

**Reprint
as at 6 September 2020**



**COVID-19 Public Health Response (Air Border)
Amendment Order 2020
(LI 2020/159)**

COVID-19 Public Health Response (Air Border) Amendment Order 2020: revoked, at 11.59 pm on 6 September 2020, pursuant to clause 16 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (LI 2020/239).

This order is made in accordance with sections 9, 11, and 15 of the COVID-19 Public Health Response Act 2020 by the Minister of Health.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 Application of this order	2
5 Clause 3 amended (Purpose)	2
6 Clause 4 amended (Interpretation)	2
7 Clause 7 amended (Medical examination, testing, and isolation or quarantining requirements)	2
8 Clause 8 amended (Permission to leave place of isolation or quarantine for purposes of clause 7(1)(b)(i))	2
9 Clause 9 amended (Caregivers of children)	3
10 Schedule 1 amended	3
Schedule	4

New Part 2 inserted into Schedule 1

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Health.

Order

1 Title

This order is the COVID-19 Public Health Response (Air Border) Amendment Order 2020.

2 Commencement

This order comes into force at 11.59 pm on 13 July 2020.

3 Principal order

This order amends the COVID-19 Public Health Response (Air Border) Order 2020 (the **principal order**).

4 Application of this order

This order applies to the area to which the principal order applies.

5 Clause 3 amended (Purpose)

In clause 3, replace “quarantine and isolation” with “isolation and quarantine”.

6 Clause 4 amended (Interpretation)

In clause 4(1), insert in its appropriate alphabetical order:

chief executive of MBIE means the chief executive of the Ministry of Business, Innovation, and Employment

7 Clause 7 amended (Medical examination, testing, and isolation or quarantining requirements)

Replace clause 7(3) and the heading above it with:

Required period of isolation or quarantine

(3) The **required period of isolation or quarantine** of a person under this clause is—

- (a) the period ending 14 days after the start date if the chief executive of MBIE is satisfied (as close as is reasonably practicable to the end of that period and on the basis of the advice of a suitably qualified health practitioner) that the person meets the low risk indicators; or
- (b) any longer period needed to satisfy the chief executive of MBIE (on the basis of the advice of a suitably qualified health practitioner) that the person meets the low risk indicators, but no longer than the period ending 28 days after the start date.

8 Clause 8 amended (Permission to leave place of isolation or quarantine for purposes of clause 7(1)(b)(i))

(1) In clause 8(1)(a), replace “Director-General” with “chief executive of MBIE”.

- (2) In clause 8(1)(b) and (c), after “necessary”, insert “for the person”.
- (3) Replace clause 8(1)(d) and (e) with:
 - (d) if the chief executive of MBIE is satisfied, on the basis of the advice of a medical officer of health or a health protection officer, that it is necessary for the person to do so—
 - (i) to access medical services; or
 - (ii) to move to another place of isolation or quarantine (including, for example, to move to another place for temporary or emergency care while the person is sick); or
- (4) In clause 8(1)(f), after “if”, insert “the person is”.
- (5) Revoke clause 8(1)(g).
- (6) In clause 8(1)(h), after “if”, insert “the person is”.
- (7) Replace clause 8(1)(i) with:
 - (i) to assist or accompany a child or other person to travel to or from a place under any of paragraphs (b) to (h), but only if the person is a fellow resident of the child or other person and is authorised to do so by the chief executive of MBIE.
- (8) After clause 8(1), insert:
 - (1A) In determining whether or not to authorise a person to leave under subclause (1)(i), the chief executive of MBIE must take into account the advice of a medical officer of health or a health protection officer.
- (9) In clause 8(2), replace “Director-General” with “chief executive of MBIE”.
- (10) In clause 8(3), replace “Director-General must,” with “chief executive of MBIE must”.
- (11) Replace clause 8(3)(a) with:
 - (a) take into account any effect that a medical officer of health advises the person’s leaving the place might have on the risk of an outbreak or the spread of COVID-19; and

9 Clause 9 amended (Caregivers of children)

In clause 9(1), replace “Director-General” with “chief executive of MBIE”.

10 Schedule 1 amended

In Schedule 1, after Part 1, insert the Part 2 set out in the Schedule of this order.

Schedule
New Part 2 inserted into Schedule 1

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Part 2
**Provisions relating to COVID-19 Public Health Response (Air
Border) Amendment Order 2020**

4 Definition of amending order

In this Part,—

amending order means the COVID-19 Public Health Response (Air Border) Amendment Order 2020

commencement means 11.59 pm on 13 July 2020.

5 Exercise authorised by Director-General

Outdoor exercise of a class that, immediately before commencement, was authorised by the Director-General under clause 8(1)(a) of this order is taken—

- (a) to have been authorised by the chief executive of MBIE under clause 8(1)(a), as amended by the amending order; and
- (b) to be subject to the same conditions as applied immediately before commencement.

6 Consent to accompany child or other person

The consent of a medical officer of health or a health protection officer that, immediately before commencement, was in force under clause 8(1)(i) of this order is taken to be an authorisation of the chief executive of MBIE for the purposes of clause 8(1)(i), as amended by the amending order.

7 Authorisation to leave place of isolation or quarantine for exceptional reasons

An authorisation of the Director-General that, immediately before commencement, was in force under clause 8(2) of this order is taken to be an authorisation of the chief executive of MBIE under clause 8(2), as amended by the amending order.

8 Authorisation relating to caregivers of children

An authorisation of the Director-General that, immediately before commencement, was in force under clause 9(1) of this order is taken to be the authorisation of the chief executive of MBIE under clause 9(1), as amended by the amending order.

Dated at Wellington this 10th day of July 2020.

Hon Chris Hipkins,
Minister of Health.

Explanatory note

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

This order, which amends the COVID-19 Public Health Response (Air Border) Order 2020 (the **principal order**), comes into force at 11.59 pm on 13 July 2020.

The purpose of this order is to transfer certain functions to the chief executive of the Ministry of Business, Innovation, and Employment (**MBIE**) that, under the principal order, are currently functions of the Director-General of the Ministry of Health (**MoH**) or of medical officers of health or health protection officers. As a result, the chief executive of MBIE will be responsible,—

- instead of the Director-General of MoH, for—
 - determining, on the basis of the advice of a suitably qualified health practitioner, that a person meets the low risk indicators for having or transmitting COVID-19 (which the person must meet if their required period of isolation or quarantine is to last no longer than 14 days) (*clause 7*); and
 - authorising outdoor exercise for persons in isolation or quarantine (*clause 8(1)*); and
 - authorising a person to leave their place of isolation or quarantine for an exceptional reason, taking into account the advice of a medical officer of health (*clause 8(9) to (11)*); and
 - authorising the caregiver of a child to enter the child's place of isolation to care for the child (*clause 9*); and
- instead of a medical officer of health or health protection officer, for—
 - permitting a person to leave their place of isolation or quarantine for access to medical services, or to move to another place of isolation or quarantine, on the basis of the advice of a medical officer of health or a health protection officer (*clause 8(3) and (5)*); and
 - authorising a person to leave the person's place of isolation or quarantine to assist or accompany a child leaving the child's place of isolation or quarantine, if the person is a fellow resident and taking into account the advice of a medical officer of health or health protection officer (*clause 8(7) and (8)*).

The Director-General of MoH will remain responsible under the principal order for designating people as critical to providing services to assist with the response to COVID-19. Those people are among the people arriving in New Zealand by air who, as “excluded arrivals”, are not required to submit to the medical examination and testing, and isolation or quarantining, requirements imposed by the principal order.

Medical officers of health will continue to be responsible under the principal order for designating facilities as high risk facilities or low risk facilities, and, along with health protection officers, for—

- determining a person’s place of isolation or quarantine; and
- directing a person in isolation or quarantine to submit to medical examination and testing, or to wear personal protective equipment.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 July 2020.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Air Border) Amendment Order 2020 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (LI 2020/239): clause 16