



New amendments to the COVID-19 Public health response (Alert Level 2) Order 29 May 2020

These amendments need to be read alongside the existing Order as well as the Operational Policing Guidelines Policing at Alert Level 2 – issued 14 May 2020

On 14 May 2020, New Zealand moved to Alert Level 2. While many of the restrictions at Levels 3 and 4 were lessened or removed at Level 2, there are still a number of restrictions relating to physical distancing, gatherings and hospitality.

Cabinet have reconsidered the approach to the appropriate level of public health measures at Alert Level 2, particularly the requirement for gatherings. Other parts of the order have also been clarified.

It is important for staff to take note of the following relevant amendments and their impact as we operate in the Alert Level 2 environment.

The following amendments come into effect at 11:59am on Friday 29 May 2020.

- **Clause 16 and 17. The limit on gatherings numbers in a *defined space* is lifted to 100. This includes voluntary or not-for-profit sporting, recreational, social, or cultural activities.**

Workers who are providing services in relation to the gathering are not included as part of the gathering number limit.

At any gathering — of up to 100 people — in a *defined space*, either the organiser, person in control of the defined space or a participant who has responsibility for keeping records, must keep records to enable contact tracing. This does not apply if every person at the gathering knows and can identify for contact tracing every other person who is part of the gathering. The person who is in control of the premises and the organiser are responsible for ensuring compliance.

A *defined space* is a single space and can be indoors or outdoors. Indoors, it is a space with walls (whether temporary or permanent) that substantially divide the space from other spaces. Outdoors, if there are no walls or other barriers to divide the spaces, there must be at least two metres between all people in that space and any other people outside that space. If there are multiple spaces in a premises, and a business or service operates systems and processes to prevent intermingling between them, those spaces are separate *defined spaces*.

Businesses and event facilities can have multiple groups of up to 100 in the same venue as long as the groups are in separate defined spaces (as above). For outdoor spaces ropes or line markings or partitions could be used, provided these are sufficient to keep each group of 100 separate from each other.

Example 1. A cinema complex has three movie theatres with staggered start and finish times. This and other systems and processes ensure that people from each theatre are not in common spaces such as bathrooms and entry and exit areas at the same time. No more than 100 tickets are sold for each movie screening even though each theatre can hold more. People who don't know each other are seated at least one metre apart and must remain at least one metre apart to the greatest extent practicable while on the premises. Details of everyone entering are captured for contact tracing purposes. Groups of persons who know and/or live together, can remain together.

Example 2: Saturday morning high school rugby has four games being played at the same time. Groups of family members and friends are standing on the side-lines supporting their teams. There are more than 100 supporters watching one of the games but they have separated themselves so there is at least a two metre distance between groups. Details of all players and coaches have been captured for contact tracing purposes. Unless spectators (including parents/caregivers) keep 2 metres apart from others, they will be part of the same gathering and contact tracing will be required for them also. If the spectators are less than 2 metres apart the gathering limit must not exceed 100 people (including players)

- **Clause 19 (now deleted).** Funerals and tangihanga, along with the requirements to register with the Ministry of health, are no longer a specific category. This is due to the number limit on gatherings being raised to 100 in line with all other events (there is no longer any distinction).
- **Clause 4(1)(b)(iii).** Clarifies that gathering rules apply to faith based gatherings, not the business and services rules.
- **Clause 12.** Allows customers to order and collect food and drink at the counter of hospitality venues (but not licensed premises) of cafes and fast food establishments, provided that 1 metre physical distancing is maintained and details of people entering the premises are captured for contact tracing purposes.

The 10 person per table limit has also been removed. That means larger numbers of people who know each other can sit together but should remain separated from other groups.

- **Clause 12.** 'Single server rule' on hospitality has been amended to provide that the rule applies to the greatest extent practicable. This permits, for example, a different server when one finishes their shift or goes on a break.
- **Clause 4.** Clarifies that Club and RSA activities are not businesses and services under the Order, unless operating a club licence under the Sale and Supply of Alcohol Act 2012 at the time. Many clubs and associations sell food and are licensed to sell alcohol and can do so if they meet relevant requirements under clause 12 of the Health Order (seated, served, separated with contact tracing measures in place).

- **Clause 4. Where record keeping is required for contact tracing, the requirement for residential or any address to be provided has been removed.**

Please continue to take a common sense approach to checking those who are moving around while Alert Level 2 restrictions are in place. Staff are doing a great job and are encouraged to continue to use discretion.

5. Scenarios

Scenario One – Nightclub

Scenario:

You are asked to attend a job at a local nightclub. When you get there you see that the tables have been pushed aside to make a dance floor and people are either dancing or standing around the bar.

Graduated Response Model

As the nightclub is serving food and/or drink all patrons must be seated, separated from people in other groups and served by a single server. That means dancing and standing at bars is not permitted. As a licenced premises, people are not permitted to order or collect food or drink from the bar.

Engage/Encourage/Educate

Engage with the person in control and educate them about the seating, serving and separation (including 1m physical distancing) requirements and encourage that person to comply.

Enforce

If a warning does not ensure compliance then consider directing closure of the premises. Please contact the NCCC for more information.

Scenario Two – Church Service

Scenario

You are called to a church service and see all the pews are full with over 100 people present.

Graduated Response Model

Gatherings of up to 100 people are permitted provided contact tracing requirements are met. In this case more than 100 people all sitting together is a breach of the Health Order. However if the church had separate defined areas and there was no more than 100 people present in any one of these and no intermingling between people from different seating areas, then this would be permitted. Please refer to the meaning of a defined space on page one of this document.

Engage/Encourage/Educate

You engage with the Minister, educate them about the requirements and encourage them to comply. You also ask that the details of each person present be captured for contact tracing purposes.

Enforce

Only resort to enforcement action if absolutely necessary and please contact the NCCC for guidance before doing so.

Scenario Three – Funeral (Refer separate guidelines for Funerals and Tangihana)

Scenario

A member of the public calls to say that there is a funeral taking place with a large crowd in attendance. When you arrive you see there at least 200 people present.

A social gathering means a group of people who are intermingling.

Strict rules are in place for social gatherings to stop the spread of COVID-19:

- Funerals or communities can carry out funerals and tangihanga as long as guidelines are followed.
- Any service can have up to 100 people, excluding workers.

For contact tracing purposes, a record must be made of the contact details of every person who attended, including name and a phone number or email address they can be contacted on. We must undertake a graduated response.

Staff will need to approach the funeral director who will educate and encourage family/whānau around the current COVID-19 rules, with a view to managing attendee numbers and contact tracing.

Graduated response

Engage/Encourage/Educate

If the group exceeds 100 people, and it is very clear that they are in breach of the rules then engage with the parties and educate them on the current requirements (if necessary) to correct their behaviour or activities. Encourage compliance measures if required.

Enforce

Before taking any enforcement action or entering a marae please refer to the funerals and tangihanga guidelines which can be found at: [Funerals and Tangihanga Under Alert Level 2 Revised.](#)

As this is an emotional and challenging time staff will need to be sensitive and undertake all interactions in line with Our Values.

Only resort to warnings if absolutely necessary. Only consider prosecution after consultation with the 0800 Prosecutor line, DCC, Duty Inspector, NCCC or MOC.

Scenario Four – Casino

Scenario

You are called to a casino and find a large number of people in an open-plan gaming area.

Graduated Response Model

As this is a controlled venue people are required to maintain one metre physical distance and records kept to enable contact tracing. The limit of 100 people per defined space applies as this is an event facility and in this case there is only one defined space (more information on what constitutes a defined space is outlined on page one of this document).

Engage/Educate/Encourage

Engage with the person in charge and educate them about the requirements including the 100 person limit. Encourage them to comply.

Enforce

Warn that failure to comply could result in the business being forced to close for up to 24 hours under section 24 of the COVID-19 Public Health Response Act 2020. A formal warning could also be issued. Please contact the NCCC for guidance.

6. Quick Fire Q & A's

Question

Where do people need to keep two metres away from each other and where do people only need to keep one metre away from each other?

Answer

In retail stores, supermarkets and marketplaces and in uncontrolled spaces, such as in parks and at the beach, two metres distancing applies unless people are known to each other. In other, controlled venues — such as museums, cinemas, stadiums and seated restaurants — one metre applies unless people are known to each other.

At social gatherings that comply with the rules, no physical distancing applies, including where venues have been hired for gatherings.

Question

When are people in quarantine allowed to leave?

Answer

People can only leave quarantine once they have been cleared by the relevant health authorities.

Question

Is there a person number limit for shopping malls?

Answer

No, however physical distancing of two metres applies.

Question

Are bars, restaurants and cafes required to implement physical distancing and contact tracing?

Answer

Bars

The overall limit on numbers is 100 unless there are separated 'defined spaces'. One metre physical distancing is required (except for customers who are friends/whānau) and there must be at least 1m between tables (which can be a high table with bar stools). Records must be kept to enable contact tracing of workers and customers and where practicable only one server should serve any table. Customers must be seated at a table except when using the toilet, paying or departing. Ordering and collecting food and drinks at the counter is not permitted.

Cafes/restaurants

The same rules for bars apply, except customers can order and collect food and drinks at a counter for non-licensed premises where physical distancing of 1 metre is maintained.

Takeaway food can be ordered from the counter of any establishment, including licensed ones, irrespective of whether patrons are able to dine in or not. However, 2 metre physical distancing is required and record keeping is not mandatory.

Question

Are workplaces required to ensure physical distancing and contact tracing measures in place for staff?

Answer

Businesses are encouraged to use alternative ways of working if possible. However workplaces are required to ensure people maintain a distance of one metre to the greatest extent practicable and have contact tracing in place.

Staff should consider their Health and Safety

This remains a fluid situation, for the latest information and advice on Health and Safety requirements please check our [Ten One intranet page](#)