

**Version
as at 18 March 2022**



**COVID-19 Public Health Response (Air Border) Order
2021**

(SL 2021/427)

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

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry of Health.

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Order

1 Title

This order is the COVID-19 Public Health Response (Air Border) Order 2021.

2 Commencement

This order comes into force at 11.59 pm on 27 February 2022.

Clause 2: amended, at 11.58 pm on 16 January 2022, by clause 16 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

3 Purpose

The purpose of this order is to support a public health response to COVID-19 that furthers the purpose of the Act by imposing requirements and restrictions in relation to persons who arrive in New Zealand by air.

4 Interpretation

In this order, unless the context otherwise requires,—

Act means the COVID-19 Public Health Response Act 2020

aircrew member means an overseas-based aircrew member or a New Zealand-based aircrew member

airport, in relation to an airport in New Zealand, means an aerodrome (as defined in section 2(1) of the Civil Aviation Act 1990)

airside, in relation to an airport, means any part of the airport that is—

- (a) inaccessible to the general public; but
- (b) accessible to international arriving or international transiting passengers who have not entered the country where the airport is located

approved system means any system that is—

- (a) specified by a Director-General notice; and
- (b) approved by the Director-General for the purpose of a COVID-19 provision

arrive in New Zealand, in relation to a person who arrives on an aircraft, means to be on board the craft when it lands or stops at any place within New Zealand

associate has the meaning given in clause 1 of Schedule 15

authorised officer means—

- (a) an authorised enforcement person;
- (b) a health protection officer;
- (c) an immigration officer (as defined in section 4 of the Immigration Act 2009);
- (d) a medical officer of health

board a flight means to board the aircraft undertaking the flight

carrier, in relation to a craft (but not a foreign military craft),—

- (a) means the owner or charterer of the craft; and
- (b) if the owner or charterer is not in New Zealand, includes the agent in New Zealand of the owner or charterer; and

- (c) if there is no agent in New Zealand, includes the person in charge of the craft

connecting flight, in relation to a person other than an aircrew member, means any of the 2 or more flights that—

- (a) carry the person to New Zealand from another country; and
(b) are ticketed with a specified departure and arrival place, date, and time for each flight; and
(c) are not separated by a stopover

country—

- (a) means all or part of a country or a territory; and
(b) includes Antarctica

COVID-19 border requirements schedule has the meaning given in clause 7(5)

COVID-19 provision has the meaning given in clause 7(1)

COVID-19 test means an examination or a test (or both) for COVID-19 that is specified by a Director-General notice for the purpose of any COVID-19 provision

craft has the meaning given in section 4 of the Immigration Act 2009

direct flight, in relation to a person, means a flight that carries the person to New Zealand from another country and is not a connecting flight

Director-General notice means a notice made under clause 59

enter,—

- (a) in relation to New Zealand, means to enter New Zealand in accordance with the Immigration Act 2009; and
(b) in relation to any other country, has a corresponding meaning

group 1 country means a country that Schedule 2 identifies as a group 1 country

group 2 country means a country that Schedule 2 identifies as a group 2 country

group 3 country means a country that Schedule 2 identifies as a group 3 country

health practitioner has the meaning given by section 5(1) of the Health Practitioners Competence Assurance Act 2003

health protection officer has the meaning given by section 2(1) of the Health Act 1956

high risk infringement offence means the high risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

Isolation and Quarantine Order means the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

key safety standards means the key safety standards set out in Schedule 15

low risk infringement offence means the low risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

medical attendant has the meaning given in clause 1(2) of Schedule 7

medical officer of health has the meaning given by section 2(1) of the Health Act 1956

medical practitioner means a health practitioner who—

- (a) is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine; and
- (b) holds a current practising certificate

medium risk infringement offence means the medium risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

military craft—

- (a) means a craft (as defined in section 4 of the Immigration Act 2009) that travels for a military purpose or as part of a military operation; and
- (b) includes a commercial craft (as defined in section 4 of the Immigration Act 2009) that is chartered for a military purpose or as part of a military operation

New Zealand-based aircrew member means a person who—

- (a) is ordinarily resident in New Zealand; and
- (b) arrives in New Zealand—
 - (i) on an aircraft on which they are working as crew (as defined in section 4 of the Immigration Act 2009); or
 - (ii) for repositioning purposes (that is, for the purpose of connecting with another aircraft on which they are working as crew); or
 - (iii) for the purpose of returning to New Zealand after having left New Zealand to complete training that they were directed by their employer to undertake and that the Civil Aviation Authority, or an equivalent international regulator, requires aircrew members to complete

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

overseas-based aircrew member means a person who—

- (a) is not ordinarily resident in New Zealand; and
- (b) arrives in New Zealand—
 - (i) on an aircraft on which they are working as crew (as defined in section 4 of the Immigration Act 2009); or
 - (ii) for repositioning purposes (that is, for the purpose of connecting with another aircraft on which they are working as crew); and
- (c) *[Revoked]*

overseas-qualified medical practitioner means a person who is registered or licensed, in a country other than New Zealand, as a health professional equivalent to a medical practitioner

place of isolation or quarantine, in relation to a person, means the place at which they must be isolated or quarantined under the Isolation and Quarantine Order

place of self-isolation, in relation to a person, means the place at which they will self-isolate under the Isolation and Quarantine Order

Police escort has the meaning given in clause 1(2) of Schedule 7

port of arrival, in relation to a person or aircraft, means the airport at which the person or aircraft arrives in New Zealand

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

- (a) their spouse, civil union partner, or de facto partner;
- (b) a dependent child (as defined in section 4 of the Immigration Act 2009) of the person or of the person's spouse, civil union partner, or de facto partner;
- (c) if the person is a dependent child, a person on whom they are dependent (for example, a parent)

relevant worker has the meaning given in clause 1 of Schedule 7

route safety plan means a route safety plan approved by the Director-General under clause 51

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

specified 14-day period, in relation to a person, means the period that—

- (a) starts at the beginning of the 14th day before the day on which the person boards the direct flight or first connecting flight on which they arrive in New Zealand; and
- (b) ends when the person boards that flight

stopover, in relation to a person whose journey to New Zealand includes more than 1 flight, means entry into any country at which any of those flights arrives (other than New Zealand)

transit-only arrival means a person described in clause 1 of Schedule 6

transit passenger, in relation to a country, means a person who—

- (a) arrives in that country by air; and
- (b) does not enter that country but remains, until they depart from that country, on the airside of—
 - (i) the airport at which they arrived in that country; and
 - (ii) any other airport through which they transit.

Clause 4 **aircrew member**: amended, at 11.58 pm on 16 January 2022, by clause 17(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 4 **category A person**: revoked, at 11.58 pm on 27 February 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **category B person**: revoked, at 11.58 pm on 27 February 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **category C person**: revoked, at 11.58 pm on 27 February 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **category Z person**: revoked, at 11.58 pm on 27 February 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **high risk infringement offence**: inserted, at 11.58 pm on 27 February 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **international aircrew member**: revoked, at 11.58 pm on 16 January 2022, by clause 17(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 4 **landside**: revoked, at 11.58 pm on 27 February 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **low risk infringement offence**: inserted, at 11.58 pm on 27 February 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **medical practitioner**: inserted, at 11.58 pm on 27 February 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **medium risk infringement offence**: inserted, at 11.58 pm on 27 February 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **New Zealand-based aircrew member** paragraph (b): replaced, at 11.58 pm on 27 February 2022, by clause 4(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **overseas-based aircrew member**: inserted, at 11.58 pm on 16 January 2022, by clause 17(3) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 4 **overseas-based aircrew member** paragraph (c): revoked, at 11.58 pm on 27 February 2022, by clause 4(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **overseas-qualified health practitioner**: revoked, at 11.58 pm on 27 February 2022, by clause 4(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **overseas-qualified medical practitioner**: inserted, at 11.58 pm on 27 February 2022, by clause 4(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 4 **scheduled international air service**: inserted, at 11.58 pm on 27 February 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

5 Transitional, savings, and related provisions

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

6 Application of this order

- (1) This order applies to the whole of New Zealand.
- (2) This order also specifies criteria that must be satisfied from a place outside New Zealand before a person enters New Zealand.

Part 1

COVID-19 provisions for persons who arrive in New Zealand

7 COVID-19 provisions apply to person if specified in COVID-19 border requirements schedule that applies to them

- (1) This Part sets out the provisions (**COVID-19 provisions**) that may apply to a person who arrives in New Zealand by air.
- (2) Generally, and as a guide only,—
 - (a) the provisions in subpart 1 are the consequences that may apply to a person who enters New Zealand (for example, a person may have to self-isolate or enter managed isolation and quarantine); and
 - (b) the provisions in subpart 2 are conditions that may have to be satisfied before, on, or after a person's arrival in New Zealand (for example, they may have to be vaccinated before they arrive); and
 - (c) the provisions in subpart 3 set out some consequences of breaching a provision in subpart 1 or 2.
- (3) A COVID-19 provision applies to a person only if—
 - (a) it is specified in a COVID-19 border requirements schedule that applies to that person; or
 - (b) it is applied to that person by subpart 3.
- (4) A COVID-19 provision applies to a person subject to—
 - (a) any modifications specified in the schedule or provision that applies it to that person; and

- (b) any exemptions that apply to that person (*see* Part 3, which provides for exemptions to be granted, and Schedule 3, which sets out class exemptions from some COVID-19 provisions).
- (5) The following schedules are **COVID-19 border requirements schedules**, which apply generally as follows:
 - (a) Schedule 4 is for New Zealand-based aircrew members:
 - (b) Schedule 5 is for overseas-based aircrew members:
 - (c) Schedule 6 is for transit-only arrivals (persons who arrive in but do not enter New Zealand):
 - (d) Schedule 7 is for relevant workers (medical attendants and Police escorts):
 - (e) Schedule 8 is for arrivals from Antarctica:
 - (f) Schedule 9 is for ship crew members arriving to join a ship:
 - (g) Schedule 10 is for arrivals on aircraft turned back to New Zealand:
 - (h) Schedules 11 to 14 are for general travellers (New Zealand citizens, relevant family members, and others).
- (6) Part 1 of each schedule defines the class of persons to whom the schedule applies and specifies which COVID-19 provisions apply to them, which may depend on the countries they have been in during the fortnight before they travelled to New Zealand (and, for that purpose, groups of countries are set out in Schedule 2).
- (7) If a COVID-19 provision is not specified in any COVID-19 border requirements schedule, it has no effect.

Clause 7(2)(b): replaced, at 11.59 pm on 18 March 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Clause 7(2)(c): replaced, at 11.59 pm on 18 March 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Clause 7(5)(b): amended, at 11.58 pm on 16 January 2022, by clause 18(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 7(5)(h): amended, at 11.59 pm on 18 March 2022, by clause 4(3) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Clause 7(6): amended, at 11.58 pm on 16 January 2022, by clause 18(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Subpart 1—Consequences

8 No isolation or quarantine required

- (1) A person is not required to be isolated or quarantined in accordance with the Isolation and Quarantine Order.
- (2) The person may, after they arrive in New Zealand, be required to undergo testing for COVID-19 in accordance with a COVID-19 border requirements schedule.

Clause 8(2): inserted, at 11.59 pm on 2 March 2022, by clause 4 of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

9 **Must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place**

- (1) A person must, as soon as is reasonably practicable after they arrive in New Zealand, self-isolate in accordance with the Part of the Isolation and Quarantine Order that is specified in a COVID-19 border requirements schedule.

When place of self-isolation must be qualifying place

- (2) If the specified Part of the Isolation and Quarantine Order is Part 1A or Part 1D, the person may self-isolate only in one of the following places:
- (a) a private residence; or
 - (b) any accommodation where the person can self-isolate without sharing rooms or facilities (such as bathroom, kitchen, or dining facilities) with anyone other than—
 - (i) a fellow traveller; or
 - (ii) someone who usually lives with the person.
- (3) The place must be suitable to adequately manage any risk of the person having or transmitting COVID-19.
- (4) For the purpose of this clause, **fellow traveller** has the meaning given by clause 36(2), except that people are also treated as **fellow travellers** of each other if they are in a sports or cultural group that,—
- (a) for a sports group, is approved by the chief executive of Sport and Recreation New Zealand; or
 - (b) for a cultural group, is approved by the chief executive of the Ministry for Culture and Heritage; or
 - (c) for either type of group,—
 - (i) is approved by the chief executive of the Ministry of Business, Innovation, and Employment; or
 - (ii) is directly supported through the Major Events Fund administered by the Ministry of Business, Innovation, and Employment.
- (5) *[Revoked]*

Clause 9(5) heading: revoked, at 11.58 pm on 27 February 2022, by clause 5 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 9(5): revoked, at 11.58 pm on 27 February 2022, by clause 5 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

10 Must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order

A person must, as soon as is reasonably practicable after they arrive in New Zealand, be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.

11 Must not arrive in New Zealand

A person must not arrive in New Zealand.

Subpart 2—Conditions

Before arrival

12 Must have traveller pass

- (1) A person must, before they arrive in New Zealand, have a traveller pass.
- (2) In this clause, **traveller pass** means the record of a person's traveller declaration (*see* clause 23) that is issued to the person—
 - (a) after they make the declaration; and
 - (b) in the form that is specified by a Director-General notice.
- (3) A breach of subclause (1) is a low risk infringement offence for the purposes of section 26(3) of the Act.

Clause 12(3): inserted, at 11.58 pm on 27 February 2022, by clause 6 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

13 Must be vaccinated or excused by certificate (unless under 17 years of age)

- (1) A person who is aged 17 years or over must, before they arrive in New Zealand,—
 - (a) be vaccinated; or
 - (b) have—
 - (i) a certificate from a medical practitioner or an overseas-qualified medical practitioner verifying the practitioner's advice that, for medical reasons, the person should not be vaccinated; and
 - (ii) if the certificate is not in English, a translation of the certificate into English.
- (2) The following persons may arrive in New Zealand without complying with subclause (1):
 - (a) a person who is a New Zealand citizen, but only if this clause is applied to them by 1 of the following COVID-19 border requirements schedules:
 - (i) Schedule 7 (relevant workers); or
 - (ii) Schedule 9 (ship crew members arriving to join ship); or
 - (iii) any of Schedules 11 to 14 (which apply to general travellers):

- (b) a person who travels to New Zealand for the first time as the holder of a residence class visa granted to them under any of the following immigration instructions:
 - (i) S3.22 (Requirements for grant of a permanent resident visa (mandated refugee));
 - (ii) S4.10 (Refugee Family Support Category);
 - (iii) S4.20 (Refugee Quota Family Reunification Category);
 - (iv) S4.25 (Community Organisation Refugee Sponsorship Category);
 - (c) a person who is a citizen of Afghanistan and who arrives in New Zealand on or before 12 December 2022.
- (3) A breach of subclause (1) is a high risk infringement offence for the purposes of section 26(3) of the Act, unless an active COVID-19 border requirements schedule applies clause 10 to the person on their entry into New Zealand (which means they must enter managed isolation or quarantine under Part 1 of the Isolation and Quarantine Order).

Clause 13: replaced, at 11.58 pm on 27 February 2022, by clause 7 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

14 **Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)**

- (1) A person who is aged 2 years or over must, before they arrive in New Zealand,—
- (a) have undergone a COVID-19 test within the specified period; or
 - (b) have a certificate to verify that a qualified person has—
 - (i) examined the person within the specified period; and
 - (ii) determined the person to have particular physical or other needs that made it inappropriate for the person to undergo a COVID-19 test; and
 - (iii) determined that the person did not exhibit symptoms of COVID-19.
- (2) The certificate must be given by the qualified person who carried out the examination.
- (2A) A breach of this clause is a medium risk infringement offence for the purposes of section 26(3) of the Act.
- (3) In this clause,—

qualified person means a health practitioner, an overseas-qualified medical practitioner, a health protection officer, or a medical officer of health

specified period means the period specified by a Director-General notice.

Clause 14 heading: amended, at 11.58 pm on 27 February 2022, by clause 8(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 14(1): amended, at 11.58 pm on 27 February 2022, by clause 8(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 14(1)(a): amended, at 11.58 pm on 27 February 2022, by clause 8(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 14(2A): inserted, at 11.58 pm on 27 February 2022, by clause 8(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 14(3) **qualified person**: amended, at 11.58 pm on 27 February 2022, by clause 8(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

15 Must have negative result from pre-departure test for COVID-19 (or certificate)

- (1) A person must, before they arrive in New Zealand, have—
 - (a) a negative result from the COVID-19 test referred to in clause 14; or
 - (b) in the case of a positive result from that test, a certificate given by a qualified person to verify that they consider that the person is no longer infectious with COVID-19.
- (1A) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.
- (2) In this clause, **qualified person** means a health practitioner, an overseas-qualified medical practitioner, a health protection officer, or a medical officer of health.

Clause 15(1A): inserted, at 11.58 pm on 27 February 2022, by clause 9(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 15(2): amended, at 11.58 pm on 27 February 2022, by clause 9(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

16 Must not be waiting for test results

A person must not, when they board their direct flight or first connecting flight to New Zealand, be awaiting the results of a test for COVID-19 that they have undergone during the specified 14-day period.

Clause 16: amended, at 11.58 pm on 27 February 2022, by clause 10 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

16A Must not exhibit COVID-19 symptoms (or must have certificate)

- (1) When a person boards their direct flight or first connecting flight to New Zealand,—
 - (a) they must not exhibit any of the symptoms of COVID-19 that are specified by a Director-General notice; or
 - (b) if they do exhibit any of those symptoms, they must have a certificate to verify that a qualified person has—
 - (i) examined the person within the period of 48 hours before the person boards the flight; and

- (ii) determined that the symptoms are likely to be caused by something other than COVID-19.
- (2) In this clause, **qualified person** means a health practitioner, an overseas-qualified medical practitioner, a health protection officer, or a medical officer of health.

Clause 16A: inserted, at 11.58 pm on 27 February 2022, by clause 11 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

17 Must not be subject to public health direction in another country

- (1) A person must not, when they board their direct flight or first connecting flight to New Zealand, be a person who—
- (a) is identified by a health authority of a country other than New Zealand as a person who is at high risk of having or transmitting COVID-19; and
 - (b) is directed by that health authority to take action in relation to the risk (for example, directed to isolate or be tested for COVID-19); and
 - (c) is still subject to that direction when they board their direct flight or first connecting flight to New Zealand.
- (2) For the purpose of this clause, it does not matter whether the person is identified or directed individually or as a member of a class of persons.

Clause 17(1): amended, at 11.58 pm on 27 February 2022, by clause 12 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

18 Must not have prematurely ended period of isolation or quarantine

If a person ends a period of isolation or quarantine in New Zealand or any other country during the specified 14-day period, they must not have ended that period early (whether or not authorised by the law of that country) to enable them to depart from that country on a flight.

19 Must fly with specified carrier

The flight on which a person arrives in New Zealand must be operated by a carrier that is specified by a Director-General notice.

20 Must travel on scheduled international air service

The flight on which a person arrives in New Zealand must be operated as part of a scheduled international air service.

Clause 20 heading: amended, at 11.58 pm on 27 February 2022, by clause 13(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 20: amended, at 11.58 pm on 27 February 2022, by clause 13(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

21 Must have confirmed allocation for managed isolation or quarantine

- (1) A person must, before they arrive in New Zealand, have a confirmed allocation (as defined in section 32J of the Act).

- (2) A breach of this clause is a medium risk infringement offence for the purposes of section 26(3) of the Act.

Clause 21(2): inserted, at 11.58 pm on 27 February 2022, by clause 14 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

22 Must comply with key safety standards or route safety plan while outside New Zealand

- (1) A person must comply with the key safety standards while they are outside New Zealand.
- (2) However, subclause (1) does not apply to a New Zealand-based aircrew member if—
- (a) they arrive in New Zealand on a flight to which a route safety plan applies; and
 - (b) they comply with the route safety plan while they are outside New Zealand.

Before, on, or after arrival

23 Must make traveller declaration at certain times

- (1) A person must make, or someone must make on their behalf, a traveller declaration.
- (2) The declaration must include the information and confirm the matters that are specified by a Director-General notice.
- (3) The declaration must—
- (a) be made, using the approved system, during the specified period (as specified by a Director-General notice) before the person's direct flight or first connecting flight to New Zealand begins; and
 - (b) be made when requested by an authorised officer.
- (4) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.

Clause 23(4): inserted, at 11.58 pm on 27 February 2022, by clause 15 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

24 Must provide, at certain times, information necessary to support public health response to COVID-19

- (1) The purpose of this clause is to enable the Director-General to collect information to support a public health response to COVID-19 that is consistent with the purpose of the Act.
- (2) A person must provide, or someone must provide on their behalf,—
- (a) a telephone number and email address that may be used to easily contact the person or someone who acts on their behalf; and
 - (b) any other information that is specified by a Director-General notice.

- (3) The Director-General notice may specify any information that the Director-General is satisfied is necessary for the purpose of this clause.
- (4) The specified information must—
 - (a) be provided, using the approved system, before the person boards their direct flight or first connecting flight to New Zealand; and
 - (b) be provided to an authorised officer on request.
- (5) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.

Clause 24(2)(a): amended, at 11.58 pm on 27 February 2022, by clause 16(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 24(5): inserted, at 11.58 pm on 27 February 2022, by clause 16(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

25 Must provide self-isolation information at certain times

- (1) A person must provide, or someone must provide on their behalf,—
 - (a) details of where the person will self-isolate if a COVID-19 provision requires them to do so (which must be a place described in clause 9(2) and (3), if those clauses apply); and
 - (b) any other self-isolation information that is specified by a Director-General notice.
- (2) The information must—
 - (a) be provided, using the approved system, before the person boards their direct flight or first connecting flight to New Zealand; and
 - (b) be provided to an authorised officer on request.
- (3) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.

Clause 25(3): inserted, at 11.58 pm on 27 February 2022, by clause 17 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

26 Must not exhibit COVID-19 symptoms at certain times

[Revoked]

Clause 26: revoked, at 11.58 pm on 27 February 2022, by clause 18 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

27 Must be considered at negligible risk of having been exposed to COVID-19

- (1) A medical officer of health—
 - (a) must assess the risk that the group of arrivals from Antarctica to which a person belongs has been exposed to COVID-19 during the specified 14-day period; and
 - (b) must have decided that that risk is negligible.
- (2) The assessment and decision must be made—

- (a) no earlier than 7 days before the person arrives in New Zealand; or
- (b) as soon as is reasonably practicable after the person arrives in New Zealand.

28 Must wear face covering in certain places or circumstances

- (1) A person must wear a face covering throughout the period that the person is—
 - (a) on board any aircraft that carries the person on their direct flight or connecting flights to New Zealand; and
 - (b) at their port of arrival; and
 - (c) travelling from their port of arrival to their place of isolation or quarantine or place of self-isolation (if they are required by this order to travel to such a place).
- (2) The requirement to wear a face covering does not apply to the person—
 - (a) if they—
 - (i) are under the age of 12 years; or
 - (ii) have a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
 - (b) when taking medicine; or
 - (c) when eating or drinking; or
 - (d) when in a defined and enclosed space that is separate from the passenger area of a craft; or
 - (e) when communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (f) when asked to remove the face covering to ascertain the person's identity; or
 - (g) if wearing a face covering is not safe in all of the circumstances; or
 - (h) when in an emergency; or
 - (i) when removal of, or not wearing, the face covering is otherwise required or authorised by law.
- (3) The requirement to wear a face covering does not apply to the person if—
 - (a) clause 37 (must wear personal protective equipment as directed) also applies to them; and
 - (b) they are directed under that clause to wear personal protective equipment that would make a face covering redundant.
- (3A) A breach of this clause is a medium risk infringement offence for the purposes of section 26(3) of the Act.
- (4) In this clause, **face covering** means,—

- (a) for a person who is carrying out vaccine-mandate work, a medical-grade face covering (as those terms are defined in clause 5(1) of the COVID-19 Public Health Response (Protection Framework) Order 2021); and
- (b) in any other case, a covering of any type that—
 - (i) covers the nose and mouth of a person; and
 - (ii) is secured to the person's head by ear loops or a head loop.

Clause 28(3A): inserted, at 11.58 pm on 27 February 2022, by clause 19 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 28(4): replaced, at 11.59 pm on 3 February 2022, by clause 19 of the COVID-19 Public Health Response (Protection Framework and Other Matters) Amendment Order 2022 (SL 2022/6).

29 Must answer to authorised officers

A person must answer any question that an authorised officer asks them, to the extent that the question is reasonably asked for the purpose of establishing whether a COVID-19 provision applies to the person and whether they have complied with it.

30 Must produce evidence of compliance with COVID-19 provisions

- (1) A person must produce the following evidence for any authorised officer who requests it:
 - (a) satisfactory evidence of the person's compliance with any COVID-19 provision that applies to them;
 - (b) satisfactory evidence that the person qualifies for an exception or exemption from any COVID-19 provision.
- (2) The authorised officer may require the person to produce the evidence by way of the approved system.
- (3) For the purpose of this clause, evidence is **satisfactory** if—
 - (a) it is produced in the form that is specified by a Director-General notice and confirms the details that are specified by a Director-General notice; or
 - (b) it is produced in a form, and confirms the details, that the authorised officer considers to be satisfactory in the circumstances.
- (4) *See* section 34B of the Act (protection of evidence collected or obtained for purpose of determining whether person is vaccinated or has complied with Act or COVID-19 order).
- (5) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act if it relates to evidence of compliance with—
 - (a) clause 13 (must be vaccinated or excused by certificate (unless under 17 years of age)); or

- (b) clause 15 (must have negative result from pre-departure test for COVID-19 (or certificate)); or
- (c) clause 21 (must have confirmed allocation for managed isolation or quarantine).

Clause 30(5): inserted, at 11.58 pm on 27 February 2022, by clause 20 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

31 Must not provide false or misleading information or evidence

A person must not provide or produce, whether by way of the approved system or to an authorised officer, any information or evidence that the person knows is false or misleading in any material particular.

Clause 31: amended, at 11.59 pm on 4 March 2022, by clause 5 of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

On or after arrival

32 Must report for and undergo COVID-19 screening

- (1) As soon as is reasonably practicable after a person arrives in New Zealand, they must report for and undergo COVID-19 screening at their port of arrival.
- (2) The person must, at the direction of a health practitioner, a health protection officer, or a medical officer of health, report for and undergo COVID-19 screening at a place other than their port of arrival.
- (3) In this clause, **COVID-19 screening**, in relation to a person,—
 - (a) means an examination of the person, by a health practitioner, a health protection officer, or a medical officer of health, to assess whether the person may have, or be at risk of having or transmitting, COVID-19; and
 - (b) may include collecting any information from the person that is relevant to that assessment (for example, information about where they have been, whom they have had contact with, and their vaccination status).

33 Must report for and undergo COVID-19 test

- (1) As soon as is reasonably practicable after a person arrives in New Zealand, they must report for and undergo a COVID-19 test at their port of arrival.
- (2) The person must, at the direction of a health practitioner, a health protection officer, or a medical officer of health, report for and undergo a COVID-19 test at a place other than their port of arrival.

34 Must be considered at low risk of having or transmitting COVID-19

A person must be at low risk of having or transmitting COVID-19, as determined by a health practitioner, a health protection officer, or a medical officer of health, on the person's arrival in New Zealand.

Clause 34 heading: replaced, at 11.58 pm on 16 January 2022, by clause 19 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

35 Must comply with directions while travelling to place of isolation or quarantine or self-isolation

- (1) A person must travel from their port of arrival to their place of isolation or quarantine or their place of self-isolation—
 - (a) as quickly and directly as is reasonably practicable; and
 - (b) in accordance with directions given by—
 - (i) the Director-General; or
 - (ii) the chief executive of the Ministry of Business, Innovation, and Employment, if the person is travelling to a place of isolation or quarantine or a place of self-isolation.
- (2) If a person is given directions under both subparagraphs of subclause (1)(b), the directions given under subclause (1)(b)(i) prevail.

36 Must maintain physical distancing

- (1) A person must remain at least 1 metre away from any other person (other than fellow travellers), to the greatest extent reasonably practicable, throughout the period that the person is—
 - (a) at their port of arrival; and
 - (b) travelling from their port of arrival to their place of isolation or quarantine (if they are required by this order to travel to a place of isolation or quarantine).
- (2) In this clause, **fellow traveller**, in relation to any person arriving in New Zealand by air, means,—
 - (a) if the person is an aircrew member, an associate of that aircrew member; or
 - (b) in any other case, anyone who accompanies the person on their direct flight or connecting flights to New Zealand

Clause 36(1): amended, at 11.58 pm on 27 February 2022, by clause 21 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

37 Must wear personal protective equipment as directed

- (1) A person must comply with any directions to wear personal protective equipment that are given by the Director-General.
- (1A) Without limiting subclause (1), a direction may—
 - (a) specify the type of personal protective equipment that a person must wear;
 - (b) require a person to replace an item of personal protective equipment that they are wearing (including, for example, a face covering) with one that has not been worn.
- (2) Subclause (1) applies throughout the period that the person is—

- (a) at their port of arrival; and
- (b) travelling from their port of arrival to their place of isolation or quarantine (if they are required by this order to travel to a place of isolation or quarantine).

Clause 37(1A): inserted, at 11.58 pm on 27 February 2022, by clause 22 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

38 Must comply with key safety standards while in Green area in New Zealand

A person must comply with the key safety standards—

- (a) after they arrive in, and until they depart from, New Zealand; but
- (b) only while they are in the area (if any) that is at Green under the COVID-19 Protection Framework (*see* Schedule 5 of the COVID-19 Public Health Response (Protection Framework) Order 2021).

Subpart 3—Breach of conditions

39 Subpart 3 applies if person breaches COVID-19 provision that applies to them

- (1) The provisions in this subpart apply to a person who breaches a COVID-19 provision in subpart 1 or 2 that applies to them.
- (2) If more than 1 provision in this subpart applies to a person, a provision that applies clause 10 to the person prevails over—
 - (a) any provision in this subpart that applies clause 8 or 9 to them; and
 - (b) any provision in this subpart that applies clause 48 to them.
- (3) To the extent that a COVID-19 provision requires a person to satisfy specified criteria from a place outside New Zealand before they arrive in New Zealand, they breach the provision only if they arrive in New Zealand without having satisfied those criteria.
- (4) *See*—
 - (a) section 26 of the Act for offences and infringement offences; and
 - (b) regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for the penalties for the classes of infringement offences.

Clause 39(3): inserted, at 11.58 pm on 27 February 2022, by clause 23 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 39(4): inserted, at 11.58 pm on 27 February 2022, by clause 23 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

40 Breach of requirement not to arrive in New Zealand

- (1) This clause applies to a person if—
 - (a) clause 11 applies to them (must not arrive in New Zealand); and

- (b) they arrive in New Zealand.
- (2) If the person enters New Zealand, clause 10 applies to them instead.

41 Failure to produce evidence of being vaccinated

[Revoked]

Clause 41: revoked, at 11.59 pm on 18 March 2022, by clause 5 of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

42 Failure to produce evidence of pre-departure test or negative result

[Revoked]

Clause 42: revoked, at 11.58 pm on 27 February 2022, by clause 25 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

43 Failure to comply with key safety standards or route safety plan outside New Zealand

- (1) This clause applies to a person if—
 - (a) clause 22 applies to them (must comply with key safety standards or route safety plan while outside New Zealand); and
 - (b) they arrive in New Zealand having breached the requirements of that clause.
- (2) If clause 10 (must enter managed isolation and quarantine under Part 1 of Isolation and Quarantine Order) already applies to the person, it continues to apply to them.
- (3) In any other case, if the person enters New Zealand, clause 9 (must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place) applies to them as if the specified Part of the Isolation and Quarantine Order were Part 1A.
- (4) A person breaches the key safety standards or route safety plan only if a health protection officer or 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 the person has breached those standards or that plan.

44 Failure to provide details of qualifying place to self-isolate

[Revoked]

Clause 44: revoked, at 11.58 pm on 27 February 2022, by clause 26 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

45 Exhibiting symptoms of COVID-19 on arrival

[Revoked]

Clause 45: revoked, at 11.58 pm on 27 February 2022, by clause 27 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

46 Considered not at low risk of having or transmitting COVID-19

- (1) This clause applies to a person if—
 - (a) clause 34 (must be considered at low risk of having or transmitting COVID-19) applies to them; and
 - (b) a determination is made under that clause that they are not at low risk of having or transmitting COVID-19.
- (2) If clause 10 (must enter managed isolation and quarantine under Part 1 of Isolation and Quarantine Order) already applies to the person, it continues to apply to them.
- (3) If the person arrives as an overseas-based aircrew member and enters New Zealand, clause 10 applies to them until they depart from New Zealand.
- (4) If the person arrives as a New Zealand-based aircrew member or a relevant worker, and enters New Zealand, clause 9 (must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place) applies to them—
 - (a) instead of the clause in subpart 1 that would otherwise apply; and
 - (b) as if the specified Part of the Isolation and Quarantine Order were Part 1A.
- (5) In any other case, if the person enters New Zealand, clause 48 applies to them (must report for and undergo assessment and comply with decision of assessing officer).

Clause 46(3): amended, at 11.58 pm on 16 January 2022, by clause 21 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

47 Failure to comply with key safety standards while in New Zealand

- (1) This clause applies to a person if—
 - (a) clause 38 applies to them (must comply with key safety standards while in Green area in New Zealand); and
 - (b) after they enter New Zealand, they breach the key safety standards.
- (2) The person must enter managed isolation or quarantine (commencing as soon as is reasonably practicable after the determination under subclause (3)) in accordance with Part 1 of the Isolation and Quarantine Order.
- (3) A person **breaches the key safety standards** only if a health protection officer or 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 the person has breached those standards.

48 Must report for and undergo assessment and comply with decision of assessing officer

- (1) If this clause applies to a person, they must, as soon as is reasonably practicable after they arrive in New Zealand, report for and undergo an assessment at their port of arrival.
- (2) The assessment must be carried out by a medical officer of health, a health protection officer, or a health practitioner (the **assessing officer**).
- (3) The assessing officer must decide which of the following is most appropriate to the particular circumstances of the case:
 - (a) if clause 8 already applies to the person (no isolation or quarantine required),—
 - (i) that clause should continue to apply to them; or
 - (ii) clause 9 or 10 should apply to them instead:
 - (b) if clause 9 already applies to the person (must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place), whether it is applied to them by a COVID-19 border requirements schedule or another provision in this subpart,—
 - (i) that clause, and the Part of the Isolation and Quarantine Order that is specified in a COVID-19 border requirements schedule, should continue to apply to them; or
 - (ii) they should self-isolate under a more restrictive Part of the Isolation and Quarantine Order; or
 - (iii) clause 10 should apply to them instead.
- (4) Whichever clause (and, if relevant, whichever Part of the Isolation and Quarantine Order) the assessing officer decides is most appropriate applies to the person.

49 Breach of order may be infringement offence

A breach of a COVID-19 provision may be an infringement offence: *see* Part 4.

Part 2**Provisions that apply to carriers****50 Aircraft must arrive at specified airport**

- (1) A carrier must not cause an aircraft to arrive in New Zealand other than at an airport that is specified by a Director-General notice.
- (2) A specified airport must be a security designated aerodrome (as defined in section 2(1) of the Civil Aviation Act 1990).
- (3) This clause does not apply if the aircraft is a military craft.

51 Carrier may have route safety plans

- (1) A carrier may have a route safety plan for any route of travel to New Zealand.
- (2) A route safety plan must specify requirements that New Zealand-based aircrew members must comply with while they are outside New Zealand.
- (3) A route safety plan has effect for the purpose of this order only if it is approved by the Director-General by notice in writing to the carrier.
- (4) The Director-General must not approve a route safety plan unless they are satisfied that the plan will be no less effective than the key safety standards at mitigating the risk that aircrew members travelling on the route will have or transmit COVID-19 on their arrival in New Zealand.

52 Carrier must notify changes affecting route safety plan

A carrier must notify the Director-General if—

- (a) it has a route safety plan for a route; and
- (b) the route changes or there is a change to any aspect of the route safety plan that could reduce how effectively it mitigates the risk that aircrew members travelling on the route will have or transmit COVID-19 on their arrival in New Zealand.

53 Carrier must promote compliance with route safety plan or key safety standards

A carrier must take all reasonable steps to ensure that each New-Zealand based aircrew member who works for the carrier, and who arrives in New Zealand by air as an aircrew member,—

- (a) has complied with the key safety standards while they are outside New Zealand; or
- (b) has complied with the route safety plan for the aircrew member's route of travel.

54 Carrier must check compliance with COVID-19 provisions

- (1) A carrier must not cause an aircraft to arrive in New Zealand unless the carrier has taken reasonable steps to ensure that each person on board satisfies the requirements of any COVID-19 provisions that apply to them.
- (2) Subclauses (3) to (6) apply to a carrier only in relation to a flight that is not part of a scheduled international air service.
- (3) The carrier must not cause an aircraft to arrive in New Zealand unless the carrier provides to the New Zealand Customs Service—
 - (a) a declaration that it has complied with subclause (1); and
 - (b) the following details about each person on board:
 - (i) passport or official travel document number:

- (ii) citizenship, as identified in the passport or official travel document:
 - (iii) surname:
 - (iv) given names:
 - (v) date of birth:
 - (vi) sex, as identified in the passport or official travel document:
 - (vii) port of arrival:
 - (viii) date of arrival:
 - (ix) estimated time of arrival.
- (4) The declaration must be provided before the flight departs, and the details must be provided at least 3 hours before the flight departs.
- (5) However, if the aircraft carries any person on more than 1 of their connecting flights to New Zealand,—
- (a) the carrier’s declaration in relation to that person must be provided before the first of those flights departs; and
 - (b) the details for that person must be provided by the carrier 3 hours before the first of those flights departs.
- (6) The declaration and the details must be provided in the manner approved by the chief executive of the New Zealand Customs Service for the purpose of this clause.

Clause 54(2): inserted, at 11.58 pm on 27 February 2022, by clause 28 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 54(3): inserted, at 11.58 pm on 27 February 2022, by clause 28 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 54(4): inserted, at 11.58 pm on 27 February 2022, by clause 28 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 54(5): inserted, at 11.58 pm on 27 February 2022, by clause 28 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 54(6): inserted, at 11.58 pm on 27 February 2022, by clause 28 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 3

Exemptions and other powers

Exemptions

55 General provisions about exemptions

- (1) This clause applies to any exemption that may be granted by the Minister under clause 57 or the Director-General under clause 58.
- (2) The Minister or Director-General must not grant the exemption unless they are satisfied that—

- (a) the exemption is necessary or desirable in order to promote the purposes of the Act or the purposes of this order; and
 - (b) the extent of the exemption is not broader than is reasonably necessary to address the matters giving rise to the exemption.
- (3) The exemption may be granted from a provision as a whole or from any aspect of how it is applied by a COVID-19 border requirements schedule.
- (4) If the exemption is for a class of persons, the class may identified or limited by reference to any matter, including, for example, any of the following matters:
 - (a) the country or airport from which they departed for New Zealand;
 - (b) the port of arrival or scheduled port of arrival;
 - (c) the carrier of the aircraft undertaking the flight by which they arrive in New Zealand;
 - (d) other particulars of the flight by which they arrive in New Zealand (such as its flight number and scheduled departure or arrival times);
 - (e) whether they were in certain places at or after a certain time before departing for or arriving in New Zealand.
- (5) The Minister or Director-General may impose conditions on the exemption as they consider necessary.

56 How exemptions are notified or published

- (1) An exemption granted under this Part is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (2) An exemption granted under this Part for 1 or more named persons (an **individual exemption**) must be notified in writing to the applicant and the named person or persons.
- (3) An exemption, or an amendment to an exemption, must be published (for secondary legislation) or notified to the named person or persons (for individual exemptions) as soon as practicable after it is made.
- (4) An exemption, or an amendment to an exemption, may come into force before it is published (for secondary legislation) or notified (for individual exemptions) if the maker is satisfied that the exemption or amendment should come into force urgently.
- (5) In that case,—
 - (a) the effect of the exemption (or amendment) must be publicly announced before it comes into force; and
 - (b) the exemption or amendment must be published under the Legislation Act 2019 (for secondary legislation) or notified by the maker (for individual exemptions) as soon as practicable after it comes into force.

- (6) In this clause, **maker** has the meaning given in section 5(1) of the Legislation Act 2019.

Legislation Act 2019 requirements for secondary legislation referred to subclause (1)

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Order.

57 Minister may grant exemptions

- (1) The Minister may, by notice, exempt a person or class of persons from any provision of this order.
- (2) The Minister must take into account the advice of the Director-General when deciding—
- whether to grant an exemption; and
 - what (if any) conditions to impose on an exemption.
- (3) *See also* clauses 55 and 56.

58 Director-General may grant exemptions

- (1) The Director-General may, by notice,—
- exempt a person or class of persons from clause 11 (must not arrive in New Zealand) for humanitarian reasons:
 - exempt a person or class of persons from clause 13 (must be vaccinated or be excused by certificate (unless under 17 years of age));
 - exempt a class of persons from—
 - clause 14 (must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age));
 - clause 15 (must have negative result from pre-departure test for COVID-19 (or certificate));
 - exempt a carrier or class of carriers from clause 50 (aircraft must arrive at specified airport);
 - exempt from any COVID-19 provision—
 - an aircrew member or a class of aircrew members;
 - any other person or class of persons whose work is essential to the safe operation of a flight or port of arrival;
 - exempt a person or class of persons, or a carrier or class of carriers, from any provision of this order to assist with the response to an emergency.
- (2) *See also* clauses 55 and 56.
- (3) In this clause, **emergency**—

- (a) has the meaning given by section 4 of the Civil Defence Emergency Management Act 2002; and
- (b) includes an emergency that may occur.

Clause 58(1)(aaa): inserted, at 11.58 pm on 27 February 2022, by clause 29(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 58(1)(a): amended, at 11.58 pm on 27 February 2022, by clause 29(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 58(1)(b): amended, at 11.58 pm on 27 February 2022, by clause 29(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 58(1)(b)(i): amended, at 11.58 pm on 27 February 2022, by clause 29(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause 58(1)(e): replaced, at 11.58 pm on 27 February 2022, by clause 29(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Director-General notices

59 Director-General may specify matters by notice

- (1) The Director-General may, by notice, specify anything that this order says may or must be specified by notice.
- (2) A notice made under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons, places, or things.
- (3) A notice made under this clause for 1 or more named persons (an **individual notice**) must be notified in writing to the applicant and any named person or persons.
- (4) A notice, or an amendment to a notice, must be published (for secondary legislation) or notified (for individual exemptions) as soon as practicable after it is made.
- (5) An exemption, or an amendment to an exemption, may come into force before it is published (for secondary legislation) or notified (for individual exemptions) if the Director-General is satisfied that the exemption or amendment should come into force urgently.
- (6) In that case,—
 - (a) the effect of the exemption (or the amendment) must be publicly announced before it comes into force; and
 - (b) the exemption or amendment must be published under the Legislation Act 2019 (for secondary legislation) or notified (for individual exemptions) as soon as practicable after it comes into force.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Order.

Part 4 Infringement offences

[Revoked]

Part 4: revoked, at 11.58 pm on 27 February 2022, by clause 30 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

60 Breaches of this order that are infringement offences

[Revoked]

Clause 60: revoked, at 11.58 pm on 27 February 2022, by clause 30 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 5 Revocations

61 Revocations

Secondary legislation

- (1) The following instruments are revoked:
 - (a) COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (LI 2020/239);
 - (b) COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021 (LI 2021/96).

Other instruments

- (2) The following instruments are revoked:
 - (a) COVID-19 Public Health Response (Air Border) Order (No 2) 2020—Designation of Specified Places (*Gazette* 2021-go205);
 - (b) COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice (No 2) 2021 (*Gazette* 2021-go1571);
 - (c) Exemption of Persons From Clause 8(2B) of the COVID-19 Public Health Response Air Border) Order (No 2) 2020 (*Gazette* 2021-go1592);
 - (d) Exemption of Persons From Clause 8(2B) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go1593);
 - (e) Specification of Examination or Test for COVID-19—COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go1678);

- (f) Specification of Appropriate Evidence Relating to a COVID-19 Test—COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go1679):
- (g) Exemption of Specified Aircrew Members From Clause 22 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go2433):
- (h) Exemption of Persons From Clause 8(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go2627):
- (i) Designation of Higher-risk Routes—COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go2830):
- (j) Exemption of Persons from Clause 8(2B) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go3543):
- (k) Exemption of Persons from Clause 8(2A), (3) and (4) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go3656):
- (l) Exemption of Persons From Pre-departure Testing Requirements Before Arriving in New Zealand by Air (*Gazette* 2021-go4737):
- (m) Exemption of Persons From Clause 8(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go4851):
- (n) Revocation and Replacement—Specification of COVID-19 Vaccines for the Purposes of the Vaccination Requirement in Clause 7E of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) (*Gazette* 2021-go5339):
- (o) any other instrument made under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, including any exemption granted under that order to any person or class of persons.

Schedule 1

Transitional, savings, and related provisions

cl 5

Part 1

Provisions relating to this order as made

- 1 Order does not apply to persons or flights that depart before order commences**
- (1) This clause applies if a person arrives in New Zealand on or after the commencement of this order—
- (a) on a direct flight, if it departed for New Zealand before the commencement of this order; or
 - (b) on connecting flights to New Zealand, if the first connecting flight departed before the commencement of this order.
- (2) The COVID-19 Public Health Response (Air Border) Order (No 2) 2020 and any legislation or instrument made under it, as in force immediately before the commencement of this order, continue to apply to that person or flight.
- 2 Amendments to order do not apply to persons or flights that depart before amendment commences**

[Revoked]

Schedule 1 clause 2: revoked, at 11.59 pm on 2 March 2022, by clause 6(1) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Part 2

Provisions relating to COVID-19 Public Health Response (Air Border) Amendment Order 2022

Schedule 1 Part 2: inserted, at 11.59 pm on 2 March 2022, by clause 6(2)(a) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

- 3 Order as amended applies to persons or flights that depart before relevant amendments commence**
- (1) To the extent that the first amendments remove a requirement that a person comply with clause 21 before they arrive in New Zealand, the person is not required to comply with that clause if they arrive at or after 11.59 pm on 2 March 2022—
- (a) on a direct flight, if it departed for New Zealand before that time; or
 - (b) on connecting flights to New Zealand, if the first connecting flight departed before that time.

- (2) To the extent that the second amendments remove a requirement that a person comply with clause 21 before they arrive in New Zealand, the person is not required to comply with that clause if they arrive at or after 11.59 pm on 4 March 2022—
- (a) on a direct flight, if it departed for New Zealand before that time; or
 - (b) on connecting flights to New Zealand, if the first connecting flight departed before that time.

- (3) In this clause,—

Amendment Order means the COVID-19 Public Health Response (Air Border) Amendment Order 2022

first amendment means an amendment made by a provision of the Amendment Order that commences at 11.59 pm on 2 March 2022

second amendment means an amendment made by a provision of the Amendment Order that commences at 11.59 pm on 4 March 2022.

Schedule 1 clause 3: inserted, at 11.59 pm on 2 March 2022, by clause 6(2)(a) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 2

Groups of countries

cl 4

Group 1

American Samoa
Cook Islands
Nauru
New Zealand
Niue
Samoa
Tokelau
Tuvalu
Vanuatu

Group 2**Group 3**

Schedule 2: amended, at 11.59 pm on 4 March 2022, by clause 7 of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 2: amended, at 11.58 pm on 27 February 2022, by clause 31(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 2: amended, at 11.58 pm on 27 February 2022, by clause 31(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 3

Exemptions from some COVID-19 provisions

cl 7(4)

The persons identified in the first column, and described in the second column, of the table below are exempt from the COVID-19 provisions specified in the third column of the table in the corresponding row.

Class of person	Description of class	Exemptions
New Zealand Defence Force members returning from service	Any person who is a member of the New Zealand Defence Force and is returning from service outside New Zealand	All COVID-19 provisions
Persons arriving on foreign military craft	Any person who arrives in New Zealand by air on board a foreign military craft	cl 11 (must not arrive in New Zealand)
Persons with permission to arrive for humanitarian reasons	Any person who has, or is given, permission to arrive in New Zealand for humanitarian reasons	cl 14 (must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)) cl 15 (must have negative result from pre-departure test for COVID-19 (or certificate))
Refugees and related persons	Any person who travels to New Zealand for the first time as the holder of a residence class visa granted to them under any of the following immigration instructions: <ul style="list-style-type: none"> (a) S3.22 (Requirements for grant of a permanent resident visa (mandated refugee)); (b) S4.10 (Refugee Family Support category); (c) S4.20 (Refugee Quota Family Reunification category); (d) S4.25 (Community Organisation Refugee Sponsorship category) 	cl 14 (must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)) cl 15 (must have negative result from pre-departure test for COVID-19 (or certificate))
Citizens of Afghanistan	A person who is a citizen of Afghanistan and who arrives in New Zealand on or before 12 December 2022	cl 14 (must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)) cl 15 (must have negative result from pre-departure test for COVID-19 (or certificate))

Schedule 3: amended, at 11.58 pm on 27 February 2022, by clause 32(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 3: amended, at 11.58 pm on 27 February 2022, by clause 32(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 3: amended, at 11.58 pm on 27 February 2022, by clause 32(3)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 3: amended, at 11.58 pm on 27 February 2022, by clause 32(3)(b) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 3: amended, at 11.58 pm on 27 February 2022, by clause 32(3)(c) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 3: amended, at 11.58 pm on 27 February 2022, by clause 32(4)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 3: amended, at 11.58 pm on 27 February 2022, by clause 32(4)(b) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 4 New Zealand-based aircrew members

cl 7

Part 1 Application

1 Application of this schedule

- (1) This schedule applies to a New Zealand-based aircrew member who arrives in New Zealand by air, whether or not they enter New Zealand.
- (2) However, this schedule applies to them only if—
 - (a) their arrival in New Zealand occurs as soon as is reasonably practicable after they left New Zealand on a flight; and
 - (b) since they most recently left New Zealand on a flight, they have travelled by air—
 - (i) to no more than 2 ports that are outside New Zealand, whether or not those ports are in the same country; and
 - (ii) on no more than 1 return flight between those 2 ports.

Example

Each of the following combinations of flights, including the flight on which the person left New Zealand, would satisfy subclause (2)(b):

- (a) Auckland to Sydney, and Sydney to Auckland (visiting 1 fewer ports outside New Zealand than subclause (2)(b) permits):
- (b) Auckland to Sydney, Sydney to Los Angeles, Los Angeles to Sydney, and Sydney to Auckland (and no other flights between Sydney and Los Angeles or to or from those ports or any other port that is outside New Zealand):
- (c) Auckland to Sydney, Sydney to Brisbane, and Brisbane to Wellington (and no other flights to or from Sydney, Brisbane, or any other port that is outside New Zealand).

-
- (3) This schedule does not apply to a New Zealand-based aircrew member if Schedule 10 (arrivals on aircraft turned back to New Zealand) applies to them.

Schedule 4 clause 1(2): inserted, at 11.58 pm on 27 February 2022, by clause 33(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 4 clause 1(3): inserted, at 11.58 pm on 27 February 2022, by clause 33(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to all New Zealand-based aircrew members

Part 2 of this schedule specifies the COVID-19 provisions that apply to any New Zealand-based aircrew member.

Part 2

All New Zealand-based aircrew members

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	
	<i>Conditions to satisfy before arrival</i>	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	Clause 13(1)(b) does not apply to the person (option of being excused from vaccination requirement by certificate).
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	Clause 23(3)(b) does not apply, and the person must make a traveller declaration before they enter into New Zealand.
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 4 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 8 of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 4 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 33(2)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 4 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 33(2)(b) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 4 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 33(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 4 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 33(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 4 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 33(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 4 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 33(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 5

Overseas-based aircrew members

cl 7

Schedule 5 heading: replaced, at 11.58 pm on 16 January 2022, by clause 22(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Part 1

Application

1 Application of this schedule

- (1) This schedule applies to an overseas-based aircrew member who arrives in New Zealand by air, whether or not they enter New Zealand.
- (2) However, this schedule applies to them only if they are scheduled to depart from New Zealand as soon as is reasonably practicable after they arrive (and after they complete any stand-down time required by the Civil Aviation Authority of New Zealand or an equivalent international regulator for safety and well-being purposes).
- (3) This schedule does not apply to an overseas-based aircrew member if Schedule 10 (arrivals on aircraft turned back to New Zealand) applies to them.

Schedule 5 clause 1(1): amended, at 11.58 pm on 16 January 2022, by clause 22(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 5 clause 1(1): amended, at 11.58 pm on 16 January 2022, by clause 22(3) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 5 clause 1(2): inserted, at 11.58 pm on 27 February 2022, by clause 34(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 5 clause 1(3): inserted, at 11.58 pm on 27 February 2022, by clause 34(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to overseas-based aircrew members who have only been in group 1 countries

Part 2 of this schedule specifies the COVID-19 provisions that apply to an overseas-based aircrew member if, during the specified 14-day period, the only countries they have been in are group 1 countries.

Schedule 5 clause 2 heading: amended, at 11.58 pm on 16 January 2022, by clause 22(4) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 5 clause 2: amended, at 11.58 pm on 16 January 2022, by clause 22(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

3 Part 3 of this schedule applies to overseas-based aircrew members who have been in other countries

Part 3 of this schedule specifies the COVID-19 provisions that apply to an overseas-based aircrew member if, during the specified 14-day period, they have been in a country that is not a group 1 country.

Schedule 5 clause 3 heading: amended, at 11.58 pm on 16 January 2022, by clause 22(4) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 5 clause 3: amended, at 11.58 pm on 16 January 2022, by clause 22(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

**Part 2
Overseas-based aircrew members who have only been in group 1 countries**

Schedule 5 Part 2 heading: amended, at 11.58 pm on 16 January 2022, by clause 22(5) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	However, the chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or the carrier for whom they work, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
	<i>Conditions to satisfy before arrival</i>	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	Clause 13(1)(b) does not apply to the person (option of being excused from vaccination requirement by certificate).
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	Clause 23(3)(b) does not apply to the person, and they must make a traveller declaration before they enter into New Zealand.
cl 28	Must wear face covering in certain places or circumstances	

Clause	Brief description	Modification
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence <i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed <i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	
	Schedule 5 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 9(1) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 5 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 34(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 5 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 34(3)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 5 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 34(3)(b) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 5 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 34(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 5 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 34(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 5 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 34(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 5 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 34(7) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	

Part 3

Overseas-based aircrew members who have been in other countries

Schedule 5 Part 3 heading: amended, at 11.58 pm on 16 January 2022, by clause 22(5) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	However, the chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or the carrier for whom they work, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
	<i>Conditions to satisfy before arrival</i>	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	Clause 13(1)(b) does not apply to the person (option of being excused from vaccination requirement by certificate).

Clause	Brief description	Modification
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country <i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	Clause 23(2)(b) does not apply, and the person must make a traveller declaration before they enter into New Zealand.
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence <i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed <i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 5 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 9(2) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 5 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 34(8) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 5 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 34(9)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 5 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 34(9)(b) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 5 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 34(10) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 5 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 34(11) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 5 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 34(12) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 6 Transit-only arrivals

cl 7

Part 1 Application

1 Application of this schedule

- (1) This schedule applies to a person (a **transit-only arrival**) who—
 - (a) arrives in New Zealand by air; and
 - (b) does not enter New Zealand but remains, until they depart from New Zealand, on the airside of—
 - (i) their port of arrival; and
 - (ii) any other airport through which they transit.
- (2) However, the person is not a **transit-only arrival** if either of the following applies to them:
 - (a) Schedule 4 (New Zealand-based aircrew members);
 - (b) Schedule 5 (overseas-based aircrew members);
 - (c) Schedule 10 (arrivals on aircraft turned back to New Zealand).

Guidance note

A person who enters New Zealand ceases to be a transit-only arrival. They become subject to whichever of the other COVID-19 border requirements schedules applies to them. This may depend on the countries the person has been in during the specified 14-day period.

Schedule 6 clause 1(2) guidance: inserted, at 11.58 pm on 27 February 2022, by clause 35(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 6 clause 1(2)(b): amended, at 11.58 pm on 16 January 2022, by clause 23(a) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 6 clause 1(2)(c): inserted, at 11.58 pm on 27 February 2022, by clause 35(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to all transit-only arrivals

Part 2 of this schedule specifies the COVID-19 provisions that apply to any transit-only arrival.

Part 2

All transit-only arrivals

Clause	Brief description	Modification
	<i>Conditions to satisfy before arrival</i>	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 6 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 35(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 6 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 35(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 6 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 35(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 6 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 35(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Relevant workers

cl 7

Part 1 Application

1 Application of this schedule

- (1) This schedule applies to a person (a **relevant worker**) who—
 - (a) is ordinarily resident in New Zealand; and
 - (b) arrives in New Zealand by air as a medical attendant or a Police escort.
- (2) However, the person is not a **relevant worker** if Schedule 6 (transit-only arrivals) applies to them.
- (3) In this schedule,

medical attendant means a person who—

- (a) is assisting, as a medical attendant, with a medical transfer to New Zealand; or
- (b) is arriving to assist, as a medical attendant, with a medical transfer from New Zealand; or
- (c) is returning from assisting, as a medical attendant, with a medical transfer from New Zealand

Police escort means a constable (as defined in section 4 of the Policing Act 2008) who—

- (a) is escorting a person in connection with that person's extradition to New Zealand; or
- (b) is returning from escorting a person in connection with that person's deportation from New Zealand.

Schedule 7 clause 1(1)(b): amended, at 11.59 pm on 18 March 2022, by clause 6(1) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

2 Part 2 of this schedule applies to relevant workers who have been in group 1 countries only

- (1) Part 2 of this schedule specifies the COVID-19 provisions that apply to a relevant worker if, during the specified 14-day period, the only countries they have been in are group 1 countries.
- (2) For the purpose of this clause, a person has not been in a country if they were only a transit passenger in relation to that country.

Schedule 7 clause 2 heading: amended, at 11.58 pm on 27 February 2022, by clause 36(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

3 Part 3 of this schedule applies to relevant workers who have been in group 1 or 2 countries only

- (1) Part 3 of this schedule specifies the COVID-19 provisions that apply to a relevant worker if, during the specified 14-day period,—
 - (a) they have been in a country that is a group 2 country; and
 - (b) the only countries they have been in are group 1 countries or group 2 countries.
- (2) For the purpose of this clause, a person has not been in a country if they were only a transit passenger in relation to that country.

Schedule 7 clause 3 heading: amended, at 11.58 pm on 27 February 2022, by clause 36(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

4 Part 4 of this schedule applies to relevant workers who have been in group 3 country

- (1) Part 4 of this schedule specifies the COVID-19 provisions that apply to a relevant worker if, during the specified 14-day period, they have been in a country that is a group 3 country.
- (2) For the purpose of this clause, a person has not been in a country if they were only a transit passenger in relation to that country.

Schedule 7 clause 4 heading: amended, at 11.58 pm on 27 February 2022, by clause 36(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

5 Part 5 of this schedule applies to other relevant workers

Part 5 of this schedule specifies the COVID-19 provisions that apply to a relevant worker if none of clauses 2 to 4 apply to them.

Schedule 7 clause 5 heading: amended, at 11.58 pm on 27 February 2022, by clause 36(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

**Part 2
Relevant workers—A**

Schedule 7 Part 2 heading: replaced, at 11.58 pm on 27 February 2022, by clause 36(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	Clause 12 does not apply to the person if they are a medical attendant.
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	See clause 13(2), which allows certain persons, including New Zealand citizens, to arrive in New Zealand without being vaccinated.

Clause	Brief description	Modification
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine <i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	Clause 23 does not apply to the person if they are a medical attendant.
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence <i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed <i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 7 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 6(2) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 7 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 6(3) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 7 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 10(1) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 10(2) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 10(3) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 10(4) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 36(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 36(7) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 36(8) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 36(9) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 3 Relevant workers—B

Schedule 7 Part 3 heading: replaced, at 11.58 pm on 27 February 2022, by clause 36(10) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
	<i>Conditions to satisfy before arrival</i>	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	(1) Clause 13(1)(b) does not apply to the person (option of being excused from vaccination by certificate). (2) See clause 13(2), which allows certain persons, including New Zealand citizens, to arrive in New Zealand without being vaccinated.
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 7 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 6(4) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 7 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 6(5) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 7 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 10(5) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 10(6) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 10(8) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 36(12) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 36(13) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 36(14) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 36(15) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 4

Relevant workers—C

Schedule 7 Part 4 heading: replaced, at 11.58 pm on 27 February 2022, by clause 36(16) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 11	Must not arrive in New Zealand	<p>(1) Clause 11 does not apply to the person if they are a New Zealand citizen.</p> <p>(2) However,—</p> <p>(a) clause 48 (must report for and undergo assessment and comply with decision of assessing officer) applies to them as if they had breached a COVID-19 provision that applies to them; and</p> <p>(b) for the purposes of that clause, they must be treated as if clause 9 already applies to them (must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place) and as if the specified Part of the Isolation and Quarantine Order is Part 1A.</p>

Clause	Brief description	Modification
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	
	Schedule 7 Part 4: amended, at 11.58 pm on 27 February 2022, by clause 36(17) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	

Part 5 Relevant workers—Z

Schedule 7 Part 5 heading: replaced, at 11.58 pm on 27 February 2022, by clause 36(18) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
	<i>Conditions to satisfy before arrival</i>	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	See clause 13(2), which allows certain persons, including New Zealand citizens, to arrive in New Zealand without being vaccinated.
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 7 Part 5: amended, at 11.59 pm on 18 March 2022, by clause 6(6) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 7 Part 5: amended, at 11.59 pm on 18 March 2022, by clause 6(7) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 7 Part 5: amended, at 11.59 pm on 4 March 2022, by clause 10(9) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 5: amended, at 11.59 pm on 4 March 2022, by clause 10(10) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 5: amended, at 11.59 pm on 4 March 2022, by clause 10(11) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 5: amended, at 11.59 pm on 4 March 2022, by clause 10(12) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 7 Part 5: amended, at 11.58 pm on 27 February 2022, by clause 36(19) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 5: amended, at 11.58 pm on 27 February 2022, by clause 36(20) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 5: amended, at 11.58 pm on 27 February 2022, by clause 36(21) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 7 Part 5: amended, at 11.58 pm on 27 February 2022, by clause 36(22) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 8

Arrivals from Antarctica

cl 7

Part 1

Application

1 Application of this schedule

This schedule applies to a person (an **arrival from Antarctica**) if—

- (a) they arrive in New Zealand by air from Antarctica (as defined in section 2 of the Antarctica Act 1960); and
- (b) they are—
 - (i) a member of, or associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960); or
 - (ii) a person to whom section 5 of the Antarctica Act 1960 applies.

2 Part 2 of this schedule applies to all arrivals from Antarctica

Part 2 of this schedule specifies the COVID-19 provisions that apply to an arrival from Antarctica.

Part 2

Arrivals from Antarctica

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 27	Must be considered at negligible risk of having been exposed to COVID-19	

Clause	Brief description	Modification
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence <i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed <i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 8 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 11 of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 8 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 37(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 8 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 37(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 9

Ship crew members arriving to join ship

cl 7

Part 1

Application

1 Application of this schedule

- (1) This schedule applies to a person if—
- (a) they arrive in New Zealand by air; and
 - (b) they are a member of the crew of a ship; and
 - (c) immediately after leaving their port of arrival, they will travel to and then board that ship (whether that travel is by air or by any other form or forms of transport); and
 - (d) the ship is scheduled to depart from New Zealand as soon as is reasonably practicable after they board it.
- (2) However, if the only countries the person has been in during the specified 14-day period are group 1 countries, then Schedule 11 (general travellers—A) applies to them instead.
- (3) In this clause, **crew**, **depart from New Zealand**, and **ship** have the meanings given to them by section 4(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

Schedule 9 clause 1(2): amended, at 11.58 pm on 27 February 2022, by clause 38(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to all persons

Part 2 of this schedule specifies the COVID-19 provisions that apply to any person to whom this schedule applies.

Part 2

Ship crew members arriving to join ship

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	See clause 13(2), which allows certain persons, including New Zealand citizens, to arrive in New Zealand without being vaccinated.

Clause	Brief description	Modification
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine <i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence <i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed <i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 9 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 12(1) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 9 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 12(2) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 9 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 38(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 9 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 38(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 9 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 38(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 9 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 38(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 10

Arrivals on aircraft turned back to New Zealand

cl 7

Part 1

Application

1 Application of this schedule

This schedule applies to a person if—

- (a) they arrive in New Zealand by air; and
- (b) the aircraft on which they arrive did not land in a place outside New Zealand after it most recently departed from New Zealand (for example, it may have been necessary for the aircraft to return to New Zealand because of a mechanical fault); and
- (c) immediately before the aircraft's most recent departure from New Zealand, the person—
 - (i) was in New Zealand for at least 14 days; or
 - (ii) was in New Zealand for less than 14 days, but clause 10 (must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order) did not apply to them on their previous arrival in New Zealand.

Part 2

Arrivals on aircraft turned back to New Zealand

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	
	<i>Conditions to satisfy before arrival</i>	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	

Clause	Brief description	Modification
	<i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 10 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 13 of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 10 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 39 of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 11

General travellers—A

cl 7

Schedule 11 heading: replaced, at 11.58 pm on 27 February 2022, by clause 40(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 1

Application

1 Application of this schedule

This schedule applies to a person if—

- (a) they arrive in New Zealand by air; and
- (b) during the specified 14-day period, the only countries they have been in are group 1 countries; and
- (c) they have not been a transit passenger in relation to any other countries; and
- (d) none of the following applies to them:
 - (i) Schedule 4 (New Zealand-based aircrew members):
 - (ii) Schedule 5 (overseas-based aircrew members):
 - (iii) Schedule 6 (transit-only arrivals):
 - (iv) Schedule 7 (relevant workers):
 - (v) Schedule 8 (arrivals from Antarctica):
 - (vi) Schedule 9 (ship crew members arriving to join ship) (but *see* clause 1(2) of that schedule):
 - (vii) Schedule 10 (arrivals on aircraft turned back to New Zealand).

Schedule 11 clause 1: replaced, at 11.58 pm on 27 February 2022, by clause 40(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to New Zealand citizens

Part 2 of this schedule specifies the COVID-19 provisions that apply to a New Zealand citizen who is entitled to enter New Zealand under section 13 of the Immigration Act 2009.

3 Part 3 of this schedule applies to other persons

Part 3 of this schedule specifies the COVID-19 provisions that apply to any person other than a person described in clause 2 of this schedule.

Part 2

New Zealand citizens (A)

Schedule 11 Part 2 heading: amended, at 11.58 pm on 27 February 2022, by clause 40(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 11 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 7(1) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 11 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 7(2) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 11 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 40(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 11 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 40(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 3

Persons other than New Zealand citizens (A)

Schedule 11 Part 3 heading: amended, at 11.58 pm on 27 February 2022, by clause 40(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	The person may arrive in New Zealand without being vaccinated if they are a person specified in clause 13(2)(b) or (c) (which applies to certain refugees and their family members and citizens of Afghanistan). In that case, clause 8 continues to apply to them.
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, and after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	

Clause	Brief description	Modification
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	<p>Schedule 11 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 7(3) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).</p> <p>Schedule 11 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 7(4) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).</p> <p>Schedule 11 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 40(7) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).</p> <p>Schedule 11 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 40(8) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).</p> <p>Schedule 11 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 40(9) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).</p>

Schedule 12

General travellers—B

cl 7

Schedule 12 heading: replaced, at 11.58 pm on 27 February 2022, by clause 41(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 1

Application

1 Application of this schedule

- (1) This schedule applies to a person if—
 - (a) they arrive in New Zealand by air; and
 - (b) during the specified 14-day period,—
 - (i) they have been in a group 2 country; and
 - (ii) the only countries they have been in are group 1 countries or group 2 countries; and
 - (c) none of the following applies to them:
 - (i) Schedule 4 (New Zealand-based aircrew members):
 - (ii) Schedule 5 (overseas-based aircrew members):
 - (iii) Schedule 6 (transit-only arrivals):
 - (iv) Schedule 7 (relevant workers):
 - (v) Schedule 8 (arrivals from Antarctica):
 - (vi) Schedule 9 (ship crew members arriving to join ship):
 - (vii) Schedule 10 (arrivals on aircraft turned back to New Zealand).
- (2) *[Revoked]*
- (3) For the purpose of this clause, a person has not been in a country if they were only a transit passenger in relation to that country.

Schedule 12 clause 1(1): replaced, at 11.58 pm on 27 February 2022, by clause 41(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 12 clause 1(2): revoked, at 11.58 pm on 27 February 2022, by clause 41(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to New Zealand citizens

Part 2 of this schedule specifies the COVID-19 provisions that apply to a New Zealand citizen who is entitled to enter New Zealand under section 13 of the Immigration Act 2009.

3 Part 3 of this schedule applies to other persons

Part 3 of this schedule specifies the COVID-19 provisions that apply to any person other than a person described in clause 2 of this schedule.

Part 2

New Zealand citizens (B)

Schedule 12 Part 2 heading: amended, at 11.58 pm on 27 February 2022, by clause 41(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	See clause 13(2), which allows certain persons, including New Zealand citizens, to arrive in New Zealand without being vaccinated.
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 35	Must comply with directions while travelling to place of isolation or quarantine or self-isolation	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	

Clause	Brief description	Modification
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	
	Schedule 12 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 8(1) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).	
	Schedule 12 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 8(2) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).	
	Schedule 12 Part 2: amended, at 11.59 pm on 2 March 2022, by clause 14(1) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 2: amended, at 11.59 pm on 2 March 2022, by clause 14(2) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 2: amended, at 11.59 pm on 2 March 2022, by clause 14(3) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 2: amended, at 11.59 pm on 2 March 2022, by clause 14(4) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 41(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 12 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 41(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 12 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 41(7) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 12 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 41(8) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 12 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 41(9) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	

Part 3

Persons other than New Zealand citizens (B)

Schedule 12 Part 3 heading: amended, at 11.58 pm on 27 February 2022, by clause 41(10) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	See clause 13(2), which allows certain persons, including New Zealand citizens, to arrive in New Zealand without being vaccinated.
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	

Clause	Brief description	Modification
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 35	Must comply with directions while travelling to place of isolation or quarantine or self-isolation	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	
	Schedule 12 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 8(3) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).	
	Schedule 12 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 8(4) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).	
	Schedule 12 Part 3: amended, at 11.59 pm on 2 March 2022, by clause 14(5) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 3: amended, at 11.59 pm on 2 March 2022, by clause 14(6) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 3: amended, at 11.59 pm on 2 March 2022, by clause 14(7) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 3: amended, at 11.59 pm on 2 March 2022, by clause 14(8) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).	
	Schedule 12 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 41(12) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 12 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 41(13) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	

Schedule 12 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 41(14) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 12 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 41(15) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 12 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 41(16) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 13 General travellers—C

cl 7

Schedule 13 heading: amended, at 11.58 pm on 27 February 2022, by clause 42(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 1 Application of this schedule

1 Application of this schedule

- (1) This schedule applies to a person if—
 - (a) they arrive in New Zealand by air; and
 - (b) during the specified 14-day period, they have been in a group 3 country; and
 - (c) none of the following applies to them:
 - (i) Schedule 4 (New Zealand-based aircrew members):
 - (ii) Schedule 5 (overseas-based aircrew members):
 - (iii) Schedule 6 (transit-only arrivals):
 - (iv) Schedule 7 (relevant workers):
 - (v) Schedule 8 (arrivals from Antarctica):
 - (vi) Schedule 9 (ship crew members arriving to join ship):
 - (vii) Schedule 10 (arrivals on aircraft turned back to New Zealand).
- (2) *[Revoked]*
- (3) For the purpose of this clause, a person has not been in a country if they were only a transit passenger in relation to that country.

Schedule 13 clause 1(1): replaced, at 11.58 pm on 27 February 2022, by clause 42(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 13 clause 1(2): revoked, at 11.58 pm on 27 February 2022, by clause 42(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to New Zealand citizens and relevant family members

Part 2 of this schedule specifies the COVID-19 provisions that apply to—

- (a) a New Zealand citizen who is entitled to enter New Zealand under section 13 of the Immigration Act 2009; or
- (b) a relevant family member of that New Zealand citizen arrives in New Zealand with that New Zealand citizen.

3 Part 3 of this schedule applies to other persons

Part 3 of this schedule specifies the COVID-19 provisions that apply to any person other than a person described in clause 2 of this schedule.

Part 2**New Zealand citizens and relevant family members (C)**

Schedule 13 Part 2 heading: amended, at 11.58 pm on 27 February 2022, by clause 42(3) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 10	Must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order	Clause 10 does not apply to the person if they are under the age of 17 years and arrive in New Zealand unaccompanied by a relevant family member. Instead, clause 9 applies to them and they must self-isolate under Part 1D of the Isolation and Quarantine Order.
	<i>Conditions to satisfy before arrival</i>	
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
cl 21	Must have confirmed allocation for managed isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 32	Must report for and undergo COVID-19 screening	
cl 35	Must comply with directions while travelling to place of isolation or quarantine or self-isolation	
cl 36	Must maintain physical distancing	

Clause	Brief description	Modification
cl 37	Must wear personal protective equipment as directed <i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	
	Schedule 13 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 42(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 13 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 42(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 13 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 42(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 13 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 42(7) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 13 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 42(8) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	
	Schedule 13 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 42(9) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).	

Part 3

Persons other than New Zealand citizens and relevant family members (C)

Schedule 13 Part 3 heading: amended, at 11.58 pm on 27 February 2022, by clause 42(10) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 11	Must not arrive in New Zealand <i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 14

General travellers—Z

cl 7

Schedule 14 heading: replaced, at 11.58 pm on 27 February 2022, by clause 43(1) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 1

Application

1 Application of this schedule

This schedule applies to a person if—

- (a) no other COVID-19 border requirements schedule applies to them; and
- (b) they arrive in New Zealand by air.

Schedule 14 clause 1: amended, at 11.58 pm on 27 February 2022, by clause 43(2) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

2 Part 2 of this schedule applies to New Zealand citizens and relevant family members

Part 2 of this schedule specifies the COVID-19 provisions that apply to a New Zealand citizen who is entitled to enter New Zealand under section 13 of the Immigration Act 2009.

3 Part 3 of this schedule applies to other persons

Part 3 of this schedule specifies the COVID-19 provisions that apply to any person other than a person described in clause 2 of this schedule.

Part 2

New Zealand citizens and relevant family members (Z)

Schedule 14 Part 2 heading: amended, at 11.58 pm on 27 February 2022, by clause 43(6) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	<ul style="list-style-type: none"> (1) After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022. (2) The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or

Clause	Brief description	Modification
		quarantined in accordance with Part 1 of the Isolation and Quarantine Order, in which case paragraph (1) does not apply to them during their period of isolation or quarantine.
	<i>Conditions to satisfy before arrival</i>	
cl 12	Must have traveller pass	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	See clause 13(2), which allows certain persons, including New Zealand citizens, to arrive in New Zealand without being vaccinated.
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 35	Must comply with directions while travelling to place of isolation or quarantine or self-isolation	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 14 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 9(1) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 14 Part 2: amended, at 11.59 pm on 18 March 2022, by clause 9(2) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 14 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 15(2) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 15(3) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 15(4) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 15(5) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 2: amended, at 11.59 pm on 4 March 2022, by clause 15(6) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 43(4) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 14 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 43(5) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 14 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 43(7) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 14 Part 2: amended, at 11.58 pm on 27 February 2022, by clause 43(8) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Part 3

Persons other than New Zealand citizens and relevant family members (Z)

Schedule 14 Part 3 heading: amended, at 11.58 pm on 27 February 2022, by clause 43(9) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Clause	Brief description	Modification
	<i>Consequences</i>	
cl 8	No isolation or quarantine required	<p>(1) After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.</p> <p>(2) The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order, in which case paragraph (1) does not apply to them during their period of isolation or quarantine.</p>

Conditions to satisfy before arrival

Clause	Brief description	Modification
cl 12	Must have traveller pass	
cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	<i>See</i> clause 13(2) which allows certain persons, including certain refugees and their family members and citizens of Afghanistan, to arrive in New Zealand without being vaccinated.
cl 14	Must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age)	
cl 15	Must have negative result from pre-departure test for COVID-19 (or certificate)	
cl 16	Must not be waiting for test results	
cl 16A	Must not exhibit COVID-19 symptoms (or must have certificate)	
cl 17	Must not be subject to public health direction in another country	
cl 18	Must not have prematurely ended period of isolation or quarantine	
	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	
cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	
cl 28	Must wear face covering in certain places or circumstances	
cl 29	Must answer to authorised officers	
cl 30	Must produce evidence of compliance with COVID-19 provisions	
cl 31	Must not provide false or misleading information or evidence	
	<i>Conditions to satisfy on or after arrival</i>	
cl 35	Must comply with directions while travelling to place of isolation or quarantine or self-isolation	
cl 36	Must maintain physical distancing	
cl 37	Must wear personal protective equipment as directed	
	<i>Breach of conditions</i>	
cl 39	Subpart 3 applies if person breaches COVID-19 provision that applies to them	

Schedule 14 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 9(3) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 14 Part 3: amended, at 11.59 pm on 18 March 2022, by clause 9(4) of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75).

Schedule 14 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 15(8) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 15(9) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 15(10) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 15(11) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 15(12) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 3: amended, at 11.59 pm on 4 March 2022, by clause 15(13) of the COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49).

Schedule 14 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 43(11) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 14 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 43(12) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 14 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 43(13) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 14 Part 3: amended, at 11.58 pm on 27 February 2022, by clause 43(14) of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47).

Schedule 15 Key safety standards

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1 Interpretation

In this schedule,—

associate,—

- (a) of an aircrew member, means another aircrew member;
- (b) of a relevant worker who is a medical attendant, means another person who—
 - (i) is working with the relevant worker as a medical attendant; or
 - (ii) is working to support the relevant worker and the medical transfer;
- (c) of a relevant worker who is a Police escort, means another person who is a constable (as defined in section 4 of the Policing Act 2008) or is working to support the New Zealand Police

lay-over country,—

- (a) in relation to a relevant worker or a New Zealand-based aircrew member, means any country outside New Zealand;
- (b) in relation to an overseas-based aircrew member, means New Zealand.

Schedule 15 clause 1 **lay-over country** paragraph (b): amended, at 11.58 pm on 16 January 2022, by clause 24 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

2 Must maintain physical distancing

A person must maintain physical distancing from all other persons (to the greatest extent practicable) other than—

- (a) anyone on an aircraft on which the person is travelling; and
- (b) the person's associates; and
- (c) other persons during the course of the person's work; and

- (d) vaccinated people they know personally.

3 Must wear personal protective equipment

- (1) A person must wear personal protective equipment at all times (to the greatest extent reasonably practicable), unless an exception applies to them under this clause.
- (2) An exception applies to a person while they are in any of the following places at any accommodation where they are staying:
 - (a) the person's allocated room;
 - (b) the allocated rooms of the person's associates;
 - (c) a dedicated relaxation area.
- (3) An exception applies to an aircrew member while they are in any of the following places:
 - (a) the cockpit of an aircraft;
 - (b) a place on an aircraft that is set aside for operating crew to rest, or take breaks, away from passengers;
 - (c) an aircraft on which the only other persons are—
 - (i) the pilot or co-pilot of the aircraft; and
 - (ii) the person's associates.
- (4) In this clause, **dedicated relaxation area** means any place—
 - (a) while it is set aside for the exclusive use of the person and their associates; but
 - (b) that is not a restaurant, cafe, bar, or shared exercise facility (such as a swimming pool or gym).

4 Must remain airside in lay-over country unless staying in accommodation

- (1) A person who arrives in a lay-over country by air must, until they depart from that country, 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.
- (2) However, this clause does not apply if, before departing from that country, the person is staying in any accommodation that is not on the airside of an airport.

5 Must limit activities and contacts in lay-over country

- (1) A person must not, while in a lay-over country, do any of the following unless they are alone or with other persons who are associates or vaccinated people they know personally (and no other persons):
 - (a) exercise, socialise, or dine outdoors;
 - (b) socialise or dine indoors at a place that—

- (i) requires evidence that visitors are vaccinated; or
 - (ii) accommodates no more than 50 visitors:
- (c) shop at retail stores, including to collect food:
- (d) travel to or from places using private transportation.
- (2) A person must not exercise indoors at a place, including with their associates, unless the place requires evidence that visitors are vaccinated.
- (3) A person must not exercise indoors with anyone other than their associates.
- (4) A person must not, while at any accommodation where they are staying in a lay-over country, permit any other person to enter their allocated room except—
 - (a) their associates; and
 - (b) a person entering for medical, emergency, or law enforcement purposes.

Dated at Wellington this 21st day of December 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 December 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Order 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75): Part 1

COVID-19 Public Health Response (Air Border) Amendment Order 2022 (SL 2022/49)

COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022 (SL 2022/47): Part 1

COVID-19 Public Health Response (Protection Framework and Other Matters) Amendment Order 2022 (SL 2022/6): Part 2

COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2): Part 2