



COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020

This order is made by the Minister of Health under sections 11 and 15(1) of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

Contents

		Page
1	Title	3
2	Commencement	3
Part 1		
Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020		
3	Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020	3
4	Clause 4 amended (Interpretation)	3
5	Clause 8 amended (Obligations on persons arriving in New Zealand by air)	4
6	New clauses 8A to 8C and cross-headings inserted	4
<i>Airside conditions</i>		
	8A Airside condition	4
	8B Overseas airside condition	4
<i>Designation of higher-risk routes</i>		
	8C Designation of higher-risk routes	4
<i>Exemptions</i>		
7	Clause 10 amended (Diplomatic and consular officials, and New Zealand Defence Force)	5
8	Clause 11 replaced (Air crew members and medical attendants)	5
	11 Aircrew members who meet airside condition	5
	11A Aircrew members who do not meet airside condition	5
	11B Medical attendants who meet airside condition	6
9	Clause 12 amended (Crew of ship)	7

10	Clause 14 amended (Minister may replace exemptions under clauses 11 to 13)	7
----	--	---

Part 2

Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

11	Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020	7
12	Clause 4 amended (Interpretation)	7
13	Part 1 heading amended	8
14	Clause 7 amended (Part applies to relevant persons)	8
15	Clause 10 amended (Period of isolation or quarantine)	8
16	Clause 11 amended (Early end to period of isolation or quarantine for certain people)	8
17	Clause 13 amended (Leaving place of isolation or quarantine)	9
18	New clause 14A inserted (Designation of relevant persons as fellow residents)	9
14A	Designation of relevant persons as fellow residents	9
19	Clause 15 amended (Caregivers of vulnerable people)	9
20	New Part 1A inserted	10

Part 1A

Requirements for self-isolation by relevant workers

15B	Part applies to relevant workers	10
15C	Requirement to notify Ministry of Health	10
15D	Requirements for self-isolation	11
15E	Period of self-isolation	11
15F	Medical examination and testing	11
15G	Leaving place of self-isolation	11

Part 3

Amendments to COVID-19 Public Health Response (Required Testing) Order 2020

21	Amendments to COVID-19 Public Health Response (Required Testing) Order 2020	12
22	Clause 4 amended (Interpretation)	12
23	Clause 8 amended (Exemptions from testing and medical examination)	13
24	Schedule 2 amended	13

Order

1 Title

This order is the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020.

2 Commencement

This order comes into force at 11.59 pm on 4 October 2020.

Part 1

Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020

3 Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020

This Part amends the COVID-19 Public Health Response (Air Border) Order (No 2) 2020.

4 Clause 4 amended (Interpretation)

- (1) In clause 4, replace the definition of **air crew member** with:

aircrew member—

- (a) means a person who is identified as a crew member on the crew manifest for the aircraft on which they arrive in New Zealand; but
- (b) in clause 11A(4)(e), means a person who is identified as a crew member on the crew manifest for the aircraft on which they are to depart a country outside New Zealand

- (2) In clause 4, insert in their appropriate alphabetical order:

airport has the meaning given by subclause (2)

airside, of an airport, means any part of the airport that is inaccessible to the general public but that is accessible to international arriving or international transiting passengers

airside condition has the meaning given by clause 8A

higher-risk route means a route of travel that is designated in accordance with clause 8C

overseas airside condition has the meaning given by clause 8B

- (3) In clause 4, replace the definition of **fellow traveller** with:

fellow traveller, of any person arriving in New Zealand, means,—

- (a) if the person is an aircrew member, an aircrew member arriving in New Zealand on the same aircraft; or

(b) in any other case, anyone who accompanied the person on the journey to New Zealand

(4) In clause 4, revoke the definition of **security designated aerodrome**.

(5) In clause 4, insert as subclause (2):

(2) A reference in this order to an **airport** that is in New Zealand is a reference to a security designated aerodrome within the meaning of section 2(1) of the Civil Aviation Act 1990.

5 Clause 8 amended (Obligations on persons arriving in New Zealand by air)

(1) In clause 8(2), replace “security designated aerodrome” with “airport”.

(2) In clause 8(4), replace “security designated aerodrome and travelling from that aerodrome” with “airport and travelling from the airport”.

6 New clauses 8A to 8C and cross-headings inserted

Before clause 9, insert:

Airside conditions

8A Airside condition

For the purposes of this Part, a person who arrives in New Zealand by air **meets the airside condition** if, until they depart New Zealand, they remain on the airside of—

- (a) the airport at which they arrive in New Zealand; and
- (b) any other airport through which they transit.

8B Overseas airside condition

For the purposes of this Part, a person who arrives in a country outside New Zealand by air **meets the overseas airside condition** if, until they depart the country, they remain on the airside of—

- (a) the airport at which they arrive in that country; and
- (b) any other airport through which they transit in that country.

Designation of higher-risk routes

8C Designation of higher-risk routes

(1) For the purposes of this Part, the Director-General may, by notice published and notified in accordance with this clause, designate a route of travel between a place outside New Zealand and another place (in or outside New Zealand) as a higher-risk route.

(2) The notice must—

- (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
- (b) be notified in the *Gazette*.

Exemptions

7 Clause 10 amended (Diplomatic and consular officials, and New Zealand Defence Force)

In clause 10(b), after “outside”, delete “of”.

8 Clause 11 replaced (Air crew members and medical attendants)

Replace clause 11 with:

11 Aircrew members who meet airside condition

Any aircrew member arriving in New Zealand by air who meets the airside condition is exempt from clause 8.

11A Aircrew members who do not meet airside condition

Exemption generally if ordinarily resident

- (1) Any aircrew member arriving in New Zealand by air who does not meet the airside condition, but is ordinarily resident in New Zealand, is exempt from clause 8(3).

Exception: higher-risk route

- (2) However, they are not exempt from clause 8(3) if they have travelled on a higher-risk route within the 7 days immediately before that arrival.

Exception: failure to meet key safety standards

- (3) They are also not exempt from clause 8(3) if a medical officer of health determines (on the basis of information brought to that officer’s attention) that there are reasonable grounds to believe that, within the 7 days immediately before that arrival and while outside New Zealand, the aircrew member has failed to meet 1 or more of the key safety standards.
- (4) An aircrew member **meets the key safety standards** if, while outside New Zealand, they—
 - (a) wear personal protective equipment at all times (to the greatest extent practicable)—
 - (i) while working in a role involving direct interaction with aircraft passengers; or
 - (ii) while in any place other than on an aircraft or in a specified room at any accommodation where the aircrew member is staying; and
 - (b) maintain physical distancing from all other persons (to the greatest extent practicable) other than—

- (i) persons on an aircraft on which the crew member is working; or
 - (ii) fellow crew members of the aircrew member; and
 - (c) meet the overseas airside condition after arriving in a country outside New Zealand if—
 - (i) not staying in any accommodation before departing the country; or
 - (ii) staying in any accommodation on the airside of an airport before departing the country; and
 - (d) travel as directly as practicable to any accommodation where they are staying; and
 - (e) meet the self-isolation standards at that accommodation until they are required to travel from it to carry out their duties as an aircrew member.
- (5) An aircrew member **meets the self-isolation standards** if—
- (a) they do not leave their allocated room at any accommodation where they are staying except—
 - (i) to preserve or protect their own or another person’s life, health, or safety in an emergency; or
 - (ii) to access medical services; or
 - (iii) to visit a specified room at that accommodation; and
 - (b) they do not permit any other persons to enter their allocated room except—
 - (i) for medical, emergency, or law enforcement purposes; or
 - (ii) fellow crew members of the aircrew member.
- (6) In this clause,—
- fellow crew member**, of an aircrew member in a country outside New Zealand, means a person who is identified (along with the aircrew member) as being a crew member on the crew manifest for the aircraft on which both arrive in that country
- specified room**, at the accommodation where an aircrew member is staying, means—
- (a) the aircrew member’s allocated room at the accommodation; or
 - (b) the allocated room, at the accommodation, of a fellow crew member of the aircrew member.
- 11B Medical attendants who meet airside condition**
- The following persons arriving by air in New Zealand are exempt from clause 8 if they meet the airside condition:
- (a) any person assisting, as a medical attendant, with a medical air transfer to New Zealand:

- (b) any person arriving in New Zealand to assist, as a medical attendant, with a medical transfer from New Zealand.

9 Clause 12 amended (Crew of ship)

In clause 12(1)(a), replace “security designated aerodrome” with “airport”.

10 Clause 14 amended (Minister may replace exemptions under clauses 11 to 13)

In clause 14(3), after “clause 11,”, insert “11A, 11B,”.

Part 2

Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

11 Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

This Part amends the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.

12 Clause 4 amended (Interpretation)

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

aircrew member—

- (a) means a person who is identified as a crew member on the crew manifest for the aircraft on which they arrive in New Zealand; but
- (b) in clause 11(4B)(a), means a person who is identified as a crew member on the crew manifest for the aircraft on which they are to depart New Zealand

period of self-isolation has the meaning given by clause 15E

relevant worker has the meaning given by clause 15B(1)

- (2) In clause 4, replace the definition of **fellow resident** with:

fellow resident, of any person (**person A**),—

- (a) means another person who is isolated or quarantined in the same room as person A at their place of isolation or quarantine; and
- (b) includes another person who is isolated or quarantined at the same MIQF as person A and who—
 - (i) is designated by the site manager of the MIQF as a fellow resident of person A under clause 14A; or
 - (ii) is a caregiver of person A and, because of clause 15(2)(a), is treated as being a fellow resident of person A

- (3) In clause 4, insert as subclause (2):

- (2) In this order, a reference to a person's **arrival in New Zealand** is a reference to the person's most recent arrival in New Zealand from a country outside New Zealand.

13 Part 1 heading amended

In the Part 1 heading, after "**quarantine**", insert "**generally**".

14 Clause 7 amended (Part applies to relevant persons)

In clause 7, insert as subclause (2):

- (2) However, this Part does not apply to a relevant worker.

15 Clause 10 amended (Period of isolation or quarantine)

- (1) In clause 10(2)(a), replace ":", with "; or".
- (2) Replace clause 10(3) with:
- (3) However, if another person is designated as their fellow resident, and the fellow resident's start time under subclause (2) is a later start time, the person's **start time** becomes that later start time.
- (3A) *See* clause 15(2)(c) in relation to the start time of caregivers.

16 Clause 11 amended (Early end to period of isolation or quarantine for certain people)

- (1) Replace clause 11(3) with:
- (3) Subclause (4) applies to a person who is scheduled to depart New Zealand during the period under clause 10(1) (a **scheduled departer**), other than—
- (a) an aircrew member; or
- (b) a person who assisted, or is to assist, as a medical attendant as described by subclause (4A)(b).
- (2) After clause 11(4), insert:
- Exception for overseas-based aircrew and medical attendants*
- (4A) Subclause (4B) applies to a scheduled departer who is not ordinarily resident in New Zealand and who—
- (a) is an aircrew member; or
- (b) arrived in New Zealand by air—
- (i) while assisting, as a medical attendant, with a medical air transfer to New Zealand; or
- (ii) to assist, as a medical attendant, with a medical air transfer from New Zealand.
- (4B) Their **period of isolation or quarantine** ends—

- (a) when they are required to travel in order to carry out their duties as an aircrew member, or a medical attendant, on an aircraft that is scheduled for departure; or
 - (b) if paragraph (a) does not apply, 12 hours before their scheduled departure from New Zealand, as long as they leave their place of isolation or quarantine only to travel to the place of departure and depart accordingly.
- (4C) A scheduled departer whose period of isolation or quarantine ends under subclause (4) or (4B) must comply with any directions of the chief executive of MBIE (given on the advice of a medical officer of health or a health protection officer) relating to the travel of the scheduled departer to the place of departure.

17 Clause 13 amended (Leaving place of isolation or quarantine)

- (1) In clause 13(a), replace “outdoor exercise” with “any activity (for example, exercise)”.
- (2) After clause 13(a), insert:
 - (aa) to visit the room of a fellow resident; or

18 New clause 14A inserted (Designation of relevant persons as fellow residents)

After clause 14, insert:

14A Designation of relevant persons as fellow residents

- (1) The site manager of an MIQF may designate a relevant person as the fellow resident of another relevant person if—
 - (a) they were fellow travellers when they arrived in New Zealand; or
 - (b) the site manager is satisfied that the designation would be appropriate for the purposes of keeping connections with family or whānau or enabling caregiving or support.
- (2) In this clause, **fellow traveller**, of any person arriving in New Zealand, means,—
 - (a) if the person is an aircrew member, an aircrew member arriving in New Zealand on the same aircraft; or
 - (b) in any other case, anyone who accompanied the person on the journey to New Zealand.

19 Clause 15 amended (Caregivers of vulnerable people)

- (1) In the heading to clause 15, after “of”, insert “children and other”.
- (2) In clause 15(1), delete “in their room”.
- (3) Replace clause 15(2)(a) and (b) with:

- (a) is to be treated as being a relevant person, and a fellow resident of the vulnerable person, for the purposes of this Part; and
- (4) In clause 15(2)(c), replace “under” with “for the purposes of”.
- (5) After clause 15(2), insert:
- (2A) This clause does not apply to a caregiver if they are a relevant person independently of this clause.

20 New Part 1A inserted

After clause 15A, insert:

Part 1A **Requirements for self-isolation by relevant workers**

15B Part applies to relevant workers

- (1) This Part applies to a person (a **relevant worker**) who—
 - (a) is required by the Air Border Order to be isolated or quarantined in accordance with this order; and
 - (b) is ordinarily resident in New Zealand; and
 - (c) is a relevant crew member or a relevant medical attendant.

- (2) In this clause,—

Air Border Order means the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

relevant crew member means an aircrew member who travelled on a higher-risk route (within the meaning of the Air Border Order) within the 7 days immediately before their arrival by air in New Zealand

relevant medical attendant means a person who, on arrival by air in New Zealand,—

- (a) was assisting, as a medical attendant, with a medical air transfer to New Zealand; or
- (b) was returning from assisting, as a medical attendant, with a medical air transfer from New Zealand.

15C Requirement to notify Ministry of Health

- (1) Before departing the security designated aerodrome at which they arrive in New Zealand, a relevant worker must notify the Ministry of Health, in the manner approved by the Director-General, of—
 - (a) the address of the residence or other accommodation that they intend to be their place of self-isolation; and
 - (b) an email address and telephone number at which they may be contacted.

- (2) In this clause, **security designated aerodrome** has the meaning given by section 2(1) of the Civil Aviation Act 1990.

15D Requirements for self-isolation

- (1) A relevant worker must comply with the requirements set out in this clause throughout their period of self-isolation.
- (2) They must remain at the accommodation notified to the Ministry of Health as their place of self-isolation, except as permitted by this Part.
- (3) They must maintain physical distancing (to the greatest extent practicable) from every person in or outside their place of self-isolation.
- (4) They must not permit any other person to enter their accommodation unless—
- (a) the place is a residence at which the other person lives; or
 - (b) the entry is for the purposes of preserving or protecting the relevant worker's or another person's life, health, or safety in an emergency.
- (5) They must wear personal protective equipment at all times (to the greatest extent practicable) when outside their place of self-isolation.

15E Period of self-isolation

A relevant worker's **period of self-isolation** is the period—

- (a) commencing as soon as practicable after they arrive in New Zealand; and
- (b) ending when they receive a negative result from the medical examination and testing they are required to undergo by this Part (but ending no later than 14 days after the time and date of their arrival in New Zealand).

15F Medical examination and testing

- (1) A relevant worker must report for, and undergo, medical examination and testing for COVID-19 after at least 48 hours have passed since the time and date of their arrival in New Zealand.
- (2) That medical examination and testing must involve taking nose swabs or mouth swabs (or both).

15G Leaving place of self-isolation

A relevant worker is permitted to leave the accommodation notified to the Ministry of Health as their place of self-isolation—

- (a) to report for, and undergo, medical examination required by this Part; or
- (b) if they need to leave to preserve or protect their own or another person's life, health, or safety in an emergency; or
- (c) to access medical services; or

- (d) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend by that institution; or
- (e) if a medical officer of health is satisfied that they need to leave to move to another place for isolation or quarantine (for example, for temporary or emergency care while they are sick); or
- (f) if they are required to move to another place for isolation or quarantine by—
 - (i) a court order; or
 - (ii) any other obligation imposed by or under an enactment.

Part 3

Amendments to COVID-19 Public Health Response (Required Testing) Order 2020

21 Amendments to COVID-19 Public Health Response (Required Testing) Order 2020

This Part amends the COVID-19 Public Health Response (Required Testing) Order 2020.

22 Clause 4 amended (Interpretation)

In clause 4, insert in their appropriate alphabetical order:

aircrew member means any of the following persons:

- (a) cabin crew who—
 - (i) are ordinarily resident in New Zealand; and
 - (ii) work on an international flight on or after 19 October 2020;
- (b) other persons who—
 - (i) are ordinarily resident in New Zealand; and
 - (ii) are identified as crew members on a crew manifest for an aircraft that has travelled internationally on or after 19 October 2020; and
 - (iii) have an international layover (whether airside or landside) during that travel;
- (c) cabin crew who, on or after 19 October 2020, travel on a domestic flight within New Zealand that carries international arriving or international transiting passengers who have not yet completed isolation or quarantine at a managed isolation or quarantine facility

landside, in relation to an affected airport, means any part of the affected airport that is not airside

23 Clause 8 amended (Exemptions from testing and medical examination)

After clause 8(4), insert:

- (5) An aircrew member is not required to undergo testing and medical examination under clause 7 if, during an applicable testing period, the aircrew member is required to be tested and isolated or quarantined under another COVID-19 order during that period.

24 Schedule 2 amended

In Schedule 2, after Part 4, insert:

<i>Part 5: Aircrew members</i>			
5.1	Aircrew member	Community testing centre or testing centre at airport	Once every 7 days starting on 19 October 2020

Dated at Wellington this 2nd day of October 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 comes into force at 11.59 pm on 4 October 2020. It makes amendments, mainly concerning aircrew members and certain medical attendants, to the following orders:

- the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order**);
- the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the **Isolation and Quarantine Order**);
- the COVID-19 Public Health Response (Required Testing) Order 2020 (the **Required Testing Order**).

Part 1

Part 1 of this order amends the Air Border Order.

Currently, aircrew members and certain medical attendants arriving in New Zealand by air are exempt from all of the requirements that are generally imposed by clause 8 of that order on other persons arriving in New Zealand by air. Those requirements include requirements—

- to report for and undergo medical examination and testing at the airport at which they arrive; and
- to be isolated or quarantined (commencing as soon as practicable after arrival) in accordance with the Isolation and Quarantine Order.

Aircrew members and relevant medical attendants arriving in New Zealand by air will continue to be exempt from all of the requirements if, until they depart New Zealand, they remain on the airside of—

- the airport at which they arrive in New Zealand; and
- any other airport through which they transit.

Generally, aircrew members not remaining on the airside of those airports, but who are ordinarily resident in New Zealand, will continue to be exempt from the requirement to be isolated or quarantined in accordance with the Isolation and Quarantine Order. However, they will not be exempt from that requirement if,—

- within the 7 days immediately before they arrive in New Zealand, they have travelled on an international route of travel that is designated by the Director-General of Health as a higher-risk route; or
- a medical officer of health determines that there are reasonable grounds to believe that, within the 7 days immediately before they arrive in New Zealand and while outside New Zealand, they have failed to meet certain key safety standards.

Those key safety standards include standards relating to—

- wearing personal protective equipment; and
- maintaining physical distancing; and
- self-isolating at any accommodation at which they stay while outside New Zealand.

Part 2

Part 2 of this order amends the Isolation and Quarantine Order. The amendments mainly concern the aircrew members and medical attendants who are required to be isolated or quarantined because of the amendments made to the Air Border Order by *Part 1*.

A person's period of isolation or quarantine under the Isolation and Quarantine Order generally lasts 14 days, so long as they meet certain low-risk indicators by then. However, the period for aircrew members, and relevant medical attendants, who are not ordinarily resident in New Zealand will generally end earlier to allow for their scheduled departure from New Zealand (for example, when they are required to travel in order to carry out their duties on an aircraft scheduled for departure).

Aircrew members who are ordinarily resident in New Zealand and travelled on a higher-risk route within the 7 days before their arrival in New Zealand will be required to self-isolate at accommodation notified to the Ministry of Health as their place of self-isolation. Medical attendants ordinarily resident in New Zealand will

also be required to self-isolate at notified accommodation. In both cases, their period of self-isolation will commence as soon as practicable after they arrive in New Zealand and end when they receive a negative result following medical examination and testing for COVID-19 (but no later than 14 days after that arrival). They must report for, and undergo, that medical examination and testing after at least 48 hours have passed since their arrival in New Zealand.

Aircrew members who are ordinarily resident in New Zealand, and are required to be isolated or quarantined because of a determination under the Air Border Order relating to their failure to meet key safety standards, will generally be required to do so in a managed isolation or quarantine facility for at least 14 days.

The Isolation and Quarantine Order is also amended to make changes relating to fellow residents at places of isolation or quarantine. The main effect of persons being fellow residents at those places is that they are not required to maintain physical distancing from each other while in isolation or quarantine. The amendments—

- ensure that fellow residents need not be isolated or quarantined together in the same room; and
- enable a site manager at a managed isolation or quarantine facility to designate a person as a fellow resident of another person at the facility (for example, if they were fellow travellers when they arrived in New Zealand).

Part 3

Part 3 of this order amends the Required Testing Order. The amendments—

- amend *clause 4* to insert new definitions of aircrew member and landside; and
- add *new Part 5* to the table in Schedule 2, which specifies groups of affected persons who must report for and undergo testing for COVID-19, to extend the requirements to aircrew members; and
- add *new clause 8(5)*, which exempts an aircrew member from the requirements if, during the applicable testing period, the aircrew member is required to be tested and isolated or quarantined under another COVID-19 order.

Order revoked without resolution of House

This order must be approved by a resolution of the House of Representatives before the end of the relevant period described in section 16(2) of the COVID-19 Public Health Response Act 2020. If that does not happen, the order is revoked at the end of that period.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 October 2020.
This order is administered by the Ministry of Health.