***INSTRUCTION PAGE i***

Text

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**Following is a template policy** that can be used where you own a studio/space which is used for activities which are not covered by the Framework (such as events or sports).

|  |
| --- |
| Disclaimer: It is a strict condition of reading and/or using this letter in any way you irrevocably agree that you are bound by the terms and conditions of this disclaimer. If you do not agree with the terms and conditions of this disclaimer, you are prohibited from reading and/or using this letter. Notwithstanding anything in this letter, the information set out in this letter is for general information only, and should not be construed as legal advice and/or health advice. No client-solicitor relationship is created whatsoever. Before taking any action based on this letter, you should consider your personal situation and seek professional legal advice. You acknowledge and agree that you were advised to take legal advice prior to using any information in this letter. If you use this letter and/or any information in the letter you acknowledge and agree that you have relied on your own judgement and initiative and not in reliance of anything else. The reader and/or user of this letter agrees to protect, indemnify, defend, and save harmless the author absolutely from and against any and all damages, claims, losses, demands, liabilities (including vicarious liability), injuries, suits, actions, judgements, costs, and expenses of any kind whatsoever (including reasonable legal fees) arising out of or in any way connected with this letter and the information contained within. Any person and/or persons that shares this letter without this disclaimer accepts full liability for any damage whatsoever caused.  If you are sharing this document with others, you acknowledge and agree that you are prohibited from removing this disclaimer. The disclaimer may only be removed once the letter is ready to be sent by the person sending it. You are also prohibited from amending the letter other than the sections identified for you to add to and you acknowledge and agree to this. If, however, you would like to use parts of this letter in a letter that you draft yourself then you are permitted to do so. |

***INSTRUCTION PAGE ii***

Text

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**HOW TO USE THIS POLICY?**

1. Read the policy carefully so that you understand what you are proposing – this policy is yours.
2. The points you need to complete or closely consider for your situation are highlighted yellow. Do not hesitate to get it checked by a friend, colleague or family member.
3. This policy is only to be used in the situation where the activities being carried out in your space is a “gathering” as defined in the Covid-19 Public Health Response (Framework) Order 2021 or a “professional or semi-professional sport”. This may include dance studios, yoga studios, social sports or any professional or semi-professional sports.
4. Delete the front 2 pages of the policy.
5. The latest vaccination order/s are available at <https://covid19.govt.nz/alert-levels-and-updates/legislation-and-key-documents>

If you are asked any questions which are not self-evident, then you will need to consider their questions and may need to obtain advice specific to your situation.

**Policy for [ Business name/logo]**

**Introduction**

Following the introduction of the new Covid-19 Public Health Response (Protection Framework) Order 2021 (**Traffic Light** **Framework**), we introduce this policy for operating [Business name].

The activities carried out by [Business name] fall into the category of “permitted gatherings” as set out at clause 47 and 47A of in the Traffic Light Framework.

The activities listed above appear to fall into the category of “gathering”[[1]](#footnote-2) as defined in clause 13 of the Traffic Light Framework[[2]](#footnote-3) as they are:

1. [select the options which apply to you]
2. Some examples are given on the Covid-19 website, such as social sports, faith based gatherings, weddings and civil union processes, etc.[[3]](#footnote-4)
3. Other examples are given in clause 13 of the order, such as funerals, community club events, not-for-profit activities, etc.

Events are a ‘gathering’ for the purposes of the Covid-19 Public Health Response

(Protection Framework) Order 2021 (**Framework**).[[4]](#footnote-5)

A gathering is people mingling in a group (whether indoors or outdoors) and excludes

anyone who is two meters away from the group. Examples applicable to studio include:

1. gatherings to undertake voluntary or not-for-profit sporting, recreational, social, or

cultural activities;[[5]](#footnote-6)

1. a gathering to undertake community club activities;[[6]](#footnote-7)

1. in some instances, they are held in an indoor area which is a defined space which has been obtained for the exclusive use of studio gathering,[[7]](#footnote-8)

(**Gathering**).

Spectators are likely to form their own Gathering if they are over two meters from another

Gathering (e.g., the Gathering carrying out the activity).

Studio activities are a “permitted gatherings” as set out at clause 42 of the Framework

as they are either an outdoor Gathering (with no capacity limits[[8]](#footnote-9)) or for inside there are no fixed capacity. Gathering permitted pursuant to clause 47 of the Framework as the Gathering is the lesser of:

1. the fixed number of people (excluding workers) – listed in the Green, Orange or Red in the schedule to this Policy; or

1. the maximum number of people who could occupy the space if each person were to comply with the specified physical distancing rule,

as set out at **Schedule 1** to this Policy.

We have prepared this policy after careful consideration of what is possible under the current framework. We would like everyone to be able to enjoy our activities to the extent possible and will try to work with you to determine which activities you can participate in, so feel free to reach out if you have any questions.

**Your responsibilities at all alert levels**

* Make sure you wash your hands and use hand sanitiser when you can.
* Stay at home if you have tested positive to Covid-19
* Stay at home if you are sick.
* If you are at higher risk of severe illness from Covid-19 (e.g., if you have underlying health conditions or are elderly), please take the following additional precautions:
  + [Any considerations which are specific to your business]
  + Keep fit and healthy with diet, exercise and dance!
  + Work with your GP on your health conditions.
* Face masks are not required in any case where attendees are exempt and you do not need to wear a mask at a gathering when your gathering is the only one using the
* However, face mask is a requirement for indoor settings.

**Schedule 1**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **RED** | **ORANGE** | **GREEN** |
| Outdoor Gathering | No limitations or restrictions.[[9]](#footnote-10) | No limitations or restrictions.[[10]](#footnote-11) | No limitations or restrictions.[[11]](#footnote-12) |
| Gatherings inside | Up to 200 people if the area is greater than 400m2.[[12]](#footnote-13) | No limitations or restrictions[[13]](#footnote-14) | No limitations or restrictions.[[14]](#footnote-15) |

1. h[ttps://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS563461.html#LMS563460](https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS563461.html" \l "LMS563460) [↑](#footnote-ref-2)
2. <https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS602811.html> [↑](#footnote-ref-3)
3. <https://covid19.govt.nz/traffic-lights/life-at-red/gatherings-and-visits-at-red/public-and-private-gatherings-at-red/> [↑](#footnote-ref-4)
4. [https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS563461.html#LMS563460](https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS563461.html" \l "LMS563460) [↑](#footnote-ref-5)
5. clause 13(b)(i) Framework [↑](#footnote-ref-6)
6. except activities that occur at the same time and place as services provided under a club licence under

   section 21 of the Sale and Supply of Alcohol Act 2012 - clause 13(b)(ii) Framework. [↑](#footnote-ref-7)
7. clause 13(b)(v) Framework [↑](#footnote-ref-8)
8. clause 47A Framework (comes into existence 5 April 2022) [↑](#footnote-ref-9)
9. clause 47A Framework [↑](#footnote-ref-10)
10. clause 47A Framework [↑](#footnote-ref-11)
11. clause 47A Framework [↑](#footnote-ref-12)
12. Complying with the 1m distancing rule, Schedule 7, Part 2 [↑](#footnote-ref-13)
13. Complying with the 1m distancing rule, Schedule 6, Part 2 [↑](#footnote-ref-14)
14. Complying with the 1m distancing rule, Schedule 5, Part 2 [↑](#footnote-ref-15)