



COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020

This order is made by the Minister of Health under section 11 of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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Order

- 1 Title**
This order is the COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020.
- 2 Commencement**
This order comes into force at 11.59 pm on 22 August 2020.
- 3 Purpose**
The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by restricting entry to any managed isolation or quarantine facility (**MIQF**) to persons who are approved, authorised, or required to enter.

4 Interpretation

In this order, unless the context otherwise requires,—

health practitioner has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

medical officer of health has the same meaning as in section 2(1) of the Health Act 1956

site manager, in relation to an MIQF, means a person appointed as a site manager or deputy site manager under clause 7.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

6 Application of this order

This order applies throughout New Zealand.

7 Appointment of site manager

The chief executive of MBIE may appoint a person as the site manager or deputy site manager of an MIQF if—

- (a) the person is employed or engaged by the Crown; and
- (b) the chief executive considers that the person is suitably qualified to manage an MIQF.

8 Restriction on entry to MIQF

(1) A person must not enter an MIQF unless—

- (a) their entry has been approved (subject to any reasonable conditions) by the site manager; or
- (b) they are authorised or required by law to enter the MIQF.

(2) However, a person who is not otherwise authorised or required by law to enter an MIQF may do so without approval if—

- (a) it is necessary to preserve or protect a person's life, health, or safety; and
- (b) it is not reasonably practicable to obtain approval.

9 Duty to remain at MIQF for risk assessment

(1) A person who enters an MIQF in breach of clause 8 must remain at the MIQF for as long as reasonably required by the site manager—

- (a) for a suitably qualified health practitioner to assess whether the person is at risk of having been exposed to COVID-19 as a result of their entry; and
- (b) if the health practitioner determines that the person is at risk of having been exposed, for a medical officer of health—

- (i) to be advised; and
 - (ii) to determine whether to exercise, in relation to the person, a power conferred on the officer by or under an enactment.
- (2) To avoid doubt, subclause (1) does not empower the site manager or the health practitioner to require the person to undergo a medical examination or testing of any kind.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to this order as made

There are no transitional, savings, or related provisions relating to this order as made.
Dated at Wellington this 20th day of August 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 is the COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020. It comes into force at 11.59 pm on 22 August 2020.

Clause 3 states that the purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by restricting entry to any managed isolation or quarantine facility (MIQF) to persons who are approved, authorised, or required to enter.

Clause 4 defines the key terms used in this order.

Clause 5 gives effect to transitional, savings, and related provisions (if any) set out in *Schedule 1*.

Clause 6 states that this order applies throughout New Zealand.

Clause 7 provides for the chief executive of the Ministry of Business, Innovation, and Employment to appoint a site manager for an MIQF.

Clause 8 prohibits a person from entering an MIQF unless—

- their entry has been approved by the site manager; or

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- they are authorised or required by law to enter the MIQF (for example, authorised by a power such as that contained in section 42 of the Fire and Emergency New Zealand Act 2017 or required by a COVID-19 order made under the COVID-19 Public Health Response Act 2020 (the **Act**)).

A person may also enter an MIQF without the site manager’s approval if it is necessary to preserve or protect a person’s life, health, or safety and it is not reasonably practicable to obtain approval.

Clause 9 requires a person who breaches *clause 8* to remain at the MIQF for as long as reasonably required by the site manager—

- for a suitably qualified health practitioner to assess whether the person is at risk of having been exposed to COVID-19 as a result of their entry; and
- if the health practitioner determines that the person is at risk, for a medical officer of health to be advised and to determine whether to use their statutory powers in relation to the person (for example, their powers under section 70 of the Health Act 1956).

A person commits an offence if they intentionally fail to comply with—

- *clause 8 or 9* (see section 26(1) of the Act); or
- a related direction given by an enforcement officer under section 21 of the Act (see section 27(2) of the Act).

A person who commits an offence is liable on conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding \$4,000 (see sections 26(2) and 27(4) of the Act).

This order is revoked (unless it is earlier revoked) on the expiry of the relevant period under section 16 of the Act if no resolution of the House of Representatives is passed to approve the order within that period.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 20 August 2020.
This order is administered by the Ministry of Health.