



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

This order is made by the Minister for COVID-19 Response—

- (a) under section 11 of the COVID-19 Public Health Response Act 2020 and section 7 of the Constitution Act 1986; and
- (b) in accordance with section 9 of the COVID-19 Public Health Response Act 2020.

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Order

1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Amendment Order (No 4) 2020.

2 Commencement

This order comes into force at 11.59 pm on 18 November 2020.

3 Principal order

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

4 Clause 4 amended (Interpretation)

In clause 4, insert in their appropriate alphabetical order:

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

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

5 New clauses 9A to 9C inserted

After clause 9, insert:

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.

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.

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).

Dated at Wellington this 16th day of November 2020.

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

The principal order is amended by adding a requirement that face coverings be worn on public transport services in the Auckland area (other than by passengers in a small passenger service vehicle). The requirement extends to public transport services coming into, out of, or through the Auckland area (for the entire route).

The principal order is also amended by adding a requirement that face coverings be worn on aircraft available to the public generally on domestic routes within New Zealand. This requirement is not intended to apply on private or charter flights.

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 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 2012.
Date of notification in *Gazette*: 16 November 2020.
This order is administered by the Ministry of Health.