



COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021

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

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Order

1 Title

This order is the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021.

2 Commencement

This order comes into force at 11.59 pm on 16 January 2022.

Part 1

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

3 Principal order

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

4 Clause 3 amended (Purpose)

Replace clause 3(a) with:

- (a) setting out the requirements for people who must be isolated or quarantined in a managed isolation or quarantine facility or other place, or who must self-isolate, in accordance with this order (for example, on arrival in New Zealand), including risk-based provision for when isolation or quarantine or self-isolation ends; and

5 Clause 4 amended (Interpretation)

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

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

approved sports or cultural group means a group whose members are treated as fellow travellers of each other under clause 9(4) of the Air Border Order

country has the meaning given by clause 4 of the Air Border Order

Director-General notice means a notice made under clause 6B

fellow traveller, of a person,—

- (a) has the meaning given by clause 36(2) of the Air Border Order; but
- (b) in relation to a person self-isolating under this order, includes the other people in an approved sports or cultural group to which the person belongs

international aircrew member has the meaning given by clause 4 of the Air Border Order

medical attendant has the meaning given by clause 4 of the Air Border Order

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

place of self-isolation, for a person, has the meaning given by clause 15D, 15GL, or 15HA

security designated aerodrome has the meaning given by section 2(1) of the Civil Aviation Act 1990

- (2) In clause 4(1), replace definitions as follows:

aircrew member has the meaning given by clause 4 of the Air Border Order

period of self-isolation has the meaning given by clause 15E, 15GL, or 15HC

relevant worker has the meaning given by clause 4 of the Air Border Order

6 New clauses 6A and 6B inserted

After clause 6, insert:

6A Managed isolation or quarantine may replace self-isolation

- (1) A person who is self-isolating under Part 1A, 1C, or 1D (the **relevant self-isolation Part**) must instead be isolated or quarantined in accordance with Part 1 in a situation described by subclause (2) or (3).
- (2) One situation is that—
 - (a) a medical officer of health or a health protection officer has assessed that—
 - (i) the person is at high risk of having COVID-19; or
 - (ii) the person, if they were to have COVID-19, is at high risk of transmitting it; and

- (b) the risk is not adequately managed by self-isolation under the relevant self-isolation Part; and
 - (c) the chief executive has confirmed that there is capacity for the person to be isolated or quarantined.
- (3) Another situation is that—
- (a) the decision maker under clause 15G(e), 15GS(1)(da), or 15HG(1)(f) is satisfied that the person needs to leave to move to a place of isolation or quarantine (for example, for temporary or emergency care while they are sick); and
 - (b) the chief executive has confirmed that there is capacity for the person to be isolated or quarantined.
- (4) The person’s period of isolation or quarantine under Part 1—
- (a) has the start time defined by clause 10 (so that any period of self-isolation is counted towards it); and
 - (b) ends—
 - (i) at the time determined by a medical officer of health or a health protection officer; but
 - (ii) no later than the 10th day after their start time, unless the officer is satisfied that—
 - (A) the person does not meet the low-risk indicators; or
 - (B) the person has received a positive result from any COVID-19 test.
- (5) Despite subclauses (1) to (4), the relevant self-isolation Part again applies to the person instead of Part 1 if a medical officer of health or a health protection officer is satisfied that the basis for applying Part 1 no longer applies.
- (6) To avoid doubt, if the relevant self-isolation Part again applies to the person, their period of self-isolation remains as defined by that Part (so that it ends when it would have even if Part 1 had not applied).

6B 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 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.

7 Part 1 heading replaced

Replace the Part 1 heading with:

Part 1
Managed isolation or quarantine

8 Clause 7 replaced (Part applies to relevant persons)

Replace clause 7 with:

7 Part applies to relevant persons

This Part applies to a person who is required to be isolated or quarantined in accordance with this Part or this order, whether by or under the Air Border Order, this order, or another enactment (a **relevant person**).

9 Clause 10 amended (Period of isolation or quarantine)

Replace clause 10(5) and (6) with:

- (5) The chief executive may allow the person's period of isolation or quarantine to end up to 7 days later than it would otherwise end under this clause (for example, if an individual or group is unable to self-isolate in accordance with Part 1C).

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

- (1) In clause 11(2), replace “3 hours” with “6 hours”.
- (2) Replace clause 11(3)(a) and (b) with:
 - (a) an international aircrew member; or
 - (b) a medical attendant.
- (3) Replace clause 11(4A) and the heading above it with:

Exception for international aircrew and overseas-based medical attendants
- (4A) Subclause (4B) applies to a scheduled departer who—
 - (a) is an international aircrew member; or
 - (b) is not ordinarily resident in New Zealand and is a medical attendant.
- (4) Revoke clause 11(4D) and the heading above it.
- (5) Revoke clause 11(6) and (7) and the heading above them.

11 Clause 14A amended (Designation of relevant persons as fellow residents)

Revoke clause 14A(2).

12 Part 1A heading replaced

Replace the Part 1A heading with:

Part 1A
Self-isolation until day 3 negative test

13 Clause 15B replaced (Part applies to relevant workers)

Replace clause 15B with:

15B Application of this Part

This Part applies to a person who is required to self-isolate in accordance with this Part, whether by or under the Air Border Order, this order, or another enactment.

14 Clause 15C revoked (Requirement to notify Ministry of Health)

Revoke clause 15C.

15 Clause 15D amended (Requirements for self-isolation)

- (1) In clause 15D(1), replace “A relevant worker” with “The person”.
- (2) In clause 15D(2), replace “notified to the Ministry of Health as their place of self-isolation” with “whose details are provided under clause 25 of the Air Border Order (the **place of self-isolation**)”.

- (3) In clause 15D(4)(b), replace “the relevant worker’s or another person’s” with “any person’s”.

16 Clauses 15DA to 15DC revoked

Revoke clauses 15DA to 15DC.

17 Clause 15E amended (Period of self-isolation)

In clause 15E, replace “A relevant worker’s” with “The person’s”.

18 Clause 15F amended (Medical examination and testing)

In clause 15F(1), replace “A relevant worker” with “The person”.

19 Clause 15G amended (Leaving place of self-isolation)

- (1) In clause 15G, replace “A relevant worker is permitted to leave the accommodation notified to the Ministry of Health as” with “The person, during their period of self-isolation, is permitted to leave”.
- (2) In clause 15G(e), replace “another place for” with “a place of”.

20 New clause 15GAA inserted (Monitoring and testing after period of self-isolation)

After clause 15G, insert:

15GAA Monitoring and testing after period of self-isolation

- (1) The person must comply with this clause from the end of their period of self-isolation until 14 days after the time and date of their arrival in New Zealand.
- (2) They must monitor themselves for symptoms of COVID-19.
- (3) If they have any symptom of COVID-19, they must undergo medical examination and testing for COVID-19.
- (4) They must immediately report to the Ministry of Health a positive result that they receive from any COVID-19 test.
- (5) In this clause, **symptoms of COVID-19** means a symptom of COVID-19 that is specified by a Director-General notice under clause 26 of the Air Border Order.

21 Part 1B revoked

Revoke Part 1B.

22 Part 1C heading replaced

Replace the Part 1C heading with:

Part 1C
Self-isolation after managed isolation or quarantine

23 Clause 15GL amended (Interpretation)

In clause 15GL, definition of **period of self-isolation under this Part**,—

- (a) delete “**under this Part**”; and
- (b) replace “clause 15GM” with “clause 15GM(1)”.

24 Clause 15GM amended (Application of this subpart)

In clause 15GM, insert as subclause (2):

- (2) This subpart again applies to a person in the situation described by clause 6A(5).

25 Clause 15GO amended (Requirement to notify Ministry of Health)

In clause 15GO(2)(b), replace “or temporary or emergency care under clause 15GS(d)” with “under clause 15GS(1)(d)”.

26 Clause 15GP amended (Requirements for self-isolation)

- (1) In clause 15GP(3) and (4), after “Ministry of Health”, insert “or other government agency”.

- (2) Replace clause 15GP(5) with:

- (5) They must not permit anyone to enter their place of self-isolation except—
 - (a) another person who lives there; or
 - (b) a fellow traveller; or
 - (c) someone who needs to enter—
 - (i) for contactless delivery of goods while wearing a face covering; or
 - (ii) to preserve or protect any person’s life, health, or safety in an emergency; or
 - (iii) to provide any home-help services (excluding cleaning services) for persons who require assistance because of sickness or disability.

- (6) In this clause,—
 - contactless delivery** means delivery while maintaining physical distancing from all other persons
 - face covering** means a covering of any type that covers the nose and mouth of a person.

27 Clause 15GR amended (Medical examination and testing)

In clause 15GR(b), delete “under this Part”.

28 Clause 15GS amended (Remaining at place of self-isolation)

- (1) After clause 15GS(1)(a), insert:

- (aa) to do any outdoor exercise in the neighbourhood of their place of self-isolation (but not at any shared exercise facility, such as a swimming pool); or
- (2) In clause 15GS(1)(b), (e), and (f), delete “under this Part”.
- (3) Replace clause 15GS(1)(d) with:
- (d) if they need to leave to move to another place of self-isolation in order to preserve their own or another person’s life, health, or safety; or
- (da) if the chief executive is satisfied, based on the advice of a suitably qualified health practitioner, that the person needs to leave to move to a place of isolation or quarantine (for example, for temporary or emergency care while the person is sick); or
- (4) After clause 15GS(2), insert:
- (3) The person must wear a face covering at all times when not at their place of self-isolation, except when exercising.

29 Clause 15GT replaced (Requirement for other residents)

Replace clause 15GT with:

15GT Requirement for other residents

Any other person who lives at a person’s place of self-isolation must not permit anyone to enter the place of self-isolation except as permitted by subpart 1.

30 New Part 1D inserted

After clause 15GU, insert:

Part 1D
Self-isolation for 7 days

15HA Interpretation

In this Part, unless the context otherwise requires,—

period of self-isolation, for a person, has the meaning given by clause 15HC

place of self-isolation, for a person, means the residence or other accommodation whose details are provided under clause 25 of the Air Border Order.

Subpart 1—Requirements for self-isolation

15HB Application of this subpart

This subpart applies to a person who is required to self-isolate in accordance with this Part, whether by or under the Air Border Order, this order, or another enactment.

15HC Period of self-isolation

The person's **period of self-isolation** is the period—

- (a) commencing as soon as practicable after they arrive in New Zealand;
and
- (b) ending—
 - (i) 7 days after the time and date of their arrival in New Zealand, if the person receives a negative result from the final COVID-19 test they are required to undergo by this Part; but
 - (ii) no later than 14 days after the time and date of their arrival in New Zealand.

15HD Remaining at place of self-isolation and other restrictions

- (1) The person must comply with the requirements of this clause throughout their period of self-isolation.
- (2) They must remain at their place of self-isolation, except as permitted by this subpart.
- (3) They must have cell-phone coverage, a landline number, or access to the Internet to enable contact with the Ministry of Health or other government agency if required.
- (4) They must have access to a place that the Ministry of Health or other government agency recognises as a community testing centre or other testing place for COVID-19 that enables them to report for, and undergo, medical examination and testing for COVID-19 as required by this subpart.
- (5) They must not permit anyone to enter their place of self-isolation except—
 - (a) another person who lives there; or
 - (b) a fellow traveller; or
 - (c) someone who needs to enter—
 - (i) for contactless delivery of goods while wearing a face covering (as those terms are defined in clause 15GP(6)); or
 - (ii) to preserve or protect any person's life, health, or safety in an emergency; or
 - (iii) to provide any home-help services (excluding cleaning services) for persons who require assistance because of sickness or disability.

15HE Medical examination and testing

During their period of self-isolation, the person must do the following as required by a Director-General notice:

- (a) report for, and undergo, medical examination and testing for COVID-19 at the specified times and using the specified methods; and

- (b) report the results of the testing.

15HF Monitoring of compliance

The person must comply with any requirements for monitoring that ensure that they comply with the requirements for medical examination and testing under clause 15HE, as directed by a Director-General notice.

15HG Leaving place of self-isolation

- (1) The person is permitted to leave their place of self-isolation—
 - (a) to report for, and undergo, medical examination and testing required by this subpart; or
 - (b) to do any outdoor exercise in the neighbourhood of their place of self-isolation (but not at any shared exercise facility, such as a swimming pool); or
 - (c) to access an essential health service for treatment that cannot be deferred until after their period of self-isolation; or
 - (d) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required to attend by that institution; or
 - (e) if they need to leave to move to another place of self-isolation in order to preserve their own or another person's life, health, or safety; or
 - (f) if the chief executive is satisfied, based on the advice of a suitably qualified health practitioner, that the person needs to leave to move to a place of isolation or quarantine (for example, for temporary or emergency care while the person is sick); or
 - (g) to visit a dying relative who is not expected to live beyond the person's period of self-isolation; or
 - (h) to visit the body of a relative before a funeral or tangihanga, if they will not be able to visit the body after their period of self-isolation; or
 - (i) to physically train, or to rehearse, with their approved sports or cultural group.
- (2) However, subclause (1)(g) and (h) do not permit the person to attend a funeral or tangihanga.
- (3) The person must wear a face covering at all times when not at their place of self-isolation, except when exercising (including training or rehearsing with an approved sports or cultural group).

Subpart 2—Requirement for other residents

15HH Requirement for other residents

Any other person who lives at a person’s place of self-isolation must not permit anyone to enter the place of self-isolation except as permitted by subpart 1.

31 Clause 20 amended (Infringement offences)

- (1) In clause 20(1), replace “clause 8, 15D, 17, or 18” with “clause 8, 15D, 15F, 15GP(2) or (5), 15GR, 15HD(2) or (5), 15HE(a) or (b), 17, or 18”.
- (2) In clause 20(2)(a), replace “clause 8, 15D, or 18” with “clause 8, 15D, 15F, 15GP(2) or (5), 15GR, 15HD(2) or (5), 15HE(a), or 18”.

32 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in Schedule 1 of this order as the last Part; and
- (b) make all necessary consequential amendments.

33 Schedule 2 revoked

Revoke Schedule 2.

Part 2

Amendment to COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

34 Principal order

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

35 Clause 4 amended (Interpretation)

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

exempt crew member means a crew member who is not required by another COVID-19 order to be isolated or quarantined in accordance with the Isolation and Quarantine Order

Part 3

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

36 Principal order

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

37 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in Schedule 2 of this order as the last Part; and
- (b) make all necessary consequential amendments.

Schedule 1

New Part 4 inserted into Schedule 1 of COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

cl 32

Part 4

Provisions relating to COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021

- 11 Certain people in managed isolation or quarantine when Amendment Order commences**
- (1) This clause applies to a person who—
 - (a) is subject to Part 1 of this order immediately before the Amendment Order commences; but
 - (b) if they had arrived in New Zealand immediately after that commencement, would have been subject to Part 1D of this order.
 - (2) The person must self-isolate in accordance with Part 1D instead of being isolated or quarantined in accordance with Part 1.
 - (3) To avoid doubt, the person's period of self-isolation under Part 1D is as defined by clause 15HC (so that any period of isolation or quarantine is counted towards it).
 - (4) However, the chief executive may instead allow the person to remain isolated or quarantined in accordance with Part 1 (for example, if an individual or group is unable to self-isolate in accordance with Part 1D), but only for the period of self-isolation that would apply under Part 1D.
 - (5) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021.

Schedule 2
**New Part 2 inserted into Schedule 1 of COVID-19 Public Health
Response (Required Testing) Order 2020**

cl 37

Part 2
**Provisions relating to COVID-19 Public Health Response (Isolation
and Quarantine and Other Matters) Amendment Order 2021**

1 People who start and stop being aircrew on international flights

(1) This clause applies to an aircrew member who arrives in New Zealand by an international flight on an aircraft on which they worked or for which they were identified as a crew member on the crew manifest.

(2) If it is the first such flight for which the aircrew member is subject to clause 7(1) of this order, they must undergo the testing and medical examination required by that subclause within 72 hours after their arrival.

(3) If it is the last such flight for which the aircrew member is subject to clause 7(1) of this order, they must undergo the testing and medical examination required by that subclause twice after their arrival (at the intervals required by the subclause).

Dated at Wellington this 21st day of December 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This order amends the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020. It also amends to the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 and the COVID-19 Public Health Response (Required Testing) Order 2020. The amendments come into force at 11.59 pm on 16 January 2022.

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

The main amendments are to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.

New clause 6A sets out situations in which a person can be isolated or quarantined under Part 1 (Managed isolation or quarantine) if they are already self-isolating under—

- Part 1A (self-isolation until day 3 negative test); or
- Part 1C (self-isolation after managed isolation or quarantine); or
- *new Part 1D* (self-isolation for 7 days).

The period of isolation or quarantine counts any time spent self-isolating, and generally ends after no more than 10 days. But the person can be moved back into self-isolation.

Part 1 is amended so that various exceptions to the requirement for managed isolation or quarantine are covered by the new COVID-19 Public Health Response (Air Border) Order 2021 (the **Air Border Order**). Other provisions of Part 1 are replaced, and modified or added to, by that order.

Part 1A used to apply to relevant workers. It now applies when the Air Border Order, this order, or another enactment says that it does. The requirement to give notice of the place of self-isolation has been moved into the Air Border Order. The requirement to meet key safety standards has also been moved into the Air Border Order and modified. A requirement is added for monitoring, testing, and reporting between the period of self-isolation ending and 14 days after the person's arrival in New Zealand.

Part 1B (self-isolation by participants in programme) is revoked because the programme has ended.

Part 1C is amended for consistency with new aspects of *new Part 1D*.

New Part 1D is inserted with similar content to Part 1C. It provides for self-isolation for 7 days after a person arrives in New Zealand, as long as they receive a negative result from their final test for COVID-19 in self-isolation. It applies (like Part 1A) when the Air Border Order, this order, or another enactment says that it does.

Under *new clause 15HD*, the person must remain at the place of self-isolation, have the ability to contact government agencies, have access to a testing place for COVID-19, and not permit others to enter their place of self-isolation (except other people who live there, fellow travellers, and some others who need to enter).

Under *new clauses 15HE and 15HF*, the person must do the following as required by a notice made by the Director-General:

- undergo medical examination and testing for COVID-19, and report the results;
- comply with any requirements for monitoring that ensure that the person complies with the medical examination and testing requirements.

Under *new clause 15HG*, there are limited situations where the person can leave their place of self-isolation, including for outdoor exercise in their neighbourhood or to visit a dying relative or the body of a relative.

Under *new clause 15HH*, another person who lives at the place of self-isolation must also not permit others to enter.

Infringement offences are added for breaches of—

- Part 1A (medical examination and testing); and
- Part 1C (requirements for self-isolation and medical examination and testing); and
- *new Part 1D* (remaining at a place of self-isolation and other restrictions and medical examination and testing).

A transitional provision means that people in managed isolation or quarantine who would have been eligible to self-isolate under *new Part 1D* can self-isolate under that Part.

Amendments to other orders

A consequential amendment is made to the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

New Part 2 is inserted into Schedule 1 of the COVID-19 Public Health Response (Required Testing) Order 2020. It modifies the requirements for testing and medical examination when a person starts or stops being an aircrew member on international flights.

Resolution of House needed

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

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 December 2021.
This order is administered by the Ministry of Health.