

Briefing

COVID-19 Public Health Response (Alert Level Requirements) Order (No 7) 2021 for signing

Date due to MO: N/A **Action required by:** 23 June 2021

Security level: IN CONFIDENCE **Health Report number:** 20211473

To: Hon Chris Hipkins, Minister for COVID-19 Response

Contact for telephone discussion

Name	Position	Telephone
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Sue Gordon	Deputy Chief Executive COVID-19 Health System Response	s 9(2)(a)

Minister's office to complete:

- | | | |
|-----------------------------------------------|------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <input type="checkbox"/> Noted |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn | |

Comment:

COVID-19 Public Health Response (Alert Level Requirements) Order (No 7) 2021 for signing

Security level: IN CONFIDENCE **Date:** 23 June 2021

To: Hon Chris Hipkins, Minister for COVID-19 Response

Purpose of report

1. This report recommends that you sign the Order attached at Appendix 1. The Order is entitled Covid-19 Public Health Response (Alert Level Requirements) Order (No 7) 2021 for signing.

Summary

2. At 19:30hrs NZST on Tuesday 22 June 2021, the Ministry of Health was alerted to the fact that a traveller from Sydney, New South Wales (NSW), Australia who had spent the weekend in Wellington returned home and subsequently tested positive for COVID-19 (Case A). The traveller has been epidemiologically linked to the NSW outbreak, and although yet to be confirmed, is likely to be infectious with the Delta variant.
3. The Ministry considers that Case A was active in the Wellington community while infectious and was infectious on their arrival and departure flights. Case A visited several locations whilst in Wellington, including crowded exhibition at Te Papa Tongarewa and a bar. Test results for Case A's wife are pending and the initial test results of the Case's New Zealand close contacts are negative.
4. Based on the available evidence at 16:30 today I can confirm my advice is that **we should move to Alert Level 2 in the Wellington region at 6pm tonight, 23 June 2021 (note that the region's boundaries are described in Schedules 3 and 4 of the attached Order), with the rest of New Zealand remaining at Alert Level One.**
5. **I am recommending an increase to Alert Level Two for the Wellington region as a precautionary response while we establish whether there has been further community spread.**
6. **I recommend this change is reviewed on Sunday 27 June 2021.**
7. The Order is based on the template Alert Level Order on which you consulted Ministers prior to Christmas.
8. Due the specifics of the recent case who arrived from NSW into New Zealand, including the potential risk of the more transmissible Delta variant [HR20211471 refers], Cabinet agreed that a precautionary approach be taken and a shift to Alert Level 2 should occur

for Wellington from 6:00pm on 23 June 2021. As a result, **I recommend that the Order is made under urgency and that the usual 48-hour notice period is dispensed with.**

9. The draft Order, attached at Appendix 1, will give effect to this.
10. To make or amend an Order under section 11 of the COVID-19 Public Health Response Act 2020 (COVID-19 Act) you must:
- a. receive advice from the Director-General of Health about –
 - i. the risks of the outbreak or spread of COVID-19, and
 - ii. the nature and extent of measures that are appropriate to address those risks, and
 - b. have regard to any decision by the Government on how to respond to those risks and avoid, mitigate or remedy the effects of the outbreak or spread of COVID-19 (including taking into account any social, economic or other factors), and
 - c. be satisfied that the proposed Order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 2020, and
 - d. consult with the Prime Minister, Ministers of Health and Justice and any other Ministers you think necessary, and
 - e. be satisfied that the Order is appropriate to achieve the purpose of the COVID-19 Act.
11. I understand that you have consulted with the Prime Minister, Ministers of Health and Justice, and other relevant Ministers at Cabinet on 23 June on your intention to issue an order in line with the draft template Order previously subject to Ministerial consultation.

Recommendations

The Ministry recommends that you:

- a) **Note** advice from the Director-General of Health on the prerequisites for making an Order under the COVID-19 Public Health Response Act 2020, including: Yes/No
- i) the risks of an outbreak or spread of COVID-19, and
 - ii) the nature and extent of measures that are appropriate to address those risks.
- b) **Note** that advice from the Director-General of Health is that COVID-19 Public Health Response (Alert Level Requirements) Order 2021 for signing is in line with the purpose of the COVID-19 Public Health Response Act 2020 to prevent, and limit the risk of, the outbreak or spread of COVID-19. Yes/No
- c) **Agree** that the change to Alert Levels will be reviewed on Sunday 27 June 2021. Yes/No
- d) **Agree** that the Order is made under urgency and that the usual 48-hour notice period is dispensed with. Yes/No

- e) **Agree** to sign the attached COVID-19 Public Health Response (Alert Level Yes/ No Requirements) Order (No 7) 2021 for signing.



Dr Ashley Bloomfield

Te Tumu Whakarae mō te Hauora

Director-General of Health

Date: 23/6/21



Hon Chris Hipkins

Minister for COVID-19 Response

Date: 23/6/21

PROACTIVELY RELEASED

COVID-19 Public Health Response (Alert Level Requirements) Order (No 7) 2021 for signing

Background

12. At 1930hrs New Zealand Standard Time (NZST) on Tuesday 22 June 2021, the Ministry of Health was alerted to the fact that a traveller from Sydney, New South Wales (NSW), Australia who had spent the weekend in Wellington returned home and subsequently tested positive for COVID-19 (Case A). The traveller has been epidemiologically linked to the NSW outbreak, and although yet to be confirmed, is likely to be infectious with the Delta variant.
13. The Ministry considers that Case A was active in the Wellington community while infectious and was infectious on their arrival and departure flights. Case A visited several locations whilst in Wellington, including crowded exhibition at Te Papa Tongarewa and a bar. Test results for Case A's wife are pending and the initial test results of the Case's New Zealand close contacts are negative.
14. Based on the above evidence, the risk of the cases transmitting COVID-19 during their infectious period to those outside of close household contacts is considered to be high.
15. This report provides the following public health advice for consideration in making that decision:
 - a. The Ministry considers that Case A was active in the Wellington community while infectious and was infectious on their arrival and departure flights. Case A has been epidemiologically linked to the NSW outbreak.
 - b. Case A returned a positive test result with a low CT score in Sydney from a test taken on Monday 21 June 2021, which suggests an acute infection. The case is reported to be symptomatic and is being managed as having been infectious on both flights and for the duration of their stay in New Zealand. Symptom onset is reported to be in the early hours of Monday 21 June 2021.
 - c. Case A is potentially infectious with Delta variant. However, this remains to be confirmed. We are awaiting advice of their whole genome sequencing results and will provide updated advice on this when it is known.
 - d. Several of the locations Case A visited were crowded. These included an exhibition at Te Papa Tongarewa and a bar. The identification of locations of interest is ongoing and will grow. Furthermore, given there is concern about the variant and the locations of interest identified in central Wellington

Contents of the draft Amendment Order

Alert Level 2 for Wellington

16. Restrictions apply as set out in the Alert Levels Summary attached at **Annex 2**.

17. Additional requirements for those who have been in locations of interest are being provided for through a Notice issued under section 70 of the Health Act 1956. This information will be updated on the Ministry of Health's website.

Process for amending a section 11 Order

1. Under the COVID-19 Act, an Order may be made if either:
 - a. a state of emergency has been declared (under the Civil Defence Emergency Management Act 2002);
 - b. an Epidemic Notice is in force (under the Epidemic Preparedness Act 2006); or
 - c. it has been authorised by the Prime Minister.
2. There is currently an Epidemic Notice in place, which allows Orders to be made under section 11 of the COVID-19 Public Health Response Act 2020 (the Act).
3. As the Minister for COVID-19 Response, you may make Orders under section 11 of the COVID-19 Act.
4. To make an Order under section 11 you must:
 - a. have received advice from the Director-General about –
 - i. the risks of the outbreak or spread of COVID-19; and
 - ii. the nature and extent of measures that are appropriate to address those risks; and
 - b. be satisfied that the proposed Order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990 (NZBORA); and
 - c. consult with the Prime Minister, Ministers of Health and Justice, and any other Ministers you think necessary; and
 - d. be satisfied that the Order is appropriate to achieve the purposes of the Act.
5. The requirement to have consulted with the Prime Minister and Ministers of Health and Justice, and other relevant Ministers on the draft Order has been fulfilled through the Cabinet policy decisions made earlier today and the previous consultation on the form of the template Alert Level Order, which this Order is based upon.
6. Until further information is known and due to the risk of more transmissible strains, Cabinet agreed that a precautionary approach be taken and that this needed to occur from 6:00pm on 23 June 2021. I recommend that the Order is made under urgency to prevent or contain the outbreak or spread of COVID-19 and that the usual 48-hour notice period is dispensed with.
7. My advice about the risks of the outbreak or spread of COVID-19 and the nature and extent of measures that are appropriate to address those risks is set out below.

Public Health Advice

8. You have previously been provided with detailed public health rationale for the proposed order [HR 20211471 refers].

9. You are receiving ongoing advice about the risks associated with COVID-19. In accordance with section 9(2) of the COVID-19 Public Health Response Act 2020, you may have regard to that advice without it being repeated here.
10. COVID-19 is a highly infectious disease which may be spread by people who are not showing symptoms. This supports significant measures for those at heightened risk of contracting or spreading COVID-19 to identify potential cases and reduce risk.

New Zealand Bill of Rights Act

11. A matter for you to consider each time an Order is proposed under the COVID-19 Public Health Response Act 2020 is whether the exercise of such powers will be appropriate. The power to make an Order in section 11 of the Act must be exercised consistently with the New Zealand Bill of Rights Act 1990.
12. The Order limits rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990, including the rights to manifest religion, and freedom of peaceful assembly, association and movement. The Order will only be lawful if it limits those rights to the extent that can be demonstrably justified in a free and democratic society.
13. The Government's plan for responding to COVID-19 cases in the community provides for a precautionary approach. In particular, rapid and decisive action, while case investigation and contact tracing are undertaken, is seen as our best chance to avoid needing to further escalate up the Alert Level framework (with corresponding greater limitations on rights and freedoms) on a nationwide basis.
14. The Alert Level 2 controls are justified as COVID-19 is a highly contagious and unpredictable virus that has the potential for asymptomatic transmission. For this reason, a cautious public health approach is considered proportionate to the risk. This will provide officials with the time to gather further information and further consider proportionate public health measures in response.
15. I consider limits that will be imposed by the Order may be demonstrably justified in a free and democratic society. In particular, the restrictions are limited by reference to the location of the risk of community transmission (the Greater Wellington Region). I also note these restrictions are intended to be reviewed by 11:59pm NZST on Sunday 27 June 2021, once more information regarding the nature and extent of any community transmission has been obtained.

Next steps

16. If you are satisfied that the grounds for making the order are met and it is appropriate to achieve the purpose of the COVID-19 Public Health Response Act 2020, then it is recommended you sign the attached Order.
17. After you have signed the attached Order, you will receive advice from the Ministry with information that will inform any increase or decrease of the Alert Levels on Sunday 27 June 2021 or earlier if required.
18. If you sign the attached Order 23 June 2021 it will come into force at 6:00pm on 23 June 2021.

ENDS.

PROACTIVELY RELEASED

**Appendix 1: COVID-19 Public Health Response (Alert Level Requirements)
Order 2021 for signing**

PROACTIVELY RELEASED

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

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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Order

1 Title

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

2 Commencement

This order comes into force at 6 pm on 23 June 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 15(1)

2-metre physical distancing rule means the rule described in clause 15(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

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

Part 1 cl 4

- (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 1 area means the whole of New Zealand except the alert level 2 area

alert level 2 area has the meaning given by clause 6

alert level 2 requirements, in relation to a business or service, means the requirements that apply to that business or service in Part 2 and clauses 17 and 19 to 25

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 business or service means a business or service listed in Schedule 2

category A social service means a service of a kind described in item 3 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

extended bubble arrangement means an agreement by all of the residents (other than a person under the age of 18 years) of 2 or more homes or places of residence to comply with this order as if they were 1 home or place of residence for the purpose of keeping connections with family or whānau, enabling caregiving, or supporting persons living alone or otherwise isolated

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 an extended 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

gathering of friends and whānau means a group of customers, clients, or other persons—

- (a) who confirm that they are, or who it is otherwise reasonable to believe are, a group of persons who all know each other and can identify each other for the purpose of contact tracing; but
- (b) of no more than the maximum number limit (if any) for social gatherings in the area where the gathering takes place

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

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

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

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

people responsible, in relation to a social gathering, means—

- (a) the organiser of the social gathering; and

- (b) the person in control of the defined space or premises in which the social gathering is held

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))

pre-booked public transport service means a public transport service provided by means of a large passenger service vehicle or a rail vehicle, where the operator of the service—

- (a) requires all persons using the service to supply their contact details before boarding; and
- (b) allocates seats to individual passengers

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

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 requirements in clauses 17 and 19 to 25; but
- (c) despite paragraph (b)(ii), includes a gathering held at a facility or venue of a business or service that has been hired for the gathering if the gathering is not for the purpose of a business or service

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

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 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 Alert level 2 area: description and map

- (1) The area described in Schedule 3 is the alert level 2 area.
- (2) An indicative map of the alert level 2 area is set out in Schedule 4.
- (3) If there is any inconsistency between the description under subclause (1) and the map, the description prevails.

7 Transitional, savings, and related provisions

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

8 Application of order to different alert level areas

- (1) Part 3 applies—
 - (a) to the alert level 2 area; and
 - (b) to any property if a part of it is in the alert level 2 area; and
 - (c) to any other place if necessary for the purpose of enforcing the requirements in a place referred to in paragraph (a) or (b).
- (2) The rest of this order applies to the whole of New Zealand.

Part 2

Alert level requirements to prevent outbreak or spread of COVID-19 that apply to all areas

QR codes

9 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.

10 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 1 or both of the following apply:
 - (a) all persons using the service are required to supply their contact details in order to use the service;
 - (b) the service is a school transport service.
- (3) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

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 pre-booked public transport service that carries passengers only within an alert level 1 area; or
 - (c) to a ferry service carrying passengers between the North Island and the South Island; or
 - (d) to a ship that has no enclosed space for passengers; or
 - (e) to air transport; or
 - (f) to a school transport service; or
 - (g) 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).

Part 3

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

Contact tracing records in workplaces

14 Contact tracing records in workplaces

- (1) In addition to the requirement in clause 9(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 9(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.

Physical distancing requirements in workplaces

15 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, if both persons are workers); and
 - (c) does not apply to—
 - (i) a person in relation to their fellow residents; or
 - (ii) a gathering of friends and whānau in a workplace.
- (2) In this order, the **2-metre physical distancing rule**—
 - (a) requires that a person remain at least 2 metres away from any other person; but
 - (b) does not apply to—
 - (i) a person in relation to their fellow residents; or
 - (ii) a gathering of friends and whānau in a workplace.

16 Application of clauses 17 to 25

- (1) Clauses 17 to 25 apply to workplaces of businesses and services, but do not apply to—

- (a) voluntary or not-for-profit sporting, recreational, social, or cultural activities; or
 - (b) community club activities (except activities that occur at the same time and place as services provided under a club licence under section 21 of the Sale and Supply of Alcohol Act 2012); or
 - (c) faith-based gatherings; or
 - (d) households carrying out family activities involving only fellow residents; or
 - (e) a gathering held at a facility or venue of a business or service that has been hired for the gathering if the gathering is not for the purpose of the business or service.
- (2) See clauses 27 to 31, which contain requirements relating to social gatherings (including those described in subclause (1)(a) to (e)).
- (3) However, nothing in this Part applies to a school transport service.

17 Workplaces to have systems and processes in place for physical distancing

- (1) A 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 clauses 19 to 25.

18 Individuals must comply with physical distancing requirements for workplaces

- (1) 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.
- (2) All other persons who enter a workplace of, or use the services of, a business or service must comply with the 2-metre physical distancing rule so far as is reasonably practicable.
- (3) Subclauses (1) and (2) apply except to the extent adjusted by clauses 19 to 25.

- (4) A breach of subclause (1) or (2) is an infringement offence for the purposes of section 26(3) of the Act.

19 Adjusted alert level 2 requirements for category A businesses and services

- (1) This clause adjusts the alert level 2 requirements for category A businesses and services.
- (2) Category A businesses and services 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.
- (3) All persons who enter the workplace of, use the services of, or work for a category A 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) A breach of subclause (3) is an infringement offence for the purposes of section 26(3) of the Act.

20 Adjusted alert level 2 requirements for education entities

- (1) This clause adjusts the alert level 2 requirements for education entities.
- (2) Education entities—
- (a) need not have systems and processes in place to maintain compliance with either the 1-metre physical distancing rule or the 2-metre physical distancing rule for people who are ordinarily at the education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services; but
 - (b) must have systems and processes in place to mitigate so far as is reasonably practicable the risks that arise to the extent that compliance with the physical distancing requirements that would otherwise apply under this Part to the workplace or service is not fully maintained (for example, regular cleaning of surfaces).
- (3) People who are ordinarily at an education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services are not required to comply with the 1-metre physical distancing rule or the 2-metre physical distancing rule.
- (4) The adjustment in subclause (2) and the exemption from physical distancing in subclause (3) do not apply to—
- (a) inter-school activities; or
 - (b) activities at (or connected with) an education entity that are attended by people who are otherwise not ordinarily at that education entity for the purposes of receiving or providing, or assisting in or supporting the receipt or provision of, education services.

21 Adjusted alert level 2 requirements for public transport services

- (1) This clause adjusts the alert level 2 requirements for public transport services.
- (2) Public transport services need not have systems and processes in place to maintain compliance with either the 1-metre physical distancing rule or the 2-metre physical distancing rule for all persons entering the workplace of, using the services of, or working for the business or service.
- (3) All persons who enter the workplace of, use the services of, or work for a public transport service are not required to comply with either the 1-metre physical distancing rule or the 2-metre physical distancing rule.

22 Adjusted alert level 2 requirements for transport stations

- (1) This clause adjusts the alert level 2 requirements for transport stations.
- (2) Transport stations 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.
- (3) All persons who enter the workplace of, use the services of, or work for a transport station must comply with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) so far as is reasonably practicable.
- (4) A breach of subclause (3) is an infringement offence for the purposes of section 26(3) of the Act.

23 Adjusted alert level 2 requirements for controlled-access businesses and services

- (1) This clause adjusts the alert level 2 requirements for controlled-access businesses and services.
- (2) In this clause, **controlled-access businesses and services**—
 - (a) means the following businesses and services:
 - (i) businesses and services to the extent that they largely have a consistent group of workers and usually have a fixed workplace, such as office workplaces and factories; and
 - (ii) businesses and services to the extent that their customers or clients are members of the business or service, such as gyms; and
 - (iii) public facilities that are located within a building or structure, such as swimming pools, libraries, and museums; and
 - (iv) event facilities such as cinemas, theatres, stadiums, concert venues, conference venues, and casinos; but
 - (b) excludes retail businesses, such as shopping malls, supermarkets, marketplaces, takeaway-food stores, and retail stores.

- (3) Controlled-access businesses and services 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 persons entering the workplace of, using the services of, or working for the business or service; and
 - (b) if they are an event facility, permit no more than 100 customers or clients to be in any 1 defined space in the facility at any 1 time (not including workers).
- (4) All persons who enter the workplace of, use the services of, or work for a controlled-access 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.
- (5) A breach of subclause (4) is an infringement offence for the purposes of section 26(3) of the Act.

24 Adjusted alert level 2 requirements for food and drink businesses and services

- (1) This clause adjusts the alert level 2 requirements for businesses or services to the extent that customers or clients enter their workplaces and food or drink is sold or provided for consumption (or offered for consumption) to those customers or clients in the workplace, such as—
 - (a) a restaurant or cafe; or
 - (b) a soup kitchen or other place where food or drink is provided without charge.
- (2) Businesses and services must, in relation to the activity described in subclause (1), have systems and processes in place to—
 - (a) permit no more than 100 customers and clients to be in any 1 defined space in the workplace at any 1 time; and
 - (b) ensure that each customer or client is seated at a table other than in the circumstances described in subclause (4); and
 - (c) ensure that the number of customers and clients seated at a table together does not exceed the maximum number limit (if any) for social gatherings; and
 - (d) ensure that there is at least a 1-metre separation between adjacent tables where customers or clients are seated; and
 - (e) ensure, so far as is reasonably practicable, that only 1 worker serves at any table; and
 - (f) so far as is reasonably practicable, maintain compliance with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) for all customers and clients when they are not seated at a table.

- (3) All persons who are customers or clients at a business or service in which food or drink is sold or provided for consumption (or offered for consumption) must—
 - (a) be seated at a table, except in the circumstances described in subclause (4); and
 - (b) be seated at a table together in a number that does not exceed the maximum number limit (if any) for social gatherings; and
 - (c) comply so far as is reasonably practicable with the 1-metre physical distancing rule (rather than the 2-metre physical distancing rule) when they are not seated at a table.
- (4) The requirement for customers and clients to be seated at a table does not apply if they are—
 - (a) entering premises, using a toilet or bathroom, paying, or departing from premises; or
 - (b) ordering or collecting food or drink, but only if doing so at premises other than on-licence premises or club premises.
- (5) Nothing in this clause applies to—
 - (a) accommodation services selling or providing food or drink for residents (including room service):
 - (b) businesses or services providing food or drink to their workers:
 - (c) vending machines that are located and used within a workplace:
 - (d) cinemas and theatres selling food or drink to customers or clients when they are seated inside the cinema or theatre.
- (6) A breach of subclause (3) is an infringement offence for the purposes of section 26(3) of the Act.

25 Adjusted alert level 2 requirements for close-proximity businesses and services

- (1) This clause adjusts the alert level 2 requirements for close-proximity businesses and services.
- (2) In this clause, **close-proximity businesses and services** means businesses and services to the extent that they carry on activities that they cannot undertake without physical contact, or close proximity, between people (for example, massage and hairdressing services or professional or semi-professional sports).
- (3) Close-proximity businesses and services must, in relation to that activity, 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.

- (4) However, subclause (3) does not apply to the extent that workers are required to have physical contact with, or close proximity to, people in order to carry out the activities of that business or service.
- (5) All persons who enter the workplace of, use the services of, or work for a close-proximity 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.
- (6) However, neither subclause (5) nor the 2-metre physical distancing rule applies to the extent that physical contact, or close proximity, is required between workers and other people in order to carry out the activities of a close-proximity business or service.
- (7) A breach of subclause (5) is an infringement offence for the purposes of section 26(3) of the Act.

Social gatherings requirements

26 Application of clauses 27 to 31

Clauses 27 to 31 do not apply to a gathering of fellow residents.

27 Number limit for social gathering

- (1) A social gathering must not exceed 100 people in a defined space at any one time.
- (2) This clause does not apply to any premises referred to in section 12(2)(d) of the Act.

28 Workers excluded from number limit

Workers who are providing services in relation to a social gathering are not to be counted as part of the number limit for the gathering in clause 27.

29 Individuals must comply with requirements for social gatherings

- (1) A person must not attend a social gathering that exceeds the number limit for that gathering specified in clause 27.
- (2) If clause 31(2) applies to a social gathering, a person who attends the social gathering must—
 - (a) scan the QR code for the social gathering; or
 - (b) provide details in the contact tracing record referred to in that clause.

30 People responsible for social gatherings must comply with number limit

- (1) A social gathering that exceeds the number limit for the gathering in clause 27 is prohibited.
- (2) The people responsible for a social gathering must ensure that the social gathering does not exceed the number limit.

- (3) A breach of subclause (2) is an infringement offence for the purposes of section 26(3) of the Act.

31 People responsible for social gatherings must comply with contact tracing requirements

- (1) A social gathering in which the requirements in subclause (2) are not met is prohibited.
- (2) The people responsible for a social gathering must ensure that there are systems and processes in place to ensure that, so far as is reasonably practicable, each person who attends the social gathering—
- (a) scans the QR code for the social gathering; or
 - (b) provides details in a contact tracing record that is kept by one of the people responsible for or attending the social gathering.
- (3) Subclause (2) does not apply if every person at the social gathering knows, and can identify for the purposes of contact tracing, every other person who is a participant in the social gathering.
- (4) A breach of subclause (2) 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 (2) is collected, kept, and used, *see* the requirements in the Privacy Act 2020 that apply to persons collecting personal information.

**Part 4
Miscellaneous**

Exemptions

32 Exemption for emergencies

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

33 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.

34 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*.

Revocation

35 Revocation of COVID-19 Public Health Response (Alert Level Requirements) Order (No 6) 2021

The COVID-19 Public Health Response (Alert Level Requirements) Order (No 6) 2021 (LI 2021/40) is revoked.

Schedule 1

Transitional, savings, and related provisions

cl 7

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 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 are described in clauses 17 and 18 and apply to those people while they are in the accommodation service.

3 Existing exemptions continued

- (1) An exemption granted by the Director-General under clause 15 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 6) 2021 that is in force immediately before commencement continues in force on and after commencement as if it had been granted under clause 34 of this order, and is subject to the same conditions (if any) as applied before commencement.
- (2) An exemption that is continued under clause 2 or 3 of Schedule 1 of the COVID-19 Public Health Response (Alert Level Requirements) Order (No 6) 2021 and is in force immediately before commencement continues in force on and after commencement as if it had been granted under clause 34 of this order, and is subject to the same conditions (if any) as applied before commencement.

Schedule 2
Category A businesses and services

cl 4(1)

Category A businesses and services

Number	Business or service
1	Rental car services and car share services
2	Veterinary services and animal health and welfare services
3	Services provided under the Oranga Tamariki Act 1989, and other social services provided to support persons to maintain critical well-being and as crisis support for people who are unsafe or homeless
4	Courts and tribunals

PROACTIVELY RELEASED

Schedule 3

Description of alert level 2 area

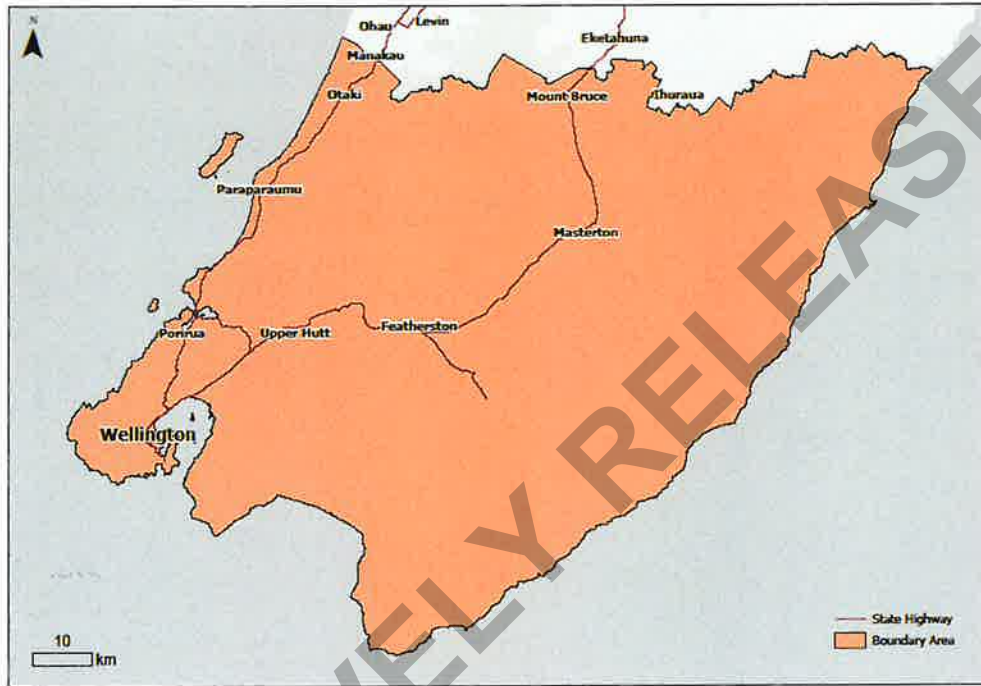
cl 6(1)

Alert level 2 area means—

- (a) the area (bounded by the middle of the roads listed below)—
- (i) commencing on the mean high-water mark of the west coast of the North Island at the mouth of the Waikawa Stream; then
 - (ii) proceeding in a generally north easterly direction along the south bank of the Waikawa stream to the intersection with Waikawa Beach Road; then
 - (iii) proceeding along Waikawa Beach Road to the intersection with State Highway 1; then
 - (iv) proceeding along State Highway 1 to the intersection with North Manakau Road; then
 - (v) proceeding along North Manakau Road in a south easterly direction to the end of the road at lat -40.734084, long 175.267779; then
 - (vi) proceeding in a generally southerly direction to lat -40.748268, long 175.250140; then
 - (vii) proceeding in a southerly direction to the intersection with the Wellington regional boundary at lat -40.761684, long 175.250090; then
 - (viii) proceeding in an easterly direction along the Wellington regional boundary to lat -40.733213, long 175.576120; then
 - (ix) proceeding in a north easterly direction to the Makakahi River lat -40.715069, long 175.590539; then
 - (x) proceeding in a generally north easterly direction along the Makakahi River to the intersection with State Highway 2; then
 - (xi) proceeding north along State Highway 2 to the intersection with Opaki Kaiparoro Road; then
 - (xii) proceeding along Opaki Kaiparoro Road to the intersection with the Wellington regional boundary; then
 - (xiii) proceeding along the Wellington regional boundary to the intersection with the mean high-water mark on the east coast of the North Island; then
 - (xiv) proceeding along that coastline around the lower North Island to the mean high-water mark of the west coast of the North Island at the mouth of the Waikawa Stream; and
- (b) Kāpiti Island, Mana Island, and Matiu/Somes Island.

Schedule 4
Map of alert level 2 area

cl 6(2)



PROACTIVELY RELEASED

Dated at Wellington this 23rd day of June 2021.



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 replaces the COVID-19 Public Health Response (Alert Level Requirements) Order (No 6) 2021. It moves the Wellington region from alert level 1 to alert level 2. The requirement to wear face coverings on public transport services and domestic air transport services continues to apply throughout the country.

This order comes into force at 6 pm on 23 June 2021.

Detailed explanation

Part 1 of this order sets out the purpose of this order (*see clause 3*) and definitions used in the order (*see clause 4*).

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

Clause 5 provides for how the requirements in this order apply to businesses and services.

Clause 6 provides for the description of the alert level 2 area in *Schedule 3*.

Clause 7 refers to the transitional, savings, and related provisions set out in *Schedule 1*.

Clause 8 sets out where parts of this order apply, as follows:

- *Part 3* applies in the alert level 2 area, to any property if a part of it is in the alert level 2 area, and to any other place if necessary for the purposes of enforcing the measures in those 2 places. The alert level 2 area means the area described in *Schedule 3*:
- the rest of this order applies to the whole of New Zealand.

Alert level requirements to prevent outbreak or spread of COVID-19 that apply to all areas

Clauses 9 and 10 set out requirements for unique identifying codes for the purpose of enabling contact tracing (QR codes).

Clauses 11 to 13 set out face covering requirements on public transport services and domestic air transport services, and exemptions from those requirements.

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

Clause 14 sets out requirements for contact tracing in workplaces.

Clause 15 describes the 1-metre and 2-metre physical distancing rules.

Clause 16 is an application clause. *Clauses 17 to 25* apply to workplaces of businesses and services, except those described in *clause 16(1)(a) to (e)*. *Clauses 27 to 31* apply to social gatherings including, but not limited to, gatherings described in *clause 16(1)(a) to (e)*.

Clause 17 requires a workplace to have systems and processes in place to—

- maintain compliance with the 1-metre physical distancing rule (so far as is reasonably practicable) for workers; and
- maintain compliance with the 2-metre physical distancing rule (so far as is reasonably practicable) for other persons entering the workplace of, or using the services, of the business or service; and
- mitigate risks that arise to the extent that physical distancing is not fully maintained (such as through regular cleaning of surfaces or installing plastic barriers).

Clause 18 requires a person to comply, so far as is reasonably practicable, with either the 1-metre physical distancing rule or the 2-metre physical distancing rule, if that rule applies to the person.

The requirements in *clauses 17 and 18* that relate to the 1-metre physical distancing rule and the 2-metre physical distancing rule apply except to the extent adjusted by *clauses 19 to 25*.

Clause 19 sets out adjusted requirements for category A businesses and services.

Clause 20 sets out adjusted requirements for education entities.

Clause 21 sets out adjusted requirements for public transport services.

Clause 22 sets out adjusted requirements for transport stations.

Clause 23 sets out adjusted requirements for controlled-access businesses and services, defined as—

- businesses or services that have a largely consistent group of workers and that usually have a fixed workplace (such as office workplaces and factories):
- businesses or services with customers or clients that are members of the business or service (such as gyms):
- public facilities located within a building or structure (such as swimming pools, libraries, and museums):
- event facilities such as cinemas, theatres, stadiums, concert venues, conference venues, and casinos.

However, retail businesses, such as shopping malls, supermarkets, marketplaces, take-away-food stores, and retail stores, are excluded from *clause 23*.

Clause 24 sets out adjusted requirements for businesses or services with workplaces that customers may enter and where food or drink is sold or provided to be consumed there (such as restaurants, cafes, and soup kitchens).

Clause 25 sets out adjusted requirements for businesses or services that cannot operate without physical contact or close proximity between people (such as massage and hairdressing services and professional sports).

Clauses 26 to 31 relate to social gatherings. (Social gathering is defined in *clause 4*.)

Clause 26 states that the requirements for social gatherings do not apply to gatherings of fellow residents.

Clause 27 sets out the number limit for a social gathering.

Clause 28 provides that the number limit for a social gathering does not include workers providing services in relation to the gathering.

Clause 29(1) provides that people must not attend a social gathering that exceeds the number limit (not including workers who are providing services in relation to the gathering). *Clause 29(2)* also provides that people must, if attending a social gathering, comply with requirements to enable contact tracing records to be kept.

Clause 30 requires the people responsible for a social gathering to ensure that the social gathering does not exceed the number limit.

Clause 31 requires the people responsible for a social gathering to ensure that contact tracing processes are in place. This does not apply if every person at the social gathering knows, and can identify for the purpose of contact tracing, every other person at the social gathering.

Exemptions

Clause 32 exempts people assisting in or responding to an emergency from the application of the order.

Clause 33 sets out other exemptions for specified activities and services.

Clause 34 empowers the Director-General of Health to grant exemptions from any provision of this order, subject to the Director-General being satisfied that certain criteria are met.

Revocation

Clause 35 revokes the COVID-19 Public Health Response (Alert Level Requirements) Order (No 6) 2021.

Schedules

Schedule 1 is for transitional, savings, and related provisions.

Schedule 2 describes the category A businesses or services.

Schedule 3 is a description of the alert level 2 area.

Schedule 4 is an indicative a map of the alert level 2 area.

Approval by resolution required

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*:

This order is administered by the Ministry of Health.

PROACTIVELY RELEASED

Appendix 2: Alert Levels Summary

PROACTIVELY RELEASED

New Zealand COVID-19 Alert Levels Summary

- The Alert Levels are determined by the Government and specify the public health and social measures to be taken in the fight against COVID-19. Further guidance is available on the [Covid19.govt.nz](https://www.covid19.govt.nz) website.
- The measures may be updated based on new scientific knowledge about COVID-19, information about the effectiveness of control measures in New Zealand and overseas, or the application of Alert Levels at different times (e.g. the application may be different depending on if New Zealand is moving down or up Alert Levels).

- Different parts of the country may be at different Alert Levels. We can move up and down Alert Levels.
- Services including supermarkets, health services, emergency services, utilities and goods transport will continue to operate at any level. Employers in those sectors must continue to meet health and safety obligations.
- Restrictions are cumulative (e.g. at Alert Level 4, all restrictions from Alert Levels 1, 2 and 3 apply).

Updated 14 December 2020

ELIMINATION STRATEGY – New Zealand is working together to eliminate COVID-19

Alert Level	Risk Assessment	Range of Measures (can be applied locally or nationally)
Level 4 – Lockdown Likely the disease is not contained	<ul style="list-style-type: none"> • Sustained and intensive community transmission is occurring. • Widespread outbreaks. 	<ul style="list-style-type: none"> • People instructed to stay at home in their bubble other than for essential personal movement. • Safe recreational activity is allowed in local area. • Travel is severely limited. • All gatherings cancelled and all public venues closed.
Level 3 – Restrict High risk the disease is not contained	<ul style="list-style-type: none"> • Multiple cases of community transmission occurring. • Multiple active clusters in multiple regions. 	<ul style="list-style-type: none"> • People instructed to stay home in their bubble other than for essential personal movement – including to go to work, school if they have to, or for local recreation. • Physical distancing of two metres outside home, or one metre in controlled environments like schools and workplaces. • People must stay within their immediate household bubble, but can expand this to reconnect with close family / whānau, or bring in caregivers, or support isolated people. This extended bubble should remain exclusive. • Schools (years 1 to 10) and Early Childhood Education centres can safely open, but will have limited capacity. Children should learn at home if possible. • People must work from home unless that is not possible. • Businesses cannot offer services that involve close personal contact, unless it is a supermarket, primary produce retailer, pharmacy, petrol station or hardware store providing goods to trade customers, or it is an emergency or critical situation.
Level 2 – Reduce The disease is contained, but the risk of community transmission remains	<ul style="list-style-type: none"> • Limited community transmission could be occurring. • Active clusters in more than one region. 	<ul style="list-style-type: none"> • People can reconnect with friends and family, and socialise in groups of up to 100, go shopping, or travel domestically, if following public health guidance. • Keep physical distancing of two metres from people you don't know when out in public or in retail stores. Keep one metre physical distancing in controlled environments like workplaces, where practicable. • No more than 100 people at gatherings, including weddings, birthdays and funerals and tangihanga. • Businesses can open to the public if following public health guidance including physical distancing and record keeping. Alternative ways of working encouraged where possible. • Hospitality businesses must keep groups of customers separated, seated, and served by a single person. Maximum of 100 people at a time. • Sport and recreation activities are allowed, subject to conditions on gatherings, record keeping, and – where practical – physical distancing. • Public venues such as museums, libraries and pools can open if they comply with public health measures and ensure 1 metre physical distancing and record keeping.
Level 1 – Prepare The disease is contained in New Zealand	<ul style="list-style-type: none"> • COVID-19 is uncontrolled overseas. • Sporadic imported cases. • Isolated local transmission could be occurring in New Zealand. 	<ul style="list-style-type: none"> • Border entry measures to minimise risk of importing COVID-19 cases. • Intensive testing for COVID-19. • Rapid contact tracing of any positive case. • Self-isolation and quarantine required. • Schools and workplaces open, and must operate safely. • No restrictions on personal movement but people are encouraged to maintain a record of where they have been. • No restrictions on gatherings but organisers encouraged to maintain records to enable contact tracing.

- Businesses closed except for essential services (e.g. supermarkets, pharmacies, clinics, petrol stations) and lifeline utilities.
- Educational facilities closed.
- Rationing of supplies and requisitioning of facilities possible.
- Reprioritisation of healthcare services.

- Other businesses can open premises, but cannot physically interact with customers.
- Low risk local recreation activities are allowed.
- Public venues are closed (e.g. libraries, museums, cinemas, food courts, gyms, pools, playgrounds, markets).
- Gatherings of up to 10 people are allowed but only for wedding services, funerals and tangihanga. Physical distancing and public health measures must be maintained.
- Healthcare services use virtual, non-contact consultations where possible.
- Inter-regional travel is highly limited (e.g. for critical workers, with limited exemptions for others).
- People at high risk of severe illness (older people and those with existing medical conditions) are encouraged to stay at home where possible, and take additional precautions when leaving home. They may choose to work.

- Event facilities, including cinemas, stadiums, concert venues and casinos can have more than 100 people at a time, provided that there are no more than 100 in a defined space, and the groups do not mix.
- Health and disability care services operate as normally as possible.
- It is safe to send your children to schools, early learning services and tertiary education. There will be appropriate measures in place.
- People at higher-risk of severe illness from COVID-19 (e.g. those with underlying medical conditions, especially if not well-controlled, and seniors) are encouraged to take additional precautions when leaving home. They may work, if they agree with their employer that they can do so safely.
- Face coverings required on public transport and aircraft (but not inter-island ferries) – school buses and children under 12 are exempt along with passengers in taxis or ride share services and people with disabilities or mental health conditions.

- Stay home if you're sick, report flu-like symptoms.
- Wash and dry hands, cough into elbow, don't touch your face.
- No restrictions on domestic transport – avoid public transport or travel if sick.
- No restrictions on workplaces or services but they are encouraged to maintain records to enable contact tracing.
- QR codes issued by the NZ Government must be displayed in workplaces and on public transport to enable use of the NZ COVID Tracer App for contact tracing.