

Operational Policing Guidelines

Policing at Alert Level 3

(Including scenarios for the frontline)

25 April 2020

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Please note this document is live from 11.59pm, 27 April 2020 and is intended to replace the earlier version 'Operational Policing Guidelines Alert Level 4 (Scenario's for the Frontline)' dated 3 April which should be destroyed.

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](#).

1. Introduction

On 24 March 2020, the Prime Minister, with agreement of the Minister of Health, gave notice under section 5 of the Epidemic Preparedness Act 2006. The epidemic notice allows the use of special powers by the Medical Officer of Health in accordance with s 70 of the Health Act 1956 for the purpose of preventing the outbreak and spread of COVID-19.

A state of national emergency was declared under the Civil Defence Emergency Management Act 2002, with effect from 25 March 2020. It has been extended weekly since that time and may be further extended.

This allows the use of special powers by Medical Officers of Health in accordance with s70 of the Health Act 1956 for the purposes of preventing the outbreak and spread of COVID-19.

The Director General of Health, acting as the Medical Officer of Health (MOOH), has issued several orders since 16 March 2020.

On 27 April 2020 the following order has been issued;

Health Act (COVID-19 Level 3) Order 2020,
Pursuant to section 70 (1) (e), (ea), (f) and (m) of the Health Act 1956.

This order revokes a number of the previous orders.

The purpose of this order is:

- a) To prevent the outbreak or spread of COVID-19 by limiting the movement of people and the contact between people in New Zealand; while
- b) enabling some movement and contact where that can occur without high risk and where public health measures such as good hygiene and cleaning measures, physical distancing, and minimising interactions in groups apply (whether under this order, other health and safety requirements, or guidance).

The order is attached at the rear of this document (refer appendix B).

2. Police position

1. We police by consent and must maintain the support of the wider public in our actions. As always we must use and be seen to use discretion, sound judgement and be proportionate.
2. As the country transitions to Alert Level 3, this approach to enforcement action becomes increasingly important. The Health Order which comes into effect from Tuesday 28 April 2020.
3. Police may do anything reasonably necessary (including the use of force), to compel, enforce, or ensure compliance with a requirement made by a MOOH in the above Health Act Orders (s70A(1)(e)).

4. There is a power to stop and inspect any vehicle, and enquire into the purpose of travel under s 71A(2) to ensure people are not travelling in breach of the Health Act Orders.
5. Police have a power to enter, remain and inspect premises (s 71A(2)) if they have reasonable grounds to believe actions or gatherings are occurring in those premises that are not consistent with the Health Act Orders.
6. **Checkpoints**
Police have the authority to establish checkpoints at the discretion of the District Commander to stop vehicles to establish compliance with the Health Act Order.
7. **Road Blocks**
Road Blocks must not be established without the approval of the District Commander.

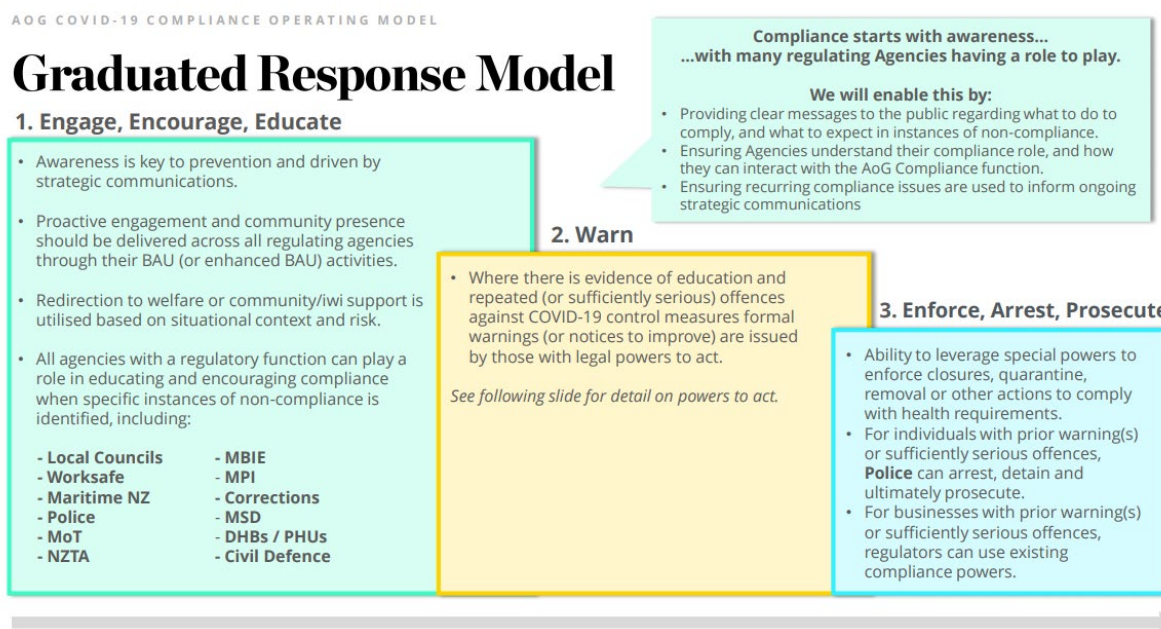
The New Zealand Government website [Unite against COVID-19](#) provides advice for New Zealanders that assists them to work within the constrictions of Alert Level 3.

3. Graduated Response

At all times we need to take a graduated response to any situation we encounter and apply a common sense understanding to the intent of what we are asking everyone in our communities to achieve.

1. **Engage** with the parties and communicate with them to identify whether their current behaviour or activities are contrary to the government's response to COVID-19.
Educate them on the current requirements (if necessary) to correct their behaviour or activities
Encourage compliance measures if required
2. **Warn** – only where evidence of education exists and when offences are repeated or are sufficiently serious
3. **Enforcement** – only resort to prosecutorial measures if **absolutely necessary**.

AoG (All of Government) COVID-19 have adopted a graduated response model incorporating these principles.



Police will need to respond, and make decisions about how to deal with situations as a result of the declaration of the state of emergency, and that are impacted by the Health Act Orders.

The following scenarios should assist all staff when dealing with people in these times but are by no means exhaustive. Please remember that the existing legislation that Police operate under is still relevant and available to be used for normal policing issues.

A summary of the legal powers that include both Health Act Orders, and a revised approach to Civil Defence Emergency Management Act powers is included (*refer legal powers – section 5*).

4. Scenarios

The Health Act Order will be in force from 11.59pm on Monday 27 April. It provides measures to prevent the outbreak or spread of COVID-19 by limiting people's movement and contact between people. The following seven principles should be considered when applying the intent of the Health Act Order.

Alert Level 3 Principles

Alert Level 3 is based on *seven principles* which have been outlined by the Prime Minister:

Principle 1: Stay home. Unless people are at work, school, exercising or getting essentials they must be at home, the same as under Alert Level 4.

Principle 2: People should work from home if they can. At risk students and staff at schools should also stay at home.

Principle 3: Make businesses COVID-19 safe. This includes physical distancing, processes to support contact tracing, ensuring customers do not enter premises (other than for the minimum extent possible to collect goods) and ensuring contactless pre-ordered pickup or delivery systems are operating.

Principle 4: Stay regional. Exercise at parks and beaches within the region or in an adjacent region (if closer) is permitted, providing the exercise is safe and people keep 2 metres away from anyone who is not in their bubble.

Principle 5: People keep to their bubble as much as possible. Bubbles can be expanded by a small amount to bring in close family, isolated people or caregivers.

Principle 6: People should maintain good hygiene practices including washing hands and coughing into their elbows.

Principle 7: People should stay home if they are sick.

The attached scenarios are not exhaustive and should help to guide frontline decision making. They are designed to be considered in line with the other sections of this document.

Scenario One - Outdoor congregation

Scenario:

You are tasked to attend a job where there is a group of people playing a game of touch rugby in the local park. When spoken to they advise you that they are just practicing their skills and doing no harm. You determine they are not from the same bubble or extended bubbles. When you ask them to separate and go back to their respective addresses, they refuse and challenge your authority, stating they have done nothing wrong.

Graduated Response Model

Engage/Encourage/Educate:

Explain to them that this is to prevent the spread of COVID-19. Explain to them they are not allowed to play touch under the s70 Health Act Order if they are not from the same bubble or extended bubbles.

They are breaching the Order as there is a prohibition to congregate in outdoor places (*clause 11*). Further, if they do exercise or other recreation it must be undertaken in compliance with physical distancing requirements (2 metre separation). Touch rugby suggests close contact between people from different bubbles.

Let them know that they all need to stop playing touch or otherwise they are committing an offence.

Warn: Warnings are the preferred option with arrest as a last resort.

Enforce/Arrest/Prosecute:

You can take action under s71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s70.

It is an offence under s72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s70.

Scenario Two - Public Place - mountain biking at Trail Park

Scenario:

You are called to the local mountain bike track as there are a group of people about to go mountain biking. The tracks are open (they have not been closed by the local regional council or the Department of Conservation). You speak with the people in the carpark. They appear to be congregating together to go for a ride and are not from the same bubble or extended bubble.

Graduated Response Model:

Engage/Encourage/Educate:

When you approach the group they tell you they are intending on riding together.

Mountain biking is permitted as long as the riders are experienced and are familiar with the tracks and are either riding with others from their bubble or a shared bubble.

Explain to them the effect of the s70 Health Act Order, which prohibits congregation in outdoor places of amusement or recreation.

The Health Act Order prohibits people from congregating in outdoor places (*clause 11*).

Explain that the group risks breaching the Order if they continue with their plan to undertake a group ride. Encourage them to maintain a distance of at least 2 metres between riders at all times.

If they undertake to do so, this meets the physical distancing definition of the Health Act Order.

If any individuals in the group people fail to comply, **Warn** then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

Enforce/Arrest/Prosecute:

If required you can take action under s71A(1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s70.

If they fail to comply the offence is under s72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s70.

Scenario Three – Takeaway shop

Scenario:

You are notified that a local fish and chip shop is open and customers are waiting inside. There does not appear to be any contactless pre-ordered pickup system.

Graduated Response Model:

Engage/Encourage/Educate:

Explain to the store operator the effect of the s70 Health Act Order, which permits businesses to open for delivery and contactless pre-ordered pick-up only.

The relevant business or service control measures requires that infection control measures are in place to ensure that they can operate safely. These measures are:

- Physical Distancing
- Contact Tracing
- On-premise customer prohibition (i.e. customers may enter the premises only to the minimum extent necessary to collect goods through a method that minimises physical contact and does not permit entering a building).
- Food and drink cannot be consumed on the premise

There is a distinction in the Notice between *premises* and *buildings* – premises are land *and* buildings. Customers may go onto carpark or a drive-through, but they may not go inside any building on that land.

Takeaway shops may be open for business under the Health Act Order but the consideration is that they deliver the ordered food or that there is a contactless pre-ordered pick-up system in operation.

The operator should close the shop until they are able to comply with the provisions of the Health Act Order.

The Health Act Order clause 9 outlines that businesses without infection control measures are to be closed. Premises are restricted for the purposes of this clause if they are premises under the control of businesses or services **and** they do not have the relevant control measures in operation.

The operator should be advised that they can be warned, arrested, summonsed or fined up to \$4000 for failing to comply.

If they fail or refuse to comply then K6 the job. This will cause the premises breach to be recorded and identified in a BO search. This will then be looked at by the All of Government Compliance Team.

Powers:

Note: The AOG are likely to take action in this situation however in case urgent action is required your powers are below.

You can direct the customers to leave the store and the business owner to close.

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under S 70.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

Scenario Four – Party at private residence

Scenario:

You attend a job where a group of teenagers who are over the age of 18 are having a party at a local address in a suburban area. You speak with the occupier who advises you that they are a group of friends having a low key get together and hurting no one. You determine that the people living at the address are in one bubble but the visitors are from range of different places and are prohibited from associating.

Graduated Response Model:

Engage/Encourage/Educate:

Explain to them the effect of the s 70 Health Act Order, which prohibits people associating outside of their 'bubble or 'extended bubble' unless this is specifically provided for in the Health Act Order.

Suggest to the visitors that they leave and go home. Advise them that if they do not comply, this is an offence.

Warn: If people fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

Enforce/Arrest/Prosecute:

When taking action under s 71A(1) Health Act, s 71A(2) gives us the power to enter into or on any land, building or vehicle, inspect any land, building or vehicle or things in or on them.

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

Scenario Five – COVID-19 symptomatic person at private dwelling**Scenario:**

You attend a job where it has been reported that a person at an address shows symptoms that suggest they may be infected with the COVID-19 virus. After consulting with your DCC, you are tasked to investigate and take the appropriate action.

At the address you are greeted by an elderly lady who is caring for her sick 76 year old sister. The sister, when spoken to is clearly very unwell and in your opinion, needs medical attention as she may be infected with the virus. You make arrangements for her to get to a hospital but she refuses to leave the address and states that she is happy to die alongside her sister. Her sister agrees with her. The pair are going nowhere.

Graduated Response Model:**Engage/Encourage/Educate:**

Explain to the sisters that there is a risk that they may come into contact with others and they may spread COVID-19. You explain that although you understand their situation there is a serious risk that she could infect others (her sister and anyone her sister may come into contact with). You advise them that their actions pose a serious health and safety risk.

You recommend they allow you to get medical assistance for the sick sister.

The Health Act Order does not provide any power to enforce. If they refuse to comply you need to contact the NCCC for them to contact the Medical Officer of Health (MOOH) for advice and guidance.

The MOOH can issue an individual Health Act Order specifically for the sick sister. If this is issued, action under s 71A (1)(e) of the Health Act can be taken. This gives Police power to compel, enforce or ensure compliance with a requirement of powers or functions under s 70.

Warn: If the Order is issued and the sisters refuse to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

Enforce/Arrest/Prosecute:

If an individual Health Act Order is issued, you can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

When taking action under s 71A(1) Health Act, s 71A(2) gives us the power to enter into or on any land, building or vehicle, inspect any land, building or vehicle or things in or on them.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

Scenario Six – Vehicle stop - Extended ‘bubble’ arrangements

Scenario:

Police stop a vehicle at a check point and talk to a family. They outline that they are traveling to an adjacent region to visit their parents/grandparents who they have made a decision to include as being as part of their extended bubble’. The family reside in Hamilton and are travelling to Newmarket, Auckland.

Graduated Response Model:

Engage/Encourage/Educate:

Police speak with the mother and establish the purpose of the family travel is to drop the grandchildren off at their grandparents who they have not seen for a month now. Police ascertain that the family and the grandparents have an extended bubble arrangement. The travel is permitted as Hamilton (Waikato) and Newmarket (Auckland) are in adjacent regions.

This travel is permitted in the current Health Act Order.

The Order defines a region as a Civil Defence Emergency Management Group under the Civil Defence Emergency Act 2002.

Under Clause 7(h), people may leave their home or place of residence for the purposes of visiting or staying at another home or place of residence (and visiting or staying at that home or place of residence) if the two homes or residences have an extended bubble arrangement and are in the same or adjacent (CDEM Group) Regions.

Scenario Seven – Vehicle stop - hunting

Scenario:

Police stop a vehicle and find it occupied by a father and his son. Police talk to the father and establish that he is taking his son to an adjacent region for a hunting trip. The father is an experienced hunter and his son whilst less so has still hunted previously with his father.

Graduated Response Model:

Engage/Encourage/Educate:

Police establish the father is a very experienced hunter and plans to continue to educate his son on the basics of bush-craft and shooting. The two are travelling to the farm of a family friend who has given them permission to hunt on his land.

Police decide the hunting is low risk as the father is experienced and safety orientated. This is permitted in the Health Act Order.

The Order defines a region as a Civil Defence Emergency Management Group under the Civil Defence Emergency Act 2002.

Under *clause 7(e)* people may leave their home or place of residence to go to an outdoor place within their or an adjacent region to undertake an activity that does not expose the participant to danger (taking account of their experience and abilities).

In the case of hunting this is permitted.

Please note:

Hunting using any form of motorised vehicle is prohibited in *clause 7(e) (iii)*, Health Act Order.

Staying overnight for hunting is prohibited *clause 7*, Health Act Order.

Scenario Eight - Vehicle Stop – holiday home

Scenario:

You spot a vehicle with bikes on a cycle rack driving between Wellington and the Paraparaumu (approximately 40 kilometres away). You stop the vehicle and find a family inside. The driver states that they are going to their holiday home for a break.

Graduated Response Model:

Engage/Encourage/Educate:

The s 70 Health Act Order, requires people to remain at their current place of residence except for essential personal movement or recreation.

Staying overnight at a bach or holiday home is not permitted as it is not defined as essential personal movement as defined in *clause 7*, Health Act Order. You advise them to return home.

Warn: If they fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Enforce/Arrest/Prosecute:

There is a power to stop a vehicle under s 71A(2)(c) Health Act to execute any of the powers under s 71A(1) Health Act.

In this situation s 71A(1)(e) would apply (compel, enforce or ensure compliance).

Restrictions on and the definition of permitted movement is in the s 70 Health Act Order issued on 24 April 2020.

Scenario Nine – Vehicle stop – international travel planned

Scenario:

You stop a vehicle at 11am driving in Rotorua. The occupants are a couple of tourists who have been in New Zealand since January. They say they are on their way to Auckland Airport as they have tickets booked to fly home to Germany. They are both healthy.

Graduated Response Model

Engage/Encourage/Educate:

You ask them what their plans are. They say they are travelling to Auckland Airport to catch a flight out of New Zealand. This travel is permitted providing they have tickets for a scheduled departure flight. If this is the case they can continue travelling to Auckland.

Travel in this case is permitted, clause 7(q), Health Act Order provides an exemption for people to travel to leave New Zealand.

However - if the occupants do not have reservations for a scheduled flight obtain their details, advise them where they can park their vehicle in the local area for the duration of the lockdown or until they can confirm flight reservations. Direct them to drive to a campsite, hotel or other accommodation facility if they do not have a self-contained camper and advise them that if they move from that general area, that this is an offence.

Place an alert on the vehicle, identifying the circumstances and if they are directed to remain, the region where they will be staying for the duration of the lockdown.

Warn: If they fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

Enforce/Arrest/Prosecute:

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

Scenario Ten - Funeral

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 are at least 30 people present.

Guidelines for funerals and tangihanga can be found on the Government COVID-19 website.

Bereaved families from all cultures and backgrounds will find this time challenging.

Graduated Response Model

Engage/Encourage/Educate:

The Health Act Order allows for *controlled gatherings*. A *controlled gathering* is defined as one that:

- has no more than 10 people at any one time
- is not serving food or drink
- is for a funeral / tangihanga / wedding or civil union

It is recommended that contact is made with the funeral director or Kaumatua. The restrictions imposed by the Health Act Order are explained and discussed. The requirements for physical distancing and the intent of the Health Act Order should be reinforced.

Approval for any subsequent action should be sought from the DCC or MPES before proceeding.

5. Quick Fire Q & A's

Question

If I find a loophole, surely I can exploit it? If an action is risky it would have a specific rule to prevent it, right?

Answer

The clearest answer to this was given by controller of the all-of-government response and head of the lockdown taskforce John Ombler when he said: "If you're looking for exceptions to the rule, you've missed the point of it and means other New Zealanders could die."

Question

Do "Essential businesses" still exist?

Answer

No. There are now three categories of businesses and services. They are listed in Schedule 2 of the Health Act Order. Each category has different requirements relating to infection control measures. The infection control measures are physical distancing, contact tracing, on-premises customers and client's prohibition, food and drink prohibition and some specific measures relating to schools and controlled venues.

Question

What if a business or service doesn't have the required infection control measures in place?

Answer

Engage with the business, educate them on what control measures they should have in place (refer Health Act Order clause 10), encourage the business to close until the infection control measures are in place. If they fail or refuse to comply then K6 the job. This will cause the premises breach to be recorded and identified in a BO search. This will then be looked at by the All of Government Compliance Team.

Question

I can't see fast food outlets or garden centres in the Order. Does that mean they shouldn't be open?

Answer

The way the Order is written, all other businesses not named in Schedule 2 are classified as Category C businesses. They can open as long as they comply with the Category C infection control measures. Category C infection Control measures are Physical distancing, contact tracing and no on-premises customers or clients.

Question

What about hairdressers, tattoo parlours and masseuses and the like? They aren't specifically mentioned so are they Category C businesses and can open?

Answer

It is impossible for any of these types of businesses to operate at a distance of 2 metres and without on-premises customers and clients, therefore they cannot open and must remain closed.

Question

There is a mass gathering reported to Police. What should I do?

Answer

Mass gatherings are a high risk situation for the transmission of COVID-19. This should not be permitted to continue. However apply TENR and take appropriate action as the situation dictates.

Question

When you say region, what do you mean? (This is an important definition)

Answer

Region means an area of a Civil Defence Emergency Management Group under the Civil Defence Emergency Management Act 2002. See link attached.

<https://www.civildefence.govt.nz/assets/Uploads/cdem-groups-and-councils-september-2013.pdf>

Question

I live in Wellington and have a holiday home on the Kapiti coast. Can I travel there for a break?
I live in Auckland and have a holiday home in the Coromandel. Can I travel there for a break?
I live in Christchurch and have a holiday home in central Otago. Can I travel there for a break?

Answer

No (this has not changed). You must stay at your current place of residence for the duration of the lockdown. This is similar to a campervan, where it must stay in the same general location.

Question

What are the rules for **exercise and recreation** now?

Answer

They can leave their home or place of residence for the purpose of exercise or other recreation if it is done in an outdoor place that is readily accessible (including by using their vehicle) from

their home and is within the same or an adjacent region. The requirements that relate to physical distancing and the prohibition against congregating still apply. It must not involve flying manned aircraft, scuba-diving, hunting in motorised vehicles, or water-based activities involving sailing boats, motorised craft, or motorised equipment. The activity does not expose the participant to danger (taking account of their experience and abilities). The emphasis remains on avoiding dangerous activities that may require emergency or rescue services.

Question

I locate a family collecting shellfish (paua) with a person snorkelling in the shallows looking for crayfish. They claim Maori customary rights for kaimoana gathering. What should I do?

Answer

Essential personal movements include “limited customary purposes” which includes Maori customary rights. The same rules as for exercise and recreation (as set out above) apply.

Question

Can I go fishing / swimming / mountain bike riding / hunting / tramping etc?

Answer

Yes, (see Q & A above - exercise and recreation for detailed guidelines). There are some specific rules around hunting.

Question

Can I go hunting?

Answer

Hunters is permitted to hunt on private land with special restrictions under Alert Level 3, but not on public conservation land. Hunting must be carried out on foot only with the use of quad bikes, off-road bikes, helicopters and other motorised vehicles prohibited. The 2020 duck shooting season, scheduled to start on Saturday 2 May, has been postponed to start the second weekend into Alert Level 2.

Question

I live in a small town that has no supermarket. Can I travel to the nearest larger town that has one?

Answer

(No real change) Yes. Travel to access a Category B business (supermarket) can be undertaken but the supermarket must be in the same region or in the town where the nearest supermarket is located. For example I live in Tirau and there are no supermarkets there. I can travel to Matamata to go to the supermarket.

Question

You stop a person travelling to an international airport for a flight out of New Zealand. Is this allowed as they are travelling a long distance to get there?

Answer

Yes (this has not changed). This is permitted as an essential personal movement. This travel is permitted to enable visitors to travel through New Zealand (without using a Cook Strait ferry service) to return to their home country. The person travelling must be in possession of a ticket on the plane (confirm travel) out of New Zealand and carrying their passport. Without a confirmed ticket, travel should not be permitted as we don't want people gathering at international airports hoping to get on an international flight.

Question

I have a special needs child who is calmed down by travelling in a car. Can I take them for a drive to calm them down?

My baby is very unsettled and goes to sleep when I take them for a drive. Can I take my baby for a drive to get them to sleep?

Answer

Yes (this has not changed) as long as you stay in your region and stay in your bubble.

Question

I have joint custody of my two-year-old son with my ex-partner. We have a week about custody arrangement. Can I drop off my son at my ex partners address?

Answer

Children may leave the extended bubble arrangement of 1 shared caregiver to visit or stay at the extended bubble arrangement of another shared caregiver. Generally, the permission for visiting extended bubble arrangements is restricted to the same or an adjacent region. However, this restriction does not apply to children moving between extended bubble arrangements of their shared caregivers:

Question

I have come across a group of 8 people holding a prayer session at a local church. What should I do?

Answer

This is not a permitted controlled gathering and they should be asked to disperse. The only controlled gatherings allowed are funerals, tangihanga, weddings and civil unions. These can be up to 10 people at a time but no food or drink can be served.

Question

How many people can be in an extended bubble?

Answer

An extended bubble agreement includes all of the residents (other than a person under 18 years) of 2 or more homes to isolate or quarantine in accordance with this order as if they were one residence for the purpose of keeping connections with family or whānau, enabling caregiving, or supporting persons living alone or otherwise isolated.

Extended bubble arrangements must be for the purpose of connecting to family or whānau, caregiving, or supporting isolated persons. Generally, the permission for visiting extended bubble arrangements is restricted to the same or an adjacent region. However, this restriction does not apply to children moving between extended bubble arrangements of their shared caregivers.

Question

I stopped a person who is moving house. Can they do this under Alert Level 3?

Answer

Yes. People can relocate their home or business premises, and leave their home or business premises for the purpose of arranging and carrying out the relocation (including for inspection of the property). Buying and selling houses can now also happen as long as the infection control measures in regards to Category C businesses are applied.

Question

I live in Christchurch and want to go to Greymouth for a funeral. Can I go?

Answer

Yes. A funeral is a controlled gathering at which there can be no more than 10 people at any one time and no food or drink is served. Travel to another region (note not just adjacent region) is permitted for funerals or tangihanga.

Question

A person comes to the front counter asking for a travel exemption letter as they are going to Auckland. They say the airline / ferry needs it. What should I do?

Answer

Under alert level 3 you are only required to have a letter of approval for compassionate grounds. This can be accessed on the COVID-19 website. In level 3, you can travel without a letter if you meet /fall into the below category.

Travel between regions is allowed for the following essential personal movement:

- *Workers travelling for Schedule 2, Part 3 work,*

- *Going to work or school (only in neighbouring region),*
- *Extended bubble arrangements,*
- *Relocating a home or business,*
- *Those travelling for medical reasons,*
- *Emergencies and giving effect to court orders,*
- *Those who have an exemption to travel because of compassionate reasons,*
- *Foreign nationals leaving New Zealand (except on Cook Strait ferries),*
- *People arriving in New Zealand from overseas and returning home after 14 days' isolation/quarantine at port of arrival (Except air and marine crew).*

All other travel is not allowed.

If you are travelling for one of these purposes, you need to travel with appropriate documentation. This should always include your driver's license as a form of ID, in a vehicle registered to your home location or with such a document showing your home address such as a power bill etc. It is important (but not essential) to have evidence of the reason for the travel i.e. court orders, letter from doctor, employer, house purchase documents etc. It is your responsibility to explain sufficiently to authorities the reason for your travel and have the appropriate proof as to your final destination.

Question

I live in Auckland and want a joint bubble arrangement with my best mate who lives in a house next to our holiday home in the Coromandel at Pauanui. Can I have an extended bubble arrangement with him?

Answer

No. This is not permitted under the extended bubble arrangement as your mate is not whanau/family or a caregiver or a vulnerable person.

Question

I live in Nelson and want to go and ride on the cycling velodrome in Christchurch. It is in the adjacent region. Can I go?

Answer

No, there is a velodrome in Nelson. The nearest velodrome in the adjacent region is in Blenheim.

Question

I live in Hamilton but work in Auckland. Can I travel from Hamilton to Auckland to work every day?

Answer

Yes, if the business or service for which interregional travel is required is permitted for work purposes. These businesses and services are listed in Schedule 2, Part 3 of the order.

Question

Do we take into account warnings issued under Alert Level 4 when considering Alert Level 3 breaches?

Answer

Yes as all breaches relate to Health Act Order compliance.

6. Legal Powers

Legal powers – Response to Covid-19 Alert Level 3

The Medical Officer of Health has issued a new s70 Health Act order, amending the requirement for every person to remain isolated or quarantined at their home or residence, by:

- Allowing for essential personal movement in a range of defined circumstances.
- Prescribing the types of businesses or services that may open at AL3, provided they comply with applicable infection control measures for that business or service type.

This summary of legal powers includes powers from both the Health Act and the Civil Defence Emergency Management Act.

The emphasis when exercising any statutory power is still to ensure the use of discretion, sound judgement and proportionality.

Health Act

Requirement to be isolated at home / residence / physical distancing

- All persons within all regions to remain at their current home or place of residence
- Except for *essential personal movement*
- All persons to maintain physical distancing

Notes

- *Regions* refer to civil defence regions (see **below** chart)
- *Essential personal movement* includes a wide range of ‘permissions’
- Power to compel, enforce and ensure compliance with a requirement of MOOH (s 71A(1)(e))
- Police power to stop and inspect vehicles (s 71A(2))
- Police power to enter, remain in and inspect premises (s 71A(2))
- Offence (6 mnths/\$4000) to fail to comply, obstruct, etc. (s 72 HA)

Congregations in place of amusement or recreation (whether public or private)

- Prohibited by the s70 order
- Power to compel, enforce, or ensure compliance with a requirement of MOOH (s 71A(1)(e))
- Offence (6 mnths/\$4000) to fail to comply, obstruct, etc. (s 72 HA)

Notes

- Applies only to *outdoor places of amusement or recreation*, whether private or public – does not apply to all public places
- *Congregating* is essentially not maintaining *physical distancing* in a place of recreation or amusement

- *Physical distancing* means (for the purpose of not congregating) to ensure 2 metres distance between others, or if less than 2 metres, then this is for less than 15 minutes
- Power to arrest / prosecute as last resort

Businesses or Services

- Businesses or services may open if they have in place *applicable infection control measures*
- Businesses that cannot meet these requirements are deemed *restricted* businesses and must remain closed
- Power to compel, enforce, or ensure compliance with a requirement of MOOH (s 71A(1)(e))
- Police power to stop and inspect vehicles (s 71A(2))
- Police power to enter, remain in and inspect premises (s 71A(2))
- Offence (6 mnths/\$4000) to fail to comply, obstruct, etc. (s 72 HA)

Notes

- Different standards of *infection control measures* apply, depending on the category of business
- The public may enter into premises of Category A and B businesses or services – but may not enter into a building of any other business or service
- Businesses not listed in Category A or B may provide goods by way of a drive-through or pick-up, the public may enter their ‘premises’ for this purpose - but the public may not enter a building of that business or service.
- Supermarkets, dairies, petrol stations and accommodation services are listed in Category B and the public are permitted to enter these buildings
- Businesses listed in Part 3 are considered essential businesses or services, for inter-regional travel.
 - Obvious non-compliance will stand out – e.g. cafes / restaurants serving food on premises. But other forms of non-compliance may be less apparent
- Police may give enforcement directions – but ought to be clear as to the *applicable infection control* measures before giving enforcement directions

Civil Defence Emergency Management Act

A national civil defence emergency has been declared. Enforcement powers contained in the CDEM Act are in effect. The powers in the CDEM Act complement the powers in the Health Act.

Giving effect to enforcement powers contained in the CDEM Act is situational specific. That is, the exercise of any enforcement power must be considered in the context of the situation immediately arising.

Entry on premises (s 87)

A constable may enter on, and if necessary break into, any premises or place within the area or district in respect of which the state of emergency is in force if he or she believes on reasonable grounds that the action is necessary for,—

- (a) Saving life, preventing injury, or rescuing and removing injured or endangered persons; or
- (b) Permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress

Issues for Police

- Police may rely on the power to enter premises set out in s 87, during the state of emergency
- No immediate risk indicators are necessary, other than the fact of the nature of the threat presented by Covid-19, before this section may be used to empower Police to enter any premises or place

Closing roads or public places (s 88)

A constable, or any person acting under the authority of a Controller or constable, or any person so authorised in a relevant civil defence emergency management plan, may, in order to prevent or limit the extent of the emergency, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place within the area or district in respect of which the state of emergency is in force.

Summary for Police

- Specific Operations Orders for *Covid-19 Check Points* have been issued.

Power to give directions (s 91)

A constable may—

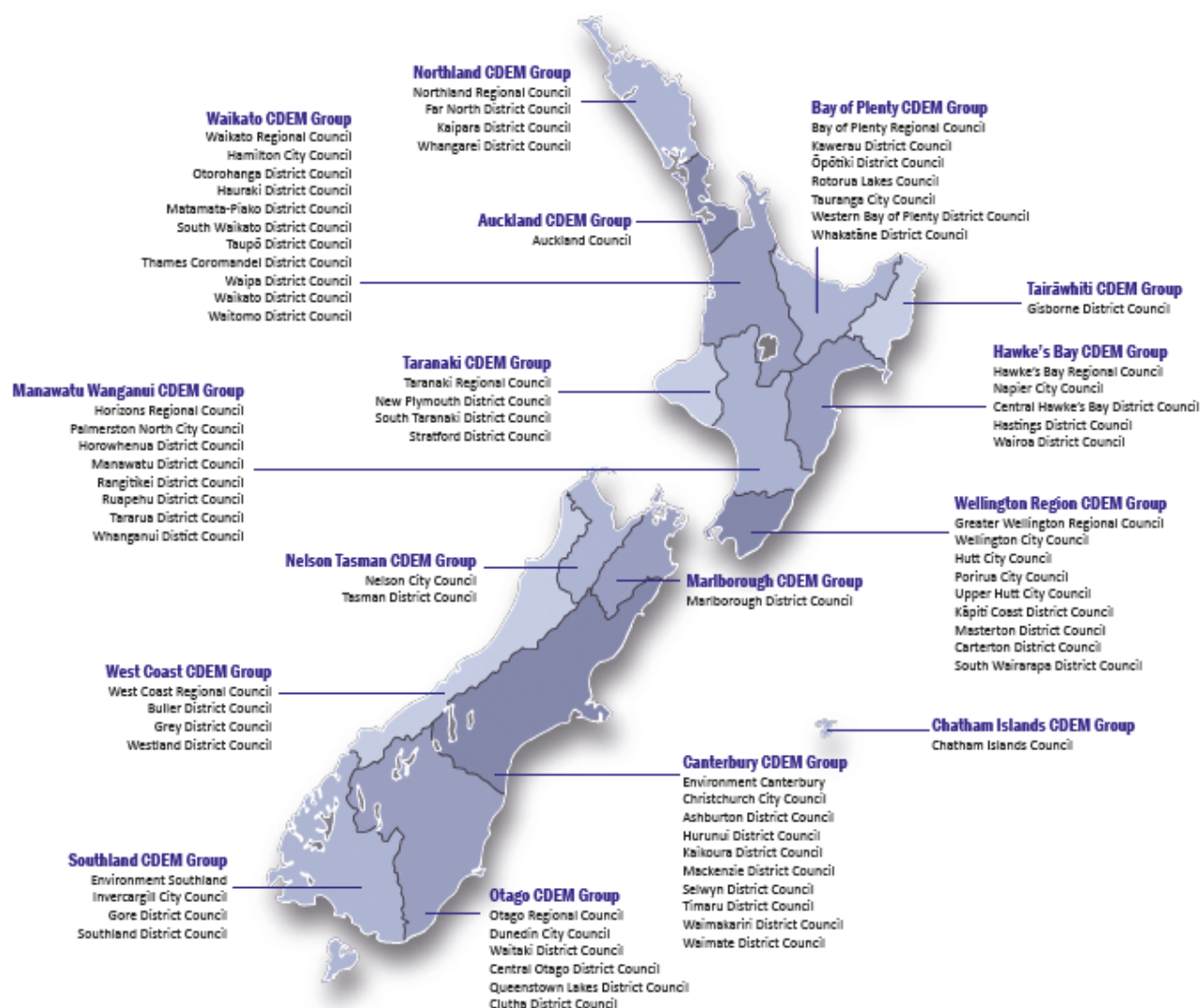
- (a) Direct any person to stop any activity that may cause or substantially contribute to an emergency;
- (b) Request any person, either verbally or in writing, to take any action to prevent or limit the extent of the emergency.

Issues for Police

- Based on the current state of emergency, and the threat that Covid-19 represents to New Zealand, Police may direct any person to stop any activity that would amount to a breach of the Government directions for preventing the spread of Covid-19
- Failure to comply with a direction under s 91 is an offence (s 102) punishable by 3 months or \$5,000 (s 104)
- Police may request that any person take action to prevent or limit the extent of the emergency – this is a lesser standard than paragraph (a) which involves giving a direction where the action is considered to be substantially contributing to the emergency. Failure or refusal to comply with a request is not an offence in terms of the CDEM Act.

Bill Peoples
National Manager, Legal Services

CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP “REGIONS”



Appendix A

Health Act (COVID-19 Alert Level 3) Order 2020

Pursuant to section 70(1)(f) and (m) of the Health Act 1956, for the purpose of preventing the outbreak or spread of COVID-19, an infectious disease, Dr Ashley Bloomfield, Director-General of Health, exercising the functions of a Medical Officer of Health for all districts of New Zealand (that is, nationally), in circumstances where a state of emergency has been declared under the Civil Defence Emergency Management Act 2002 and there is an epidemic notice in force, makes the following order.

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Order

1 Title

This Order is the Health Act (COVID-19 Alert Level 3) Order 2020.

2 Commencement

This order comes into force at 11.59 pm on 27 April 2020.

Part 1

Preliminary provisions

3 Background

- (1) On 24 March 2020, the Prime Minister, with the agreement of the Minister of Health, gave a notice under section 5 of the Epidemic Preparedness Act 2006. The epidemic notice allows the use of special powers by the Medical Officer of Health in accordance with section 70 of the Health Act 1956 for the purpose of preventing the outbreak or spread of COVID-19.
- (2) A state of national emergency was declared under the Civil Defence Emergency Management Act 2002, with effect from 12.21pm on 25 March 2020. It has been extended weekly since 25 March 2020 and may be further extended.
- (3) From 25 March 2020, an order under section 70(1)(m) of the Health Act 1956 required that premises be closed and forbade congregation in outdoor places of amusement or recreation.
- (4) From 31 March 2020, an order under section 70(1)(f) of the Health Act 1956 applied to arrivals into New Zealand providing certain isolation or quarantining requirements.
- (5) From 3 April 2020, an order under section 70(1)(f) of the Health Act 1956 applied to all persons in New Zealand providing certain isolation or quarantining requirements.
- (6) From 9 April 2020, an order under section 70(1)(e), (ea), and (f) of the Health Act 1956 applied to arrivals by air into New Zealand providing further isolation or quarantining requirements.

4 Purpose

- (1) The purpose of this order is to prevent the outbreak or spread of COVID-19 by limiting the movement of people, and contact between people, in New Zealand, in aggregate, while—
 - (a) ensuring the provision of services that are needed to respond to COVID-19, ensure the necessities of life for people in New Zealand, and maintain public health, safety, and security; and
 - (b) enabling some movement and contact in particular—
 - (i) for the purposes of education, work, accessing services, and limited recreation; and
 - (ii) where public health measures such as good hygiene and cleaning measures, physical distancing, contact tracing, and minimising interactions in groups apply (whether under this order, other health and safety requirements, or guidance).
- (2) In this order, **guidance** includes public health guidance issued by the Ministry of Health, workplace guidance issued by WorkSafe, maritime guidance issued by Maritime New Zealand, and guidance issued to education entities by the Ministry of Education.

5 Definitions in Schedule 1

Schedule 1 defines the terms used in this order.

Part 2

Measures to prevent the outbreak or spread of COVID-19

Isolation or quarantine requirements

6 Isolation or quarantine requirements

- (1) All persons within all regions of New Zealand must be isolated or quarantined as follows:
 - (a) to remain at their current home or place of residence, except for essential personal movement; and
 - (b) to maintain physical distancing, except—
 - (i) from any fellow resident; or
 - (ii) to the extent necessary to access, or provide, a business or service to which physical distancing infection control measures apply under clause 10; and
 - (c) if their home or place of residence is mobile, to keep that home or place of residence in the same general location, except to the extent they would be permitted (if it were not mobile) to leave the home or place of residence as essential personal movement.

- (2) This requirement does not apply to a person while the Health Act (Managed Air Arrivals) Order or the Health Act (Other Arrivals) Order applies to that person.

7 Permissions for essential personal movement or recreation

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

Accessing businesses or services

- (a) leave their home or place of residence for the purpose of accessing any business or service that has the relevant infection control measures in operation if—
- (i) doing so for their own needs or on behalf of a fellow resident, a vulnerable person, or a high-risk person; and
 - (ii) the business or service is in the same region (or is the nearest business or service of that kind):

Attending education entities

- (b) leave their home or place of residence for the purpose of attending any education entity that has the relevant infection control measures in operation if—
- (i) they are permitted to attend the education entity under those measures; and
 - (ii) the education entity is in the same or an adjacent region:

Working

- (c) leave their home or place of residence for the purpose of providing a business or service that has the relevant infection control measures in operation (or to do necessary work at any premises under clause 9(3)) if the business or service is—
- (i) in the same or an adjacent region; or
 - (ii) in another region to the extent that doing so is necessary for the purpose of a business or service listed in Part 3 of Schedule 2 (and, if necessary, stay in temporary accommodation in that region), and then return to their home or place of residence:
- (d) leave their home or place of residence for the purpose of working at an education entity that has the relevant infection control measures in operation if the education entity is in the same or an adjacent region:

Limited recreation purposes

- (e) leave their home or place of residence for the purpose of exercise or other recreation if—
- (i) it is done in an outdoor place appropriate for that kind of exercise or recreation that is readily accessible (including by using their

vehicle) from their home or place of residence (and, in any case, is within the same or an adjacent region); and

- (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 6(1)(b)) and the prohibition against congregating (*see* clause 11); and
- (iii) it does not involve flying manned aircraft, scuba-diving, hunting in motorised vehicles, or water-based activities involving sailing boats, motorised craft, or motorised equipment; and
- (iv) it does not involve any other activities that expose the participant to danger (taking account of their experience and abilities):

Limited customary purposes

- (f) leave their home or place of residence for the purpose of exercising Māori customary rights to fishing and food gathering if—
 - (i) it is done in an outdoor place appropriate for that kind of activity that is readily accessible (including by using their vehicle) from their home or place of residence (and, in any case, is within the same or an adjacent region); and
 - (ii) it is done in compliance with the requirements that relate to physical distancing (*see* clause 6(1)(b)) and the prohibition against congregating (*see* clause 11); and
 - (iii) it does not involve flying manned aircraft, scuba-diving, hunting in motorised vehicles, or water-based activities involving sailing boats, motorised craft, or motorised equipment; and
 - (iv) it does not involve any other activities that expose the participant to danger (taking account of their experience and abilities):

Controlled gatherings

- (g) leave their home or place of residence for the purpose of attending—
 - (i) a controlled gathering in the same or an adjacent region; or
 - (ii) a controlled gathering in another region if it is a funeral service or tangihanga:

Extended bubble arrangements and shared caregiving arrangements

- (h) leave their home or place of residence for the purpose of visiting or staying at another home or place of residence (and then visiting or staying) if those homes or residences have an extended bubble arrangement and are in the same or adjacent regions:
 - (i) if a child, leave the extended bubble arrangement of 1 shared caregiver for the purpose of visiting or staying at the extended bubble arrangement of another shared caregiver (and then visiting or staying):

Relocating premises

- (j) relocate their home or place of residence or business premises, and leave their home or place of residence or business premises for the purpose of arranging and carrying out the relocation (including for inspection of the property):

Accessing medical services, visiting hospitals, accessing courts, emergencies, court orders, etc

- (k) leave their home or place of residence for the purpose of accessing medical services, or for the purpose of visiting people in hospital care facilities, rest home facilities, or residential disability care facilities (as those terms are defined in the Health and Disability Services (Safety) Act 2001):
- (l) leave their home or place of residence to attend a court, tribunal, New Zealand Parole Board hearing, or other judicial institution:
- (m) leave their home or place of residence if necessary to preserve their own or any other person's life or safety:
- (n) change their home or place of residence if necessary to use another temporary or emergency home (for example, for care while sick or to seek refuge in women's refuge accommodation):
- (o) leave or change their home or place of residence as required by a court order or any other power under any enactment to order a person to be detained, to change their place of detention, or otherwise determine their place of residence (for example, a direction of the New Zealand Parole Board or a probation officer), or to return to a home or place of residence after that detention or determination ceases:

Travel home by managed arrivals or travel by visitors to leave New Zealand

- (p) in the case of a person who has arrived in New Zealand (and to whom the Health Act (Managed Air Arrivals) Order or the Health Act (Other Arrivals) Order does not or no longer applies), travel directly to their intended home or place of residence in New Zealand:
- (q) in the case of a person intending to leave New Zealand to return to their home jurisdiction, travel directly to the airport from which they will leave New Zealand (without using a Cook Strait ferry service) or to any place of isolation or quarantine to be undertaken immediately before they leave New Zealand:

Compassionate grounds

- (r) leave their home or place of residence to undertake travel that is permitted by the Director-General on the basis that—
 - (i) it is for the purpose of urgent care for a child or for the purpose of supporting a person in a critical or terminal condition; and

- (ii) no other appropriate person is able to provide that care or support:
Other
- (s) leave their home or place of residence to assist another person to travel to carry out essential personal movement or (if a fellow resident) to accompany a person carrying out essential personal movement.

Closure of premises

8 Purpose of clauses 9 and 10

The purpose of clauses 9 and 10 is to restrict the use of premises unless there are key public health measures in place to minimise the risk of movement, contact, or congregation of people (without limiting other public health measures that should also be taken to meet health and safety requirements and other guidance).

9 Closure of premises without infection control measures in operation

- (1) Restricted premises of the kinds to which infection control measures apply under clause 10 must be closed in all districts of New Zealand unless the required infection control measures are operating.
- (2) All other restricted premises must be closed.
- (3) However, this clause does not prevent a person from undertaking any necessary work in any restricted premises (for example, minimum basic operations required to maintain the condition or value of, or clean, the premises, plant, equipment, or goods, care for animals, receive stock or freight, and enable and support workers to be able to continue to work remotely from their homes).

Example

A hairdressing salon stays closed for hairdressing (since that involves close physical contact and so they cannot comply with the relevant infection control measures under clause 10). However, necessary work (for example, fixing leaks) can still be done in the salon under this subclause, despite being closed generally.

- (4) For the purposes of this clause and clause 10,—
 - (a) premises are **restricted** unless they are premises described in section 70(1A) of the Act (for example, private dwellinghouses or courts); and
 - (b) restricted premises are **under the control of** a business or service to the extent those premises are managed or controlled by the person or entity that carries on the business or service.

10 Which infection control measures are relevant for which restricted premises

- (1) For the purposes of clause 9, the following are the required infection control measures for restricted premises under the control of businesses or services of the following kind:

	Physical distancing measure	Contact tracing measure	On-premises customers and clients prohibition measure	Food and drink prohibition measure	Specific measures
Category A business or service (<i>see</i> Part 1 of Schedule 2)	✓				✓
Category B business (<i>see</i> Part 2 of Schedule 2)	✓			✓	
Public transport service	✓				
Venue business	✓	✓			✓
Category C business or service (whether or not in Schedule 2)	✓	✓	✓		✓

- (2) For the purposes of this clause, an infection control measure of the following kind requires sufficient systems and processes to do the following:

An infection control measure of the following kind requires sufficient systems and processes to do the following:
Physical distancing measure	<p>(a) ensure physical distancing can be maintained by persons accessing and using the premises, so far as is reasonably practicable taking into account the nature of the business or service; and</p> <p>(b) mitigate the risks that arise to the extent physical distancing is not fully maintained on the premises:</p>
Contact tracing measure	support contact tracing of persons who access or use the premises:
On-premises customers and clients prohibition measure	<p>(a) ensure no customers or clients enter the premises (other than only, and then to the minimum extent necessary, to collect goods through a method that minimises physical contact and does not involve entering a building); and</p> <p>(b) ensure there is no close personal contact with customers or clients:</p>
Food and drink prohibition measure	prevent food or drink being served for consumption on the premises (unless the service is an accommodation service):
Specific measures for education entities	<p>(a) for all education entities, keep children, students, and teachers, to the extent reasonably practicable, in groups that are appropriately sized and stable; and</p>

An infection control measure of the following kind requires sufficient systems and processes to do the following:
Specific measures for venue businesses	(b) for schools, limit students' physical attendance to years 1 to 10: ensure the premises are used only for the purpose of a controlled gathering.

Example

A clothing retail business wants to operate under Alert level 3. It prohibits customers from entering but also offers an online ordering and pick-up or delivery service. The pick-up service is a "click and collect" service from the underground carpark outside the shopping mall (to comply with the requirement under this clause to minimise physical contact for collection of goods). The online delivery service is also contactless (so as to comply with the requirement for physical distancing that applies to all persons under clause 6(1)(b)).

*Prohibitions on outdoor congregations***11 Prohibition on congregating in outdoor places**

- (1) People must not congregate in any restricted place.
- (2) A place is **restricted** for the purpose of this clause if it is an outdoor place of amusement or recreation other than a venue used for gatherings that has the applicable infection control measures in operation.

*Other matters***12 Amendment to Health Act (Other Arrivals) Order**

The Health Act (Other Arrivals) Order is amended by replacing "(except those air crew who have used appropriate personal protective equipment in accordance with Ministry of Health guidelines)" with "(except those to whom the order made under section 70(1)(f) on 9 April 2020 applies, excluded arrivals under that order, or air crew who have used appropriate personal protective equipment in accordance with Ministry of Health guidelines)".

13 Previous orders revoked

The following orders under section 70 of the Act are revoked:

- (a) the section 70(1)(m) order to close premises and forbidding congregation in outdoor places of amusement or recreation effective on and from 25 March 2020;
- (b) the section 70(1)(f) order relating to all persons in New Zealand effective on and from 3 April 2020.

Schedule 1

Interpretation

cl 5

In this order, unless the context otherwise requires,—

Act means the Health Act 1956

adjacent, in relation to a region, includes adjacent even if there is water separating the regions (other than the Cook Strait)

category A business or service means a business or service listed in Part 1 of Schedule 2

category B business means a business listed in Part 2 of Schedule 2

category C business or service means any business or service (whether or not listed in Schedule 2) but excludes a category A business or service, a category B business, a venue business, or a public transport service

congregating does not include people maintaining physical distancing as required by clause 6(1)(b)

controlled gatherings means a gathering that meets all of the following requirements:

- (a) at which there are no more than 10 people at any one time (including any celebrant, organiser, or other assistant); and
- (b) that is for one of the following purposes:
 - (i) a funeral service;
 - (ii) a tangihanga;
 - (iii) a wedding or civil union service; and
- (c) at which no food or drink is served

customers and clients, for an education entity, does not include students attending the education entity

education entity has the same meaning as in section 476B of the Education Act 1989

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

essential personal movement means movement permitted as essential personal movement under clause 7

fellow resident, for any person A, means another person who resides at—

- (a) the same home or place of residence as person A; or
- (b) another home or place of residence in relation to which person A has an extended bubble arrangement

guidance has the meaning set out in clause 4(2)

Health Act (Managed Air Arrivals) Order means the order made under section 70(1)(f) of the Act on 9 April 2020

Health Act (Other Arrivals) Order means the order made under section 70(1)(f) of the Act on 31 March 2020

high-risk person means a person who has been diagnosed with COVID-19, has COVID-19 symptoms, is being or has been tested for COVID-19 and is awaiting a test result, or has been in close contact with someone with suspected, probable or confirmed COVID-19 in the last 14 days

home or place of residence—

- (a) includes a campervan, caravan, or other vehicle or temporary structure (for example, a tent) that is a place of residence; and
- (b) in the case of a building, 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

physical distancing means—

- (a) for premises under the control of a category A business or service, remaining 1 metre away from people or, if closer than 1 metre, being there for less than 15 minutes; and
- (b) for premises under the control of a category B business,—
 - (i) for those providing the business, remaining 1 metre away from any other person providing the business or, if closer than 1 metre, being there for less than 15 minutes; and
 - (ii) in any other case, remaining 2 metres away from people or, if closer than 2 metres, being there for less than 15 minutes; and
- (c) for premises under the control of a category C business or service, remaining 1 metre away from people or, if closer than 1 metre, being there for less than 15 minutes; and
- (d) in any other case, remaining 2 metres away from other people or, if closer than 2 metres, being there for less than 15 minutes

premises has the same meaning as in section 2(1) of the Act (which includes any commercial premises, private premises, vehicle, ship, or aircraft)

public transport service has the same meaning as in section 5(1) of the Land Transport Management Act 2003; but

- (a) includes air transport that is available to the public generally; and
- (b) excludes small passenger service vehicles (as defined in that Act)

region means the area of the Civil Defence Emergency Management Group (under the Civil Defence Emergency Management Act 2002) of which the relevant territorial authority is a member

relevant infection control measures means the measures that apply to premises of the relevant business or service under clause 10

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

venue business means a business of providing a venue for gatherings (whether as the main or ancillary part of the business)

vulnerable person means a person who is at significant risk of serious illness if they contract COVID-19.

Schedule 2

Businesses and services

cls 7(c)(ii), 10

Part 1

Category A businesses or services

Number	Business or service
1	Border services provided by Immigration New Zealand, the New Zealand Customs Service, Maritime New Zealand, and the Ministry for Primary Industries.
2	Health services of the following kind or delivered by the following providers: <ul style="list-style-type: none"> • District Health Boards (and all of their facilities), PHARMAC, New Zealand Blood Service, Health Promotion Agency, Health Quality and Safety Commission: • doctors, nurses, midwives, pharmacists, paramedics, medical laboratory scientists, kaiāwhina workers, social workers, aged care and community workers, and other caregivers: • hospitals, primary care clinics, medical laboratories, care facilities (for example, rest homes): • emergency dental and optometry care services: • ambulance services: • Allied health professionals: • services involved with the deceased/tūpāpaku (for example, funeral homes, crematories, and cemeteries): • services producing health sector equipment, medicines, and personal protective equipment.
3	Arrest, detention, and custodial services provided by the Crown and the courts of New Zealand (but without limiting the exclusion from the closure of premises in clause 9(4)(a)).
4	Emergency services provided by Fire and Emergency New Zealand, the New Zealand Defence Force, New Zealand Police, and the National Emergency Management Agency.
5	Services provided under the Oranga Tāmariki Act 1989, and other social services provided to support persons to maintain critical wellbeing and as crisis support for people who are unsafe or homeless.
6	Transport services provided by any small passenger service vehicle, rental car services, or car share services.
7	Early childhood services and schools.
8	New Zealand Police.
9	New Zealand Parole Board.

Part 2

Category B businesses

Number	Business or service
1	Supermarkets and dairies.
2	Petrol stations, including any stores operating as part of the petrol station.
3	Pharmacies.
4	Accommodation services.

Part 3

Businesses or services for which interregional travel permitted for work purposes

Number	Business or service
1	Any category A business or service (other than early childhood services and schools).
2	Any category B business.
3	Public services, including local government, national government, and critical operations at foreign missions based in New Zealand (including agencies involved in public safety and national security) and critical Crown entities.
4	Justice sector, including Courts of New Zealand, Corrections facilities and related services, and tribunals (but note that this list does not affect the exclusion from the closure of premises in clause 9(4)(a)).
5	Parliament, including members of Parliament, parliamentary staff, and any officer of Parliament (but note that this list does not affect the exclusion from the closure of premises in clause 9(4)(a)).
6	Building and construction work of the following kind: <ul style="list-style-type: none"> • work relating to businesses or services listed in this schedule and critical infrastructure: • work required to address immediate health or life safety risks or to prevent serious environmental harm: • work required to carry out statutory responsibilities for building and resource consent and any other involvement in building and resource consents for the above purposes.
7	Production, supply, delivery, and sale of fast-moving consumer goods.
8	Consumer and business financial services, financial services infrastructure including banking services, financial product markets, broking services, payment and settlement systems, funds management including KiwiSaver, insurance services, financial advice, and support services such as administrators, supervisors and custodians.
9	Primary industry services of the following kind: <ul style="list-style-type: none"> • packaging, production and processing of food and beverage products, whether for domestic consumption or export: • relevant support services, such as food safety and verification, inspection or associated laboratory services, food safety and biosecurity functions: • urgent maintenance and care of turf and nursery plants: • veterinary and animal health or welfare services, including the production of pet food: • pest management services: • any entity whose closure would jeopardise the maintenance of animal health or welfare standards (including the short-term survival of a species).
10	Scientific services (including research organisation) of the following kind or provided by the following entities or facilities: <ul style="list-style-type: none"> • ESR, GNS, GeoNet, NIWA, MetService: • services involved in COVID-19 response, including laboratories and Physical Containment level 3 (PC3) facilities: • services involved in hazard monitoring and resilience: • services involved in diagnostics for critical businesses or services like biosecurity or public health:

Number	Business or service
11	<ul style="list-style-type: none"> other significant research facilities including animal facilities, clinical trials and infrastructure that requires constant attention (eg samples, collections and storage facilities) that are important to New Zealand. <p>Transport and logistics services of the following kind or provided by the following entities:</p> <ul style="list-style-type: none"> entities listed in Schedule 1 of the Civil Defence and Emergency Management Act 2002: services provided at or through an aerodrome, passenger or freight aviation services, passenger or freight shipping services, road freight services, rail freight services, vehicle recovery services, and public transport services (under contract with a territorial authority): any small passenger service such as ride-shares or taxis: support services to keep vehicles operational for purposes of a business or service described in this schedule (for example, vehicle testing, mechanics, tyre services, vehicle washing) and aircraft maintenance: New Zealand Transport Agency, Civil Aviation Authority (including Aviation Security Service), Maritime New Zealand (including the Rescue Coordination Centre), Airways NZ, MetService, KiwiRail (including Interislander), Transport Accident Investigation Commission, and any entity that is contracted by these entities: logistics services, including postal operators and courier services: services related to the maintenance and ongoing operation of critical infrastructure (for example, roads, rail, ports, airports).
12	<p>Utilities and communications of the following kinds or provided by the following entities:</p> <ul style="list-style-type: none"> the production, supply, sale, distribution or disposal of electricity, gas, water, wastewater (for example, sanitation), waste (for example, rubbish collection and recycling), liquid and solid fuel, telecommunication services, and connectivity devices: news (including news production) and broadcast media, including delivery of daily newspapers and non-daily newspapers for communities that are hard to reach due to physical location and with limited access to digital connectivity, or for non-English-language material audiences: Internet service providers.
13	<p>Other services of the following kinds or provided by the following entities:</p> <ul style="list-style-type: none"> commercial cleaning services: fresh produce and grocery delivery services: land surveying: locksmiths: Methanex prepared food delivery services (if the food is frozen or Meals-on-Wheels): pulp and paper plants: security services: self-service laundries: self-storage facilities: Tiwai Point aluminium smelter: unions: relocation services.

Number	Business or service
14	A supplier, whether directly or indirectly through another supplier, to another business or service listed in Part 3 of this schedule (for example, suppliers of raw materials, recruitment, maintenance, repair, communications or IT equipment, or safety equipment).

Dated at Wellington this 24th day of April 2020.



Director-General of Health.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which takes effect at 11.59 pm on 27 April 2020, is issued under section 70 of the Health Act 1956 and puts in place measures for the purpose of preventing the outbreak or spread of COVID-19.

Clauses 1 and 2 set out the Title and commencement.

Clause 3 sets out the background to this order.

Clause 4 states the purpose of this order, which is to prevent the outbreak or spread of COVID-19 by limiting the movement of people, and contact between people, in New Zealand, in aggregate, while—

- ensuring the provision of services that are needed to respond to COVID-19, ensure the necessities of life for people in New Zealand, and maintain public health, safety, and security:
- enabling some movement and contact.

Clause 5 provides that defined terms are set out in *Schedule 1*.

Clause 6 sets out isolation or quarantine requirements. All persons within all regions of New Zealand must be isolated or quarantined. The main features of this clause are that—

- people must stay at their home or place of residence, except for essential personal movement:
- people must maintain physical distancing, except where contact is with a fellow resident or for the purpose of accessing or providing businesses or services with the required infection control measures (*see clause 10*):
- people residing in a mobile home or place of residence must keep that home or place of residence in the same general location:
- people to whom the Health Act (Managed Air Arrivals) Order or the Health Act (Other Arrivals) Order apply are exempted from this clause.

Clause 7 sets out the permissions for essential personal movement. The main features of this clause are that people may—

- leave their home or place of residence to access businesses or services that have the relevant infection control measures:
- leave their home or place of residence to attend any school or other education service with the relevant infection control measures:
- leave their home or place of residence to provide a business or service, or work at an education service, with the relevant infection control measures (or to do necessary work if the business premises are still closed). Only work for the purposes of a business or service listed in Part 3 of Schedule 2 may be done outside the region or adjacent region:
- leave their home or place of residence for exercise or other recreation if it is limited to exercise or recreation done in an outdoor place that is readily accessible (including by using their vehicle) from their home or place of residence, is done consistently with physical distancing and no-congregation requirements, and is not too risky to their safety (and, in particular, does not include some activities like sailing boats or flying aircraft):
- leave their home or place of residence for exercising Māori customary rights to fishing and food gathering under similar limits as apply to recreation and exercise:
- leave their home or place of residence for the purpose of attending a controlled gathering. Controlled gatherings are limited to a funeral, tangihanga, wedding or civil union service at which there are no more than 10 people at any 1 time (including the celebrant) and no food or drink is served. The gathering must be in the same or an adjacent region (if it is a wedding or civil union service) but travel to other regions is permitted for funerals or tangihanga:
- if they have an extended bubble arrangement (which must be for the purpose of connecting to family or whānau, caregiving, or supporting isolated persons), leave their home or place of residence to visit or stay at a home or place of residence for the other extended bubble arrangement. Children may also leave the extended bubble arrangement of 1 shared caregiver to visit or stay at the extended bubble arrangement of another shared caregiver. Generally, the permission for visiting extended bubble arrangements is restricted to the same or an adjacent region. However, this restriction does not apply to children moving between extended bubble arrangements of their shared caregivers:
- relocate their home or place of residence or business premises:
- leave their home or place of residence to access medical services, visit people in hospital or similar facilities, attend courts, respond to emergencies and court orders, and for similar purposes:
- travel directly to their intended home or place of residence in New Zealand (air arrivals) or travel directly to the airport from which they will leave New Zealand (air departures):

- leave their home or place of residence to undertake travel for certain compassionate grounds.

To assist users to understand how far the different permissions to travel extend, the *covid19.govt.nz* Internet site contains a map of the different regions (which are consistent with territorial authority areas).

Clauses 8 to 10, in effect, close premises unless the relevant infection control measures are in operation. However, even if premises are closed, there is an exemption for persons doing necessary work (for example, cleaning, maintaining stock, and ensuring those who are working remotely can continue to do so). The closure of premises does not apply to private homes (used only as homes and not for business purposes), the parliamentary precincts, courts, or prisons (consistent with section 70(1A) of the Health Act 1956).

Clause 10 sets out a table showing which infection control measures apply to which premises. The control measures are of the following kinds:

- physical distancing control measures: these apply so far as reasonably practicable taking into account the nature of the service (and require risk mitigations when they are not fully maintained). The exact distances required under the definition of physical distancing differs according to the type of premises and who is on them:
- measures to support contact tracing:
- on-premises customer and client prohibition measures: where these measures apply, businesses and services must operate only through “click and collect” services or delivery services:
- measures requiring food and drink not to be served for consumption on the premises:
- specific measures for education services, requiring schools to limit students’ physical attendance to years 1 to 10 and requiring there to be appropriately sized and stable groups of children, students, and teachers:
- a specific measure for venues for gatherings, which ensures they can only operate for controlled gatherings.

Clause 11 forbids people from congregating in any restricted place (which is an outdoor place of recreation other than a venue for which there are the systems and processes required by *clause 10*). This does not apply to family groups or other groups of people in the same home or place of residence or extended bubble arrangement.

Clause 12 amends a previous order made on 31 March 2020 under section 70(1)(f) of the Health Act 1956 for arrivals so that, in effect, it applies to maritime arrivals and air arrivals that are not at main airports (most air arrivals are governed by a separate order made on 9 April under the same section).

Clause 13 revokes 2 previous section 70 orders.

Schedule 1 contains definitions.

Schedule 2 contains a list of businesses or services. The list does not restrict who is permitted to open their premises. At Alert level 3, anyone may open their premises if they operate the applicable infection control measures. The list is only relevant for this order for the purposes of—

- determining (in *Part 1 and Part 2*) which businesses or services have fewer control measures applying under *clause 10*);
- determining (in *Part 3*) when people may travel outside their region for work under *clause 7(c)*, as only people working for a business or service listed in *Part 3* of the schedule may carry out interregional travel for that work.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

This order is administered by the Ministry of Health.