



COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021

This order is made by the Minister for COVID-19 Response under section 11 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
Part 1		
Preliminary provisions		
3	Purpose	3
4	Interpretation	3
5	How requirements apply to businesses and services	8
6	Transitional, savings, and related provisions	8
7	Application	8
Part 2		
Alert level requirements to prevent outbreak or spread of COVID-19 that apply at all alert levels		
<i>QR codes</i>		
8	Display of QR codes in workplaces	9
9	Display of QR codes on public transport services	9
<i>Contact tracing records in workplaces</i>		
10	Contact tracing records in workplaces	10
<i>Face covering requirements on public transport services</i>		
11	Face covering requirements on public transport services	10
12	Face covering requirements on domestic air transport services	11
13	Exemptions from face covering requirements	11
<i>Physical distancing requirements</i>		
14	Meaning of 1-metre and 2-metre physical distancing rules	11

Part 3**Additional alert level 4 requirements to prevent outbreak or
spread of COVID-19***Stay-at-home requirements*

15	Stay-at-home requirements	12
16	Permissions for essential personal movement within alert level 4 area	12

Physical distancing requirements for individuals

17	Physical distancing requirements for all individuals in alert level 4 area	15
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Workplace requirements

18	Closure of premises in alert level 4 area	16
19	Workplaces to have systems and processes in place for physical distancing requirements	17
20	Adjusted alert level 4 requirements for businesses and services	17

Prohibition on gatherings in outdoor places

21	Prohibition on gathering in outdoor places	18
----	--	----

Part 4**Miscellaneous**

22	Exemption for emergencies	18
23	Other exemptions from this order	18
24	Power for Director-General to grant exemptions from this order	19

Revocation

25	Revocation	20
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Schedule 1**Transitional, savings, and related provisions****Schedule 2****Alert level 4 businesses or services**

20

22

Order**1 Title**

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021.

2 Commencement

This order comes into force at 11.59 pm on 17 August 2021.

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.

4 Interpretation

(1) In this order, unless the context otherwise requires,—

1-metre physical distancing rule means the rule described in clause 14(1)

2-metre physical distancing rule means the rule described in clause 14(2)

accommodation service—

(a) means accommodation provided by a business or service in which multiple groups of 1 or more residents share facilities (such as a kitchen, bathroom, or laundry) or common areas (such as a lounge or recreation space), for example,—

(i) a hotel:

(ii) tertiary student accommodation:

(iii) a boarding house:

(iv) a backpacker hostel:

(v) seasonal worker accommodation; but

(b) excludes a school hostel

accommodation service bubble arrangement means an arrangement—

(a) between not more than 10 residents of the same accommodation service; and

(b) in which the residents who are aged 18 years or over have agreed—

(i) to comply with this order as if they were 1 home or place of residence for the length of their stay at the accommodation service; and

(ii) to not be part of any other arrangement of the kind described in paragraphs (a) and (b)(i)

Act means the COVID-19 Public Health Response Act 2020

alert level 4 area means the whole of New Zealand

alert level 4 business or service means a business or service listed in Schedule 2

alert level 4 requirement means a requirement or condition referred to in clause 19 or 20

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 an event or participate in an activity or pay to hire a facility or venue; and
- (e) the playing of sports professionally or semi-professionally

category A social service means a service of the kinds described in item 20 of Schedule 2

contact details, in relation to a person, means—

- (a) the name of the person; and
- (b) a telephone number that may be used to easily contact the person

contact tracing record means a record of a person entering a workplace or attending a gathering that contains—

- (a) the name of the person; and
- (b) the date on which and time at which the person entered the workplace or attended the gathering; and
- (c) a telephone number that may be used to easily contact the person

customers and clients—

- (a) includes any non-paying customer or client; but
- (b) in relation to an education entity, excludes students attending the education entity

defined space—

- (a) means any single indoor space or outdoor space (*see* subclause (2)); and
- (b) if there is more than 1 space in any premises, means a space described in paragraph (a) for which there are systems and processes in operation that ensure, so far as is reasonably practicable, that persons using the space (other than workers) do not intermingle at a distance closer than 2 metres with other persons using, entering, or leaving the premises

education entity has the same meaning as in section 10(8) of the Education and Training Act 2020

exempt business or service means a business or service that is exempt from this order under clause 23

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

fellow resident, in relation to any person (**person A**),—

- (a) means—
 - (i) a person who resides at the same home or place of residence (other than an accommodation service) as person A; or
 - (ii) a person who resides at another home or place of residence in relation to which person A has a shared bubble arrangement; or
 - (iii) a person who resides at another home or place of residence if person A has a shared caregiving arrangement or shared custody arrangement with, or in respect of, that other person; or
 - (iv) if person A is residing at an accommodation service,—
 - (A) a person who is in the same accommodation service bubble arrangement as person A; or
 - (B) a person who resides at the accommodation service with person A and with whom person A has the same principal home or place of residence; or
 - (C) a person under the age of 18 years who resides with person A at the accommodation service and for whom person A is providing a category A social service; but
- (b) excludes another person who resides at a school hostel with person A

gathering—

- (a) means people who are intermingling in a group; but
- (b) excludes people who remain at least 2 metres away from each other so far as is reasonably practicable

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

high-risk person means a person who—

- (a) has been diagnosed as having COVID-19; or
- (b) has COVID-19 symptoms; or
- (c) is being or has been tested for COVID-19 and is awaiting a test result; or
- (d) has been in close contact with someone with suspected, probable, or confirmed COVID-19 in the previous 14 days

home or place of residence—

- (a) includes a campervan, caravan, or other vehicle or temporary structure (for example, a tent) that is a place of residence; and
- (b) in the case of a building (other than an accommodation service or a school hostel), includes the land that is part of the property on which the building is situated (other than any common areas); and

- (c) includes any prison, hospital, or other facility or place in which a person is detained or compulsorily placed under any enactment; and
- (d) in the case of a block of flats or other building (other than an accommodation service) that has more than 1 home or place of residence, excludes the other homes or places of residence; and
- (e) in the case of an accommodation service or a school hostel, includes all of the homes or places of residence, shared facilities (such as a kitchen, bathroom, or laundry), common areas (such as a lounge or recreation space), and land that is part of the property on which the building is situated

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

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

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

person in control,—

- (a) in relation to a defined space or premises (other than a vehicle in use as part of a public transport service),—
 - (i) means a person who manages or controls the defined space or premises; and
 - (ii) includes—
 - (A) any occupier of the defined space or 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 includes any commercial premises, private premises, or vehicle

public transport service—

- (a) means a service for the carriage of passengers for hire or reward that is available to the public generally; but
- (b) excludes a service for the carriage of passengers for hire or reward that is hired for the purposes of—
 - (i) a business or service; or
 - (ii) a social gathering; and

- (c) always includes a service of the kind described in paragraph (a) that is provided by means of a small passenger service vehicle

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

rail vehicle has the same meaning as in section 4(1) of the Railways Act 2005

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

school hostel has the same meaning as hostel in section 10(1) of the Education and Training Act 2020

school transport service means 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

shared bubble arrangement means an agreement by all of the residents (other than a person under the age of 18 years) of no more than 2 homes or places of residence within the same or adjacent territorial authority district to quarantine in accordance with this order as if they were 1 home or place of residence

shared caregiver, in relation to a child, means a person who, under an agreement, or a parenting order or an interim parenting order made under the Care of Children Act 2004, has the role of providing the day-to-day care of the child

ship has the same meaning as in section 2(1) of the Maritime Transport Act 1994

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

social gathering—

- (a) means people who are intermingling in a group; but
- (b) excludes—
- (i) people who remain at least 2 metres away from each other so far as is reasonably practicable; or
 - (ii) an activity undertaken at a business or service in compliance with the alert level 4 requirements

territorial authority district has the same meaning as in section 5 of the Local Government Act 2002

transport station has the same meaning as in section 591(6) of the Local Government Act 1974

vehicle includes a vessel, rail vehicle, ship, or aircraft

vulnerable person means a person who is at significant risk of serious illness if the person contracts COVID-19

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.
- (2) For the purpose of the definition of defined space in subclause (1),—
- (a) an indoor space or outdoor space is a **single space** if there are walls (whether permanent or temporary) that substantially divide that space from other spaces:
 - (b) an outdoor space is also a **single space** if there is at least 2 metres that separates all people in that space from other people who are outside that space.

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 that applies in relation to a particular activity is a requirement that applies to a business or service to the extent that the activity is carried out by the business or service.
- (3) If more than 1 business or service operates in the same, or a 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.

6 Transitional, savings, and related provisions

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

7 Application

This order applies to the whole of New Zealand.

Part 2

Alert level requirements to prevent outbreak or spread of COVID-19 that apply at all alert levels

QR codes

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)—
 - (a) does not apply if the workplace is a vehicle; and
 - (b) applies to the workplace of a business or service that is in a dwelling house only if—
 - (i) customers or clients of the business or service customarily enter the dwelling house; or
 - (ii) workers of the business or service customarily enter the dwelling house (and those workers are not residents of the dwelling house or providing a category A social service).
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

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 (1), **public transport service** excludes a school transport service.
- (4) 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.
- (5) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

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

- (1) In addition to the requirement in clause 8(1), a person in control of a workplace must have other record-keeping systems and processes in place to enable a contact tracing record to be kept of,—
 - (a) in the case of a specified workplace, all workers of that workplace entering the workplace;
 - (b) in the case of any other workplace, all persons entering that workplace.
- (2) Subclause (1) does not apply if the workplace is excluded from the application of clause 8(1).
- (3) For the purposes of subclause (1)(a), **specified workplace** means—
 - (a) a transport station; or
 - (b) a supermarket; or
 - (c) a petrol station, including any business operating out of the petrol station.
- (4) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.
- (5) In relation to how the contact tracing record under subclause (1) is collected, kept, and used, *see* the requirements in the Privacy Act 2020 that apply to persons collecting personal information.
- (6) *See also* additional requirements for contact tracing in Schedule 2.

*Face covering requirements on public transport services***11 Face covering requirements on public transport services**

- (1) Every person must wear a face covering while on board a vehicle that is in use as part of a public transport service.
- (2) However, subclause (1) does not apply—
 - (a) to a person who is a passenger on a small passenger service vehicle; or
 - (b) to a ferry service carrying passengers between the North Island and the South Island; or
 - (c) to a ship that has no enclosed space for passengers; or
 - (d) to air transport; or
 - (e) to a school transport service; or
 - (f) in the circumstances set out in clause 13.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

12 Face covering requirements on domestic air transport services

- (1) Every person must wear a face covering while on board a vehicle that is in use as part of a domestic air transport service.
- (2) However, subclause (1) does not apply in the circumstances set out in clause 13.
- (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) is an infringement offence for the purposes of section 26(3) of the Act.

13 Exemptions from face covering requirements

Clauses 11(1) and 12(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 in a defined space or 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).

*Physical distancing requirements***14 Meaning of 1-metre and 2-metre physical distancing rules**

- (1) In this order, the **1-metre physical distancing rule**—
 - (a) requires that a person remain at least 1 metre away from any other person; but
 - (b) applies only if the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) applies to each person referred to in paragraph (a) (for example, both persons are workers); and
 - (c) does not apply to a person in relation to their fellow residents.

- (2) In this order, the **2-metre physical distancing rule**—
- (a) requires that a person remain 2 metres away from any other person; but
 - (b) does not apply to a person in relation to their fellow residents.

Part 3

Additional alert level 4 requirements to prevent outbreak or spread of COVID-19

Stay-at-home requirements

15 Stay-at-home requirements

- (1) All persons in the alert level 4 area must—
- (a) remain at their current home or place of residence, except for essential personal movement permitted under clause 16; and
 - (b) if their home or place of residence is mobile, keep that home or place of residence in the same general location, except to the extent that they would be permitted (if it were not mobile) under clause 16 to leave the home or place of residence as essential personal movement.
- (2) A breach of subclause (1)(a) or (b) is an infringement offence for the purposes of section 26(3) of the Act.

16 Permissions for essential personal movement within alert level 4 area

A person is permitted to do any of the following as **essential personal movement**:

Accessing alert level 4 businesses or services

- (a) leave their home or place of residence to access any alert level 4 business or service if—
- (i) the access is for their own needs or on behalf of a fellow resident, a vulnerable person, or a high-risk person; and
 - (ii) the alert level 4 business or service—
 - (A) is within the same territorial authority district or is the nearest alert level 4 business or service of a particular kind; and
 - (B) is operating in compliance with the alert level 4 requirements:

Accessing exempt businesses or services

- (b) leave their home or place of residence to access any exempt business or service if—
- (i) the access is for their own needs or on behalf of a fellow resident, a vulnerable person, or a high-risk person; and

- (ii) the exempt business or service is within the same territorial authority district or is the nearest exempt business or service of a particular kind:

Working

- (c) leave their home or place of residence (which travel may be between regions within the alert level 4 area) to—
 - (i) provide an alert level 4 business or service operating in compliance with the alert level 4 requirements; or
 - (ii) do necessary work at any premises under clause 18(2):
- (d) if they are a worker referred to in clause 23(p) or (q), leave their home or place of residence to go to, or return from, work (which travel may be between regions with the alert level 4 area):

Limited recreation purposes

- (e) leave their home or place of residence for exercise or other recreation if—
 - (i) it is done in an outdoor place appropriate for that kind of exercise or recreation that is readily accessible (including by using their vehicle) from their home or place of residence; and
 - (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 17) and the prohibition against gathering in outdoor places (*see* clause 21); and
 - (iii) it does not involve swimming, surfing, scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, tramping, or flying manned aircraft; and
 - (iv) it does not involve any other activities that expose the participant to danger or may require search and rescue services:

Limited customary purposes

- (f) leave their home or place of residence to exercise Māori customary rights to fishing and food gathering if—
 - (i) it is done in an outdoor place that is readily accessible (including by using their vehicle) from their home or place of residence; and
 - (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 17) and the prohibition against gathering in outdoor places (*see* clause 21); and
 - (iii) it does not involve swimming, surfing, scuba-diving, water-based activities involving boating, sailing boats, motorised craft, or motorised equipment, hunting in motorised vehicles, tramping, or flying manned aircraft; and

- (iv) it does not involve any other activities that expose the participant to danger or may require search and rescue services:

Shared bubble arrangements and shared caregiver arrangements

- (g) leave their home or place of residence to visit or stay at another home or place of residence (and then visit or stay) under a shared bubble arrangement if—
 - (i) one person lives alone in one, or both, of those residences; or
 - (ii) all persons in one of those residences are vulnerable persons:
- (h) if the person is a child, leave the home or place of residence of one shared caregiver to visit or stay at the home or place of residence of another shared caregiver if there is a shared bubble arrangement:

Care of children and others and visiting residential disability care

- (i) leave their home or place of residence to provide urgent care for a child, or to provide care or support to a person in a critical or terminal condition:

Accessing health services

- (j) leave their home or place of residence to access health services, including leaving to attend a scheduled appointment to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine:

Accessing judicial institutions

- (k) leave their home or place of residence to attend a court, tribunal, New Zealand Parole Board hearing, or other judicial institution:

Leaving or relocating home on court order, etc

- (l) either—
 - (i) leave or change the person's home or place of residence as required by a court order or by a person exercising any other power under any enactment to order a person to be detained, to change their place of detention, or otherwise determine their place of residence (for example, a direction of the New Zealand Parole Board or a probation officer); or
 - (ii) go to a home or place of residence after that detention or determination ceases:

Leaving New Zealand

- (m) if leaving New Zealand for another jurisdiction, leave their home or place of residence to go to—
 - (i) an airport or port from which the person will leave New Zealand; or
 - (ii) any managed isolation and quarantine facility immediately before leaving New Zealand:

Emergencies

- (n) leave their home or place of residence if it is necessary to preserve their own or any other person's life or safety:

Relocating home or place of residence

- (o) change their home or place of residence if necessary to use a temporary or emergency home or place of residence (for example, for care while sick or to seek refuge in women's refuge accommodation):

Going home after isolation or quarantine (or arrival)

- (p) go to the person's home or place of residence (or intended home or place of residence) following—
- (i) the completion of their period of isolation or quarantine under the Isolation and Quarantine Order or the Maritime Border Order; or
 - (ii) if the Isolation and Quarantine Order and Maritime Border Order do not apply to the person, their arrival in New Zealand:
- (q) collect a person referred to in paragraph (p) for the purpose of accompanying them to their home or place of residence (or intended home or place of residence):

Caring for pets or other animals

- (r) leave their home or place of residence if—
- (i) it is necessary to care for pets or other animals that they own or are in charge of; and
 - (ii) the location of the pets or other animals is within the same or an adjacent territorial authority district:

Assisting fellow resident

- (s) leave their home or place of residence to assist a fellow resident to carry out essential personal movement or to accompany a fellow resident carrying out essential personal movement, but only to the extent permitted for that fellow resident under this clause.

*Physical distancing requirements for individuals***17 Physical distancing requirements for all individuals in alert level 4 area**

- (1) All persons in the alert level 4 area must comply with the 2-metre physical distancing rule so far as is reasonably practicable.
- (2) Subclause (1) is subject to subclauses (3), (4), (5), and (6).
- (3) All workers of a business or service in the workplace of, or while working for, the business or service must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.

- (4) All persons who enter a workplace of, use the services of, or work for any of the following businesses or services must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable:
 - (a) veterinary services or animal health and welfare services:
 - (b) category A social service:
 - (c) courts or tribunals:
 - (d) a transport station:
 - (e) a public transport service (other than one provided by means of air transport or a small passenger service vehicle).
- (5) All persons who enter a workplace of, use the services of, or work for a public transport service provided by means of air transport or a small passenger service vehicle must maintain physical distancing so far as is reasonably practicable.
- (6) The 2-metre physical distancing rule and the 1-metre physical distancing rule do not apply to a school transport service.
- (7) A breach of subclause (1), (3), (4), or (5) is an infringement offence for the purposes of section 26(3) of the Act.

Workplace requirements

18 Closure of premises in alert level 4 area

- (1) A person in control of premises in the alert level 4 area must close those premises unless—
 - (a) the person is carrying on an alert level 4 business or service; and
 - (b) the alert level 4 business or service is operating in compliance with the alert level 4 requirements.
- (2) However,—
 - (a) this clause does not prevent a person from undertaking any necessary work in any premises for either of the following purposes:
 - (i) minimum basic operations required to—
 - (A) maintain the condition or value of, or clean, the premises, or any plant, equipment, or goods in the premises:
 - (B) care for animals:
 - (C) receive stock or freight (including livestock):
 - (D) enable workers to work, or to continue to work, remotely from their homes or places of residence:
 - (ii) to prepare the premises for opening (and to meet public health guidance); and

- (b) this clause does not apply to any premises referred to in section 12(2)(c) or (d) of the Act.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

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

- (1) An alert level 4 business or service must have systems and processes in place to—
 - (a) maintain compliance so far as is reasonably practicable with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) for all workers in a workplace of, or while working for, the business or service; and
 - (b) maintain compliance so far as is reasonably practicable with the 2-metre physical distancing rule for any other persons entering a workplace, or using the services, of the business or service; and
 - (c) mitigate so far as is reasonably practicable the risks that arise to the extent that physical distancing is not fully maintained (for example, through regular cleaning of surfaces or the installation of plastic barriers).
- (2) Subclause (1)(a) and (b) applies except to the extent adjusted by clause 20.

20 Adjusted alert level 4 requirements for businesses and services

The alert level 4 requirements are adjusted for an alert level 4 business or service as follows:

- (a) unless Schedule 2 indicates that a business or service of that kind may have customers or clients in the workplace, the business or service must have systems and processes in place to ensure so far as is reasonably practicable that—
 - (i) no customers or clients enter the workplace; and
 - (ii) there is no close personal contact with or between customers or clients:
- (b) if Schedule 2 indicates that the 1-m physical distancing rule applies to a kind of business or service of that kind, the business or service must have systems and processes in place to maintain compliance so far as is reasonably practicable with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) for all persons entering the workplace of, using the services of, or working for the business or service:
- (c) the business or service must comply with all conditions (if any) set out for a business or service of that kind in Schedule 2:

- (d) for a public transport service provided by means of air transport or a small passenger service vehicle, the business or service must have systems and processes in place to maintain physical distancing so far as is reasonably practicable for all persons entering the workplace of, using the services of, or working for the business or service.

Prohibition on gatherings in outdoor places

21 Prohibition on gathering in outdoor places

- (1) A person must not attend a gathering in any outdoor place in an alert level 4 area.
- (2) A person must not organise a gathering in any outdoor place in an alert level 4 area.
- (3) This clause does not apply to—
 - (a) a gathering of fellow residents; or
 - (b) any premises referred to in section 12(2)(d) of the Act.
- (4) A breach of subclause (2) is an infringement offence for the purposes of section 26(3) of the Act.

**Part 4
Miscellaneous**

22 Exemption for emergencies

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

23 Other exemptions from this order

Nothing in this order applies—

- (a) to border services (including law enforcement activities related 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 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:

- (d) 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:
- (e) to custodial or detention services managed by the New Zealand Police, the Department of Corrections, or the Ministry of Justice, or within a courthouse:
- (f) to the administration of sentences and orders by the Department of Corrections or on its behalf:
- (g) 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:
- (h) to the New Zealand Parole Board:
- (i) to the New Zealand Security Intelligence Service:
- (j) to the Government Communications Security Bureau:
- (k) to the New Zealand Defence Force:
- (l) to the New Zealand Police:
- (m) to Fire and Emergency New Zealand:
- (n) to civil defence emergency management services provided by the National Emergency Management Agency and Civil Defence Emergency Management Groups:
- (o) to managed isolation or quarantine services for COVID-19 or 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:
- (p) to workers carrying out any business or service referred to in any of paragraphs (a) to (o):
- (q) to people who are enforcement officers carrying out their functions and exercising their powers under the Act.

24 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 any person, business, service, or goods) from the application of any provision of this order or from the requirement to comply with any provision of this order in accordance with this clause.
- (2) The Director-General may grant an exemption if 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.
- (3) The Director-General may impose conditions on the exemption as the Director-General considers necessary.
- (4) 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.
- (5) 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*.
- (6) However, the Director-General need not comply with subclause (5) before an exemption, or an amendment to an exemption, comes into force if satisfied that the exemption or amendment should come into force urgently.
- (7) In that case,—
 - (a) the effect of the exemption (or, in the case of an amendment to an exemption, the effect of the amendment) must be publicly announced before it comes into force; and
 - (b) the Director-General must comply with subclause (5) as soon as practicable after the exemption or amendment comes into force.

Revocation

25 Revocation

The COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 (LI 2021/165) is revoked.

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 and time at which this order commences.

2 Persons returning to principal home or place of residence soon after commencement

Clause 15 does not apply to a person if they are returning to their principal home or place of residence in another place in New Zealand (including the Cook Islands) within 48 hours after commencement.

3 Application of physical distancing requirements in accommodation services where space is limited on commencement

- (1) This clause applies if, on commencement,—
 - (a) people who are not fellow residents of each other are residing in the same room of an accommodation service; and
 - (b) the number of those people is more than 10 (which is the maximum number of people who may form an accommodation service bubble arrangement); and
 - (c) the room is not large enough to enable compliance with the physical distancing requirements while those people are in the room.
- (2) The physical distancing requirements do not apply to the extent needed to allow those people to continue residing in that room of the accommodation service.
- (3) In this clause, **physical distancing requirements** means the requirements that apply to those people while they are in the accommodation service and are described in clauses 17, 19, and 20.

4 Previous exemptions have no effect

An exemption granted before commencement by the Director-General under a COVID-19 order that is replaced by this order, or to which this order corresponds, has no effect for the purposes of this order.

Schedule 2 Alert level 4 businesses or services

cls 4(1), 20

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
1	Supermarkets and dairies	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
2	Petrol stations, including any stores operating as part of the petrol station	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
3	Licensing trusts	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
4	Pharmacies	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
5	Food banks	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
6	Self-service laundries	✓		Must have systems and processes in place to prevent food and drink from being served for consumption on premises
7	Hardware and do-it-yourself stores	✓		Must only be for the purpose of selling to trade customers
8	Uncooked food delivery services and cooked food delivery services where referred by the Ministry of Social Development, a District			Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> • scans the QR code for the workplace; or

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
9	<p>Health Board or the Accident Compensation Corporation (for example, Meals on Wheels)</p> <p>Sale of essential non-food consumer products (via online delivery)</p>			<ul style="list-style-type: none"> provides details in a contact tracing record that the person in control of the workplace collects.
10	Accommodation services	✓		<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects. <p>Must have systems and processes in place to prevent food and drink from being served for consumption on premises</p> <p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects.
11	<p>Building, construction, and maintenance services required for 1 or both of the following:</p> <ul style="list-style-type: none"> to address immediate risks to health and safety; nationally important infrastructure <p>In this item, nationally important infrastructure means infrastructure that enables or supports supply chains that are needed for 1 or both of the following:</p> <ul style="list-style-type: none"> to provide for the current needs of 			

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
12	Business or service people and communities: <ul style="list-style-type: none"> <li data-bbox="375 526 502 974">• to enable or support the recovery of the whole or any part of New Zealand from the effects of COVID-19 Any entity with statutory responsibilities for building and resource consenting that is necessary to enable the building, construction, and maintenance services referred to in item 10			Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li data-bbox="502 526 550 974">• scans the QR code for the workplace; or <li data-bbox="550 526 598 974">• provides details in a contact tracing record that the person in control of the workplace collects. Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li data-bbox="598 526 646 974">• scans the QR code for the workplace; or <li data-bbox="646 526 694 974">• provides details in a contact tracing record that the person in control of the workplace collects. Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> <li data-bbox="694 526 742 974">• scans the QR code for the workplace; or <li data-bbox="742 526 790 974">• provides details in a contact tracing record that the person in control of the workplace collects.
13	Justice sector, including Courts of New Zealand, and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 18(2)(b))	✓		
14	The following services: <ul style="list-style-type: none"> <li data-bbox="1045 526 1173 974">• freight services (including those for transporting livestock) provided by means of road, rail, air, or sea; <li data-bbox="1173 526 1300 974">• any other transport and logistics services, including those 			

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
15	provided at or through an aerodrome or a port Passenger services (including public transport services) provided by means of road, rail, air, or sea	✓		
16	Primary industries (being, food and beverage processing, packaging, and production for both domestic consumption or export, plus the relevant support services) and veterinary and animal health and welfare services			Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
17	Scientific services (including research organisations) of the following kind or provided by the following entities or facilities: <ul style="list-style-type: none"> • ESR, GNS, GeoNet, NIWA, MetService: • services involved in COVID-19 response, including laboratories and Physical Containment level 3 (PC3) facilities: • services involved in hazard monitoring and resilience: 			Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace— <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
18	<ul style="list-style-type: none"> services involved in diagnostics for critical businesses or services like biosecurity, food safety, or public health; other significant research facilities, including animal facilities, clinical trials, and infrastructure that requires constant attention (for example, samples, collections, and storage facilities), that are important to New Zealand 	✓	✓	<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects. <p>Must keep students and staff, so far as is reasonably practicable, in groups that are appropriate sized and stable</p>
19	School hostel	✓	✓	
20	Social and community based services provided to support persons to maintain critical	✓	✓	

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
21	<p>well-being or as crisis support for people who are unsafe or homeless</p> <p>Key utilities, which means utilities that provide for the production, supply, sale, distribution, or disposal of 1 or more of the following:</p> <ul style="list-style-type: none"> • electricity; • gas; • water; • wastewater (for example, sanitation); • waste (for example, rubbish collection and recycling); • liquid or solid fuel; • telecommunications services (as defined in section 5 of the Telecommunications Act 2001) 			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
22	<p>Key communications, which—</p> <ul style="list-style-type: none"> • means news (including news production) and broadcast media; and 			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20 Additional conditions
23	<ul style="list-style-type: none"> includes delivery of newspapers for non-English-language material audiences or communities that have limited access to digital connectivity and are hard to reach due to physical location 	<p>Government services, including services provided by State services and local authorities, but only if—</p> <ul style="list-style-type: none"> the service is a regulatory, defence, or social service, or relates to the COVID-19 response or infrastructure; and provision of the service cannot reasonably be delayed (for example, because a delay would breach an obligation under an enactment, risk harm to people or communities, or risk damage to the environment) 	<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> scans the QR code for the workplace; or provides details in a contact tracing record that the person in control of the workplace collects.

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
24	<p>In this item, State services has the same meaning as in section 5 of the Public Service Act 2020 and local authority has the same meaning as in section 5(1) of the Local Government Act 2002</p> <p>Foreign Government (maintaining critical operations at foreign missions based in New Zealand)</p>			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects. <p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
25	Security services (including locksmiths)			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
26	Pest management services			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
27	Essential elements of pulp and paper plants			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or

Number	Business or service	Customers and clients allowed in the workplace	1-m physical distancing rule applies to customers and clients under clause 20	Additional conditions
28	<p>The following business and services:</p> <ul style="list-style-type: none"> • Tiwai Point aluminium smelter: • Methanex: • NZ Steel 			<ul style="list-style-type: none"> • provides details in a contact tracing record that the person in control of the workplace collects. <p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
29	<p>Businesses or services necessary to maintain other alert level 4 businesses or services</p>			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.
30	<p>Services for deceased persons or tūpāpaku including for example funeral homes, crematoria or cemeteries</p>			<p>Must have systems and process in place to ensure so far as is reasonably practicable that each person who enters the workplace—</p> <ul style="list-style-type: none"> • scans the QR code for the workplace; or • provides details in a contact tracing record that the person in control of the workplace collects.

Dated at Wellington this 17th day of August 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 17 August 2021, is made under the COVID-19 Public Health Response Act 2020. It moves New Zealand from alert level 1 to alert level 4.

This order applies in addition to the public health guidance and other requirements that can be applied under the Health Act 1956.

Part 1 of this order sets out the purpose of this order and other preliminary provisions.

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

Part 2 of this order sets out requirements in relation to—

- the display of QR codes:
- contact tracing records in workplaces:
- face covering requirements:
- physical distancing requirements.

Part 3 of this order sets out the alert level 4 requirements to prevent the outbreak or spread of COVID-19.

The primary requirement for individuals is that all persons must remain at their current home or place of residence, except for essential person movement permitted under *clause 16*.

The primary requirement for workplaces is that all persons in control of premises must close those premises unless the person is carrying out an alert level 4 business or service, and that business or service is operating in compliance with the alert level 4 requirements set out in the order. *Schedule 2* of the order sets out alert level 4 businesses and services at alert level 4.

At alert level 4, people must not (with very limited exceptions) attend or organise a gathering in any outdoor place.

Part 4 of the order sets out miscellaneous provisions, primarily concerning exemptions from this order, as well as a power for the Director-General of Health to grant exemptions from this order.

**COVID-19 Public Health Response (Alert Level
Requirements) Order (No 9) 2021**

2021/210

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