

Reprint
as at 1 September 2021



**COVID-19 Public Health Response (Exemptions and
Conditions for Quarantine Travel from Australia) Notice
2021**

(LI 2021/184)

COVID-19 Public Health Response (Exemptions and Conditions for Quarantine Travel from Australia) Notice 2021: revoked, on 1 September 2021, by clause 3 of the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine Travel from Australia) Notice Revocation Notice 2021 (LI 2021/229).

Pursuant to clause 26 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, the Minister for COVID-19 Response gives the following notice after complying with that clause.

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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 notice is administered by the Ministry of Health.

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Notice

1 Title

This notice is the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine Travel from Australia) Notice 2021.

2 Commencement

This notice comes into force at 11.59 pm on 12 July 2021.

3 Interpretation

(1) In this notice,—

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

eligible person has the meaning given by clause 5

QFT Notice means the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021

QT flight has the meaning given by clause 4

QT place means the State of New South Wales, Australia

QT prerequisite means a prerequisite set out in clause 10.

(2) In this notice, unless the context otherwise requires, a term not defined in this notice but defined in the Air Border Order or the QFT Notice has, in this notice, the same meaning as in the Air Border Order or the QFT Notice.

4 Meaning of QT flight

(1) In this notice, **QT flight** means an international flight, not being a QFT flight, that meets the following criteria:

- (a) the flight is from an international airport in a QT place to—
 - (i) a QT port; or

- (ii) any other airport in New Zealand to which the flight is required to be diverted:
 - (b) the owner or charterer of the aircraft undertaking the flight is a QT carrier:
 - (c) the flight is part of a scheduled international air service or is an authorised non-scheduled international flight:
 - (d) it is a condition of carriage that each passenger—
 - (i) is an eligible person to whom the exemption in clause 7 applies; and
 - (ii) meets all of the applicable QT prerequisites on boarding the aircraft.
- (2) In this clause,—

authorised non-scheduled international flight means a non-scheduled international flight that is authorised under section 87ZE of the Civil Aviation Act 1990

QT carrier means—

- (a) Air New Zealand Limited; or
- (b) Qantas Airways Limited; or
- (c) Jetstar Airways Proprietary Limited; or
- (d) Air Chathams Limited

QT port means any of the following airports in New Zealand:

- (a) Auckland International Airport:
- (b) Christchurch International Airport:
- (c) Queenstown International Airport:
- (d) Wellington International Airport

scheduled international air service has the meaning given by section 87A of the Civil Aviation Act 1990.

5 Meaning of eligible person

- (1) In this notice, **eligible person** means a person who—
- (a) is an aircrew member; or
 - (b) is a New Zealand citizen or the holder of a residence class visa; or
 - (c) last departed from New Zealand on or after 6 April 2021 and—
 - (i) is the holder of a temporary visa granted under the Immigration Act 2009; or
 - (ii) is an Australian citizen under Australian law; or
 - (iii) is the holder of a current permanent residence visa (including a resident return visa) issued by the Government of Australia; or

(d) is a relevant family member of a person referred to in paragraph (b) or (c).

(2) In this clause,—

dependent child, in relation to a person, has the meaning given by section 4 of the Immigration Act 2009

holder, in relation to a visa granted under the Immigration Act 2009, has the meaning given by section 4 of that Act

New Zealand citizen has the meaning given by section 4 of the Immigration Act 2009

parent, in relation to a dependent child, means a person on whom the child is dependent

relevant family member, in relation to a person, means—

(a) a spouse, civil union partner, or de facto partner of the person; or

(b) a dependent child of the person; or

(c) if the person is a dependent child, a parent of the person

residence class visa has the meaning given by section 4 of the Immigration Act 2009.

6 Transitional, savings, and related provisions

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

Exemptions for arrivals on QT flights

7 Exemption from requirement for confirmed allocation

(1) A person who arrives in New Zealand on an aircraft undertaking a QT flight is exempt from the requirement to comply with clause 8(2A) of the Air Border Order.

(2) The exemption does not apply if the person fails to comply with the conditions set out in this notice.

8 Exemption for aircrew from requirement for isolation or quarantine

(1) An aircrew member who arrives in New Zealand on an aircraft undertaking a QT flight is exempt from the requirement to comply with clause 8(3) to (4) of the Air Border Order.

(2) The exemption does not apply if the aircrew member fails to comply with the conditions set out in this notice.

Conditions of general application for arrivals on QT flights

9 Person must have made required statement before boarding

- (1) The exemptions under clauses 7 and 8 are subject to the condition set out in this clause.
- (2) The condition is that, before the person boarded the aircraft, a statement was made by, or on behalf of, the person in the same terms as clause 7(2) of the QFT Notice, as if all references in that clause to a QFT place were references to a QT place.

10 Person must meet QT prerequisites on boarding the aircraft

- (1) The exemptions under clauses 7 and 8 are subject to the condition set out in this clause.
- (2) The condition is that, on boarding the aircraft, the person meets the following QFT prerequisites in Schedule 2 of the Air Border Order, as modified by subclause (3) of this clause:
 - (a) clause 3:
 - (b) clause 5(1):
 - (c) clause 5(2):
 - (d) clause 6:
 - (e) clause 8:
 - (f) clause 9.
- (3) The modifications are as follows:
 - (a) references in those prerequisites to a QFT flight are to be read as references to a QT flight; and
 - (b) references in those prerequisites to a QFT place are to be read as references to a QT place.
- (4) The condition in subclause (2)(c) does not apply to a person who is an aircrew member to whom clause 12 applies.

Conditions for passengers on QT flights

11 Passenger must provide appropriate evidence of compliance to air carrier representative

- (1) The exemption in clause 7 is subject to the condition set out in this clause if the person is a passenger on the QT flight.
- (2) The condition is that the passenger must have shown, at the time of check-in for the flight, appropriate evidence to a staff member or representative of the air carrier that the passenger would meet each of the QT prerequisites on boarding (assuming there is no material change affecting the passenger before boarding).

- (3) In this clause, a reference to **appropriate evidence**, in relation to the passenger, is a reference to—
- (a) a declaration made by, or on behalf of, the passenger; or
 - (b) in the case of a QT prerequisite requiring the passenger to have a certificate from a medical practitioner that verifies an opinion of the medical practitioner, that certificate; or
 - (c) in the case of a QT prerequisite requiring a suitably qualified health practitioner’s opinion in respect of the passenger’s symptoms, a certificate from a suitably qualified health practitioner verifying that they are of that opinion; or
 - (d) any other evidence sufficient to demonstrate compliance with a QT prerequisite.
- (4) However, a certificate from a suitably qualified health practitioner who is not a medical practitioner is **appropriate evidence**, in relation to the passenger, only if—
- (a) the certificate was obtained from the suitably qualified health practitioner at the airport from which the aircraft departed; and
 - (b) a declaration was made by, or on behalf of, the passenger that the symptoms concerned developed less than 12 hours before the scheduled time of that departure.

Conditions for foreign aircrew on QT flights

12 Foreign aircrew members who have been in Australia: pre-departure test

- (1) The exemptions under clauses 7 and 8 are subject to the condition set out in this clause if the person is an aircrew member (other than a specified aircrew member).
- (2) The condition is that, before the aircrew member boarded the aircraft, a statement was made by, or on behalf of, the aircrew member that, no more than 7 days immediately before the scheduled departure of the QT flight and at the direction of their employer, the aircrew member had mouth swabs or nose swabs (or both) taken for an RT-PCR test.
- (3) The condition does not apply to an aircrew member who, when in Australia during the period starting 7 days immediately before the scheduled departure of the aircraft and ending on that scheduled departure, was only—
- (a) on an aircraft or on the airside of an airport in Australia at which the aircraft landed; or
 - (b) on Norfolk Island.
- (4) In this clause, **employer**, in relation to an aircrew member, means an air carrier for which the aircrew member works (whether or not as an employee).

13 Foreign aircrew members must notify intention to self-isolate

- (1) The exemptions under clauses 7 and 8 are subject to the condition set out in this clause if the person is an aircrew member (other than a specified aircrew member).
- (2) The condition is that, before the aircrew member boarded the aircraft, or on arrival in New Zealand, the aircrew member must—
 - (a) notify the Ministry of Health that they will self-isolate during the period that—
 - (i) commences as soon as practicable after they arrive in New Zealand; and
 - (ii) ends when they leave their place of self-isolation; and
 - (b) notify the Ministry of Health of—
 - (i) the address of the residence or other accommodation that they intend to be their place of self-isolation; and
 - (ii) an email address and telephone number at which they may be contacted.

14 Specified aircrew members must comply with key safety standards

- (1) The exemptions under clause 7 and 8 are subject to the condition set out in this clause if the person is a specified aircrew member.
- (2) The condition is that the specified aircrew member must comply with the key safety standards while they are in a QT place.
- (3) In this clause, the **key safety standards** are the standards set out in Part 1 of Schedule 2 of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.

Schedule

Transitional, savings, and related provisions

cl 6

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 12th day of July 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This notice comes into force at 11.59 pm on 12 July 2021. It is made under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order**).

Currently, persons who at or after 10.30 pm on 26 June 2021 have been in the State of New South Wales, Australia are unable to arrive in New Zealand from Australia on an aircraft undertaking a quarantine-free travel flight (or QFT flight). This is because these persons do not meet the conditions in the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021 to be exempt from isolation and quarantine after arrival.

This notice facilitates flights (QT flights) between the State of New South Wales, Australia and New Zealand for a limited class of persons who have been in that State at or after 10.30 pm on 26 June 2021. These persons are not required to have a confirmed allocation issued under the managed isolation allocation system, but will be required on arrival in New Zealand to be isolated or quarantined.

Persons on QT flights are not required to have evidence of a qualifying pre-departure test but, before boarding, must have confirmed in a statement that they are neither a close contact nor a casual contact (or if a close contact, certain conditions apply). They must also, on arrival in New Zealand, meet the prerequisites set out in clauses 3, 5, 6, 8 and 9 of Schedule 2 of the Air Border Order that apply to QFT flights.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 12 July 2021.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine Travel from Australia) Notice 2021 that incorporates all the amendments to that notice 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 (Exemptions and Conditions for Quarantine Travel from Australia) Notice Revocation Notice 2021 (LI 2021/229)