

Version  
as at 2 December 2021



**COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021**

(LI 2021/314)

COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 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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## Order

### 1 Title

This order is the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 2021.

### 2 Commencement

- (1) This order, except for clause 8, comes into force at 11.59 pm on 15 October 2021.
- (2) Clause 8 comes into force on 28 October 2021.

### 3 Principal order

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

### 4 New clause 16A and cross-heading inserted

After clause 16, insert:

*Restriction on relocating principal home or place of residence*

#### **16A Person may not change principal home or place of residence following Government announcement of more restrictive alert level requirements**

- (1) This clause applies if—
  - (a) a person has—
    - (i) a principal home or place of residence located in an alert level area (**location A**); and
    - (ii) another home or place of residence available for their use in a different location (**location B**), which may be in the same alert level area as or a different alert level area to the alert level area referred to in subparagraph (i); and
  - (b) the Government of New Zealand has announced a change to the alert level requirements that apply in respect of location A to impose more

- restrictive alert level requirements than those that apply in respect of location B; and
- (c) the announcement referred to in paragraph (b), and the date and time of the announcement, are recorded on a publicly accessible Internet site maintained by or on behalf the New Zealand Government.
- (2) The person may not travel from location A to location B for the purpose of relocating to the home or place of residence in location B.
  - (3) However, this clause does not apply if the person is relocating their home or place of residence as a result of—
    - (a) starting new employment; or
    - (b) purchasing or renting a new principal home or place of residence; or
    - (c) attending a tertiary institution.
  - (4) In this clause, **home or place of residence** does not include a home or place of residence described in paragraph (c) of the definition of that term in clause 4(1).

**5 Clause 18 amended (Permitted purposes for travel between alert level areas (or between parts of alert level 3 area))**

After clause 18(2A), insert:

*Permissions for travel from alert level 3 area to alert level 2 area to stay at school hostel*

- (2B) For the purposes of clause 17, a person in an alert level 3 area is permitted to go into an alert level 2 area for the purpose of returning to a school hostel located in the alert level 2 area and intending to stay at that school hostel until the end of the 2021 school year.
- (2C) A person is permitted to accompany a person described in subclause (2B) (and return to their home or place of residence in the alert level 3 area afterwards).

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

After clause 19(1)(b), insert:

- (ba) they rely on a permission under clause 18(2B) or (2C) to travel to or from a school hostel:

**7 Clause 19C amended (Obligations concerning COVID-19 testing of certain persons travelling out of Auckland part of alert level 3 area for non-work activities)**

After clause 19C(3), insert:

- (3A) A person aged 12 years or older who relies on a permission under clause 18(2B) or (2C) to travel out of the alert level 3 area to go to a school hostel must comply with subclauses (5) and (6).

**8 Clause 21 amended (Permissions for essential personal movement within each part of alert level 3 area)**

- (1) After clause 21(6)(c), insert:
  - (d) it does not involve being away from the person’s home or place of residence overnight:
- (2) Replace clause 21(24A) with:
  - (24A) to attend a limited outdoor gathering if—
    - (a) it does not involve travel to either Waiheke Island or Great Barrier Island (Aotea Island) by a person whose home or place of residence is not on that island; and
    - (b) it does not involve being away from the person’s home or place of residence overnight:

**9 Clause 54 amended (Power for Director-General to grant exemptions from this order)**

- (1) Replace clause 54(6) and (7) with:
  - (6) An exemption for any class of persons, businesses, services, or goods is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).
  - (7) However, an exemption, or an amendment to an exemption, may come into force before it is published if the Director-General is satisfied that the exemption or amendment should come into force urgently.
- (2) Replace clause 54(8)(b) with:
  - (b) the exemption or amendment must be published under the Legislation Act 2019 as soon as practicable after it comes into force.

**10 Schedule 2 amended**

In Schedule 2, item 21B, in the column under the heading “**Additional conditions**”, replace the second bullet point with:

- in the case of real estate or property relocation services, no person is present when the service is provided other than—
  - a resident of the home or place of residence; and
  - residents of 1 other home or place of residence who are inspecting the property for the purposes of relocation, or who are relocating to the property; and
  - the minimum number of workers required to provide the service:

**11 Schedule 5 amended**

- (1) In Schedule 5, after item 1.22, insert:
  - 1.22A Property relocation services for a person who is relocating their principal home or place of residence

- (2) In Schedule 5, item 18A, after “residence”, insert “(not being a school student who has relied on the permission in clause 18(2B) to travel to a school hostel in an alert level 2 area)”.

Dated at Wellington this 15th day of October 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, except for *clause 8*, comes into force at 11.59 pm on 15 October 2021. *Clause 8* comes into force on 28 October 2021. The order amends the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) 2021 (the **principal order**).

*Clause 4* inserts *new clause 16A* into the principal order to prohibit persons travelling to a secondary home or place of residence, after a Government announcement of an alert level change and before those changes come into force, to avoid being subject to stricter alert level requirements.

*Clause 5* amends clause 18 of the principal order to allow school students to travel to their school hostel in the alert level 2 area for the remainder of the 2021 school year and for a person to accompany the student and then return to their home or place of residence in the alert level 3 area.

*Clause 6* amends clause 19 of the principal order to require students travelling to school hostels (and anyone accompanying them) to have evidence of their permission to travel when travelling to an alert level 2 area.

*Clause 7* amends clause 19C of the principal order to require students aged 12 years or older travelling to school hostels (and anyone accompanying them) to have undergone certain COVID-19 testing before they travel.

*Clause 8* amends clause 21 of the principal order to—

- provide that a person can only travel for exercise and recreation purposes if it does not involve being away from the person’s home or place of residence overnight; and
- provide that a person can attend a limited outdoor gathering only if it does not involve travel to either Waiheke Island or Great Barrier Island (Aotea Island) and does not involve being away from the person’s home or place of residence overnight.

*Clause 9* amends clause 54 of the principal order to meet the new publication requirements of the Legislation Act 2019, which comes into force on 28 October 2021.

*Clause 10* amends Schedule 2 of the principal order to clarify who may be at a property when real estate or property relocation services take place.

*Clause 11* amends Schedule 5 of the principal order to—

- allow workers of a property relocation service to cross alert level boundaries for the purpose of providing services to a person who is changing their principal home or place of residence; and
- provide that students who have travelled to their school hostel in the alert level 2 area cannot return to their primary home or place of residence until the end of the 2021 school year.

*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.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 15 October 2021.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 7) 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