



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

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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Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 3) 2020.

2 Commencement

This order comes into force at 11.59 pm on 7 October 2020.

3 Principal order

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

4 Clause 4 replaced (Interpretation)

Replace clause 4 with:

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

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

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.

5 Clause 7 replaced (Application)

Replace clause 7 with:

7 Application

This order applies to the whole of New Zealand.

6 Clause 9A revoked (Face covering requirements on public transport services travelling certain routes)

Revoke clause 9A.

7 Part 3 revoked

Revoke Part 3.

Dated at Wellington this 5th day of October 2020.

Hon Chris Hipkins,
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 7 October 2020, amends the COVID-19 Public Health Response (Alert Level Requirements) Order 2020 (the **principal order**).

The principal order is amended so that the alert level 2 requirements set out in Part 3 of that order cease to apply to the Auckland area. As a result, the requirements in Part 2 relating to the display of QR codes in workplaces and on public transport will be the only remaining alert level requirements. They will apply to all of New Zealand.

This order must be approved by a resolution of the House of Representatives before the expiry of the period described in section 16(2) of the Act. If this does not happen, the order is revoked on the expiry of that period.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 5 October 2020.

This order is administered by the Ministry of Health.