***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 policy 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 policy. Notwithstanding anything in this policy, the information set out in this policy 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 policy, you should consider your personal situation and consider seeking professional legal advice. You acknowledge and agree that you were advised to take legal advice prior to using any information in this policy. If you use this policy and/or any information in the policy 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 policy 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 policy 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 policy is ready to be used. You are also prohibited from amending the policy 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 policy in a policy 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 you are the organiser of permitted “gatherings” as defined in the Covid-19 Public Health Response (Framework) Order 2021. This may include weddings, funerals and church gatherings.
4. Delete these first 2 guidance pages.
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]**

**Introduction**

Following the amendment to the Covid-19 Public Health Response (Protection Framework) Order 2021 (**Framework**), effective 15 April 2022, when the country is in Orange. We introduce this policy for operating [Business name].

This policy sets out how gatherings organised by [Business name] will operate under the Framework.

[Business name] is responsible for organising [insert event type here] which are “gatherings” as defined in clause 13 of the Framework[[1]](#footnote-2).

A gathering[[2]](#footnote-3) is people mingling in a group (whether indoors or outdoors) and excludes

anyone who is two meters away from the group (**Gathering**).

For the avoidance of doubt events are a Gathering for the purposes of the Framework.[[3]](#footnote-4)

If there are spectators, they are likely to form their own Gathering if they are over two meters from another Gathering (e.g., the Gathering carrying out the activity) The 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[[4]](#footnote-5)) or for inside are a fixed capacity Gathering permitted pursuant to clause 47 of the Framework as the Gathering is the lesser of:

**Outdoors**

There are no capacity limits at outdoor gatherings at any colour of the Framework, clause 47A[[5]](#footnote-6).

**Indoors**

On 5 April 2022, at Red capacity limits indoors have increased from 100 to 200 persons (vaccination irrelevant) as long as one-metre spacing can be maintained, clause 54 Order. No limits at Orange setting from 13 April 2022.

There are no capacity limits indoors at Orange and Green.

Vaccine passports are no longer required.

COVID-19 vaccination certificate rules (the CVC rules) are now removed so that regulated businesses and services do not need to require vaccination certificates or decide whether to operate under CVC rules as per the Framework.

We have prepared this policy after careful consideration of what is possible under the current Framework. We would like everyone to be able to participate in our gatherings to the extent possible and will try to work with you to assist you in organising your gathering, so feel free to reach out if you have any questions.

**Attendees’ responsibilities at all colours of the Framework**

* Attendees must use hand sanitiser upon entering the venue.
* For the safety of everyone, where possible you can do a RAT testing to ensure you have not tested positive to COVID-19 and you are expected to isolate for 7 days.
* Do not attend any gatherings if you have tested positive to COVID-19.
* Face masks are not required at all outdoors gatherings but mask remain a requirement indoors in all gatherings when at Red. If you are exempt from wearing a mask, it might be helpful to take your communication card with you, these make it easier to explain that a face mask is unsuitable for you.
* Note: There is no legal requirement to carry a communication card, though many may choose to do so **Gatherings Policy**

1. the fixed number of people (excluding workers) – listed in the Green, Orange or Red in the schedule to this Policy; or
2. 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.

**Schedule 1** – The business operates without vaccine certificates and adheres to the Traffic Light settings as set out in the following table.

Note face masks are not required in any case where attendees are exempt[[6]](#footnote-7)and you do

not need to wear a mask at a gathering when your gathering is the only one using the

defined space and other people cannot mix with your guests.

|  |  |  |  |
| --- | --- | --- | --- |
|  | RED | ORANGE | GREEN |
| Outdoor gathering | No limitations or restrictions[[7]](#footnote-8) | No limitations or restrictions[[8]](#footnote-9) | No limitation or restrictions[[9]](#footnote-10) |
| Indoor gathering | Up to 200 people if the area is greater than 400m2[[10]](#footnote-11) | No limitations or restrictions.[[11]](#footnote-12) | No limitations or restrictions[[12]](#footnote-13) |

1. <https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS602811.html> [↑](#footnote-ref-2)
2. <https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS602811.html> [↑](#footnote-ref-3)
3. [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-4)
4. clause 47A Framework (comes into existence 5 April 2022) [↑](#footnote-ref-5)
5. <https://www.legislation.govt.nz/regulation/public/2021/0386/latest/LMS672715.html> [↑](#footnote-ref-6)
6. Whether or not one is exempt is self-regulating and there is no requirement to produce any confirmation of any such exemption. You do not need to wear a face mask if you have a physical or mental health illness or condition or disability that makes wearing a face mask UNSUITABLE". Conditions are not defined but a non-exhaustive list of conditions that are found to make wearing a face covering unsuitable includes: shortness of breath, asthma, bronchitis, auditory processing disorder, stress, feelings of anxiety, deafness, wearing of glasses, PTSD, facial hair, nose bleeds, skin irritation...”

   Further, no masks need to be worn when people are undertaking physical activity. [↑](#footnote-ref-7)
7. clause 47A Framework [↑](#footnote-ref-8)
8. clause 47A Framework [↑](#footnote-ref-9)
9. clause 47A Framework [↑](#footnote-ref-10)
10. Complying with the 1m distancing rule, Schedule 7, Part 2 [↑](#footnote-ref-11)
11. Complying with the 1m distancing rule, Schedule 6, Part 2 [↑](#footnote-ref-12)
12. Complying with the 1m distancing rule, Schedule 5, Part 2 [↑](#footnote-ref-13)