

**Reprint  
as at 6 September 2020**



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

(LI 2020/221)

COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020: revoked, at 11.59 pm on 6 September 2020, by clause 19 of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (LI 2020/241).

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.

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#### **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.**

## 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
- 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.

## **Reprints notes**

### **1    *General***

This is a reprint of the COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) 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 (Isolation and Quarantine) Order 2020 (LI 2020/241): clause 19