 September 2020, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order 2020 (LI 2020/253).

**23 Workers excluded from number**

*[Revoked]*

Clause 23: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**24 Individuals must comply with requirements for social gatherings**

*[Revoked]*

Clause 24: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**25 Organisers and persons in control of premises must comply with requirements for social gatherings**

*[Revoked]*

Clause 25: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

**26 Record-keeping requirements to enable contact tracing**

*[Revoked]*

Clause 26: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

## Subpart 4—Face coverings on public transport services

*[Revoked]*

Subpart 4: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

### **27 Face covering requirements on public transport services**

*[Revoked]*

Clause 27: revoked, at 11.59 pm on 7 October 2020, by clause 7 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275).

## **Part 4**

### **Exemptions and authorisations**

#### **28 Exemption for emergencies**

Nothing in this order prevents any person from assisting in, or responding to, an emergency.

Compare: LI 2020/222 cl 32

#### **29 Other exemptions from this order**

- (1) Nothing in this order applies—
- (a) to border services provided by Immigration New Zealand, the New Zealand Customs Service, Maritime New Zealand, or the Ministry for Primary Industries:
  - (b) to the provision of health services:
  - (c) to people using a service for the carriage of passengers for hire or reward that is contracted or funded by the Ministry of Education, local authorities, school boards, managers of a private school, or Auckland Transport for the sole or primary purpose of transporting children to and from school:
  - (d) to residential centres (including care and protection and youth justice residences), family homes, and group homes (including family group homes and community-based remand centres) that are approved or recognised for the time being by the chief executive of Oranga Tamariki as a place of care or treatment for the purposes of the Oranga Tamariki Act 1989:
  - (e) within a corrections prison as defined in section 3(1) of the Corrections Act 2004 or any premises managed by or on behalf of the Department of Corrections:
  - (f) to custodial or detention services managed by the New Zealand Police, the Department of Corrections, or the Ministry of Justice, or within a courthouse:

- (g) to the administration of sentences and orders by the Department of Corrections or on its behalf:
- (h) to people being transported for the purposes of the Department of Corrections and New Zealand Police fulfilling their purposes and performing their functions and duties:
- (i) to the New Zealand Parole Board:
- (j) to the New Zealand Security Intelligence Service:
- (k) to the Government Communications Security Bureau:
- (l) to the New Zealand Defence Force:
- (m) to the New Zealand Police:
- (n) to Fire and Emergency New Zealand:
- (o) to civil defence emergency management services provided by the National Emergency Management Agency and Civil Defence Emergency Management Groups:
- (p) to workers carrying out any business or service referred to in any of paragraphs (a) to (o):
- (q) to people while they are required to be in isolation or quarantine in accordance with either of the following:
  - (i) the Isolation and Quarantine Order:
  - (ii) the Maritime Border Order:
- (r) to people who are enforcement officers carrying out their functions and powers under the Act.

(2) In this clause,—

**Isolation and Quarantine Order** means the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

**Maritime Border Order** means the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

Compare: LI 2020/222 cl 33

Clause 29(1)(q): replaced, at 11.59 pm on 6 September 2020, by clause 17(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (LI 2020/239).

Clause 29(2): inserted, at 11.59 pm on 6 September 2020, by clause 17(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (LI 2020/239).

### 30 Power for Director-General to grant exemptions from this order

- (1) The Director-General may exempt any class of persons, businesses, services, or goods (or person, business, or service) from the application of any provision of this order or from the requirement to comply with any provision of this order if the Director-General is satisfied that—
  - (a) the exemption is necessary or desirable in order to promote the purposes of the Act or the purposes of this order; and

- (b) the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the exemption.
- (2) The Director-General may impose conditions on the exemption as the Director-General considers necessary.
- (3) An exemption for any specified person, business, service, or goods must be notified in writing to—
  - (a) the applicant; and
  - (b) in the case of an exemption for any specified person, business, or service, the exempt person or business.
- (4) An exemption for any class of persons, businesses, services, or goods must—
  - (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
  - (b) be notified in the *Gazette*.

Compare: LI 2020/222 cl 34

### **31 Authorisations for funerals and tangihanga**

*[Revoked]*

Clause 31: revoked, at 11.59 pm on 23 September 2020, by clause 9 of the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 2) 2020 (LI 2020/257).

## **Part 5 Revocation**

### **32 Revocation of COVID-19 Public Health Response (Alert Levels 3 and 2) Order (No 2) 2020**

The COVID-19 Public Health Response (Alert Levels 3 and 2) Order (No 2) 2020 (LI 2020/222) is revoked.

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**Schedule 1**  
**Transitional, savings, and related provisions**

cl 6

**Part 1**  
**Provisions relating to this order as made**

**1 Interpretation**

In this Part, **commencement** means the date on which this order commences.

**2 Existing exemptions**

An exemption granted by the Director-General under clause 34 of the COVID-19 Public Health Response (Alert Levels 3 and 2) Order (No 2) 2020 that is in force immediately before commencement continues in force on and after commencement as if it had been made under clause 30 of this order, and is subject to the same conditions (if any) as applied before commencement.

Dated at Wellington this 28th day of August 2020.

Hon Chris Hipkins,  
Minister of Health.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 28 August 2020.

## Reprints notes

### **1**    *General*

This is a reprint of the COVID-19 Public Health Response (Alert Level Requirements) Order 2020 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2**    *Legal status*

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

### **3**    *Editorial and format changes*

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

### **4**    *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020 (LI 2020/283)

COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020 (LI 2020/275)

COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 2) 2020 (LI 2020/257)

COVID-19 Public Health Response (Alert Level Requirements) Amendment Order 2020 (LI 2020/253)

COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (LI 2020/239): clause 17