

Version
as at 27 February 2022



COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 8) 2021

(LI 2021/171)

COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 8) 2021: revoked, at 11.59 pm on 27 February 2022, pursuant to clause 61(1)(b) of the COVID-19 Public Health Response (Air Border) Order 2021 (SL 2021/427).

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

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal notice	2
4	Clause 3 amended (Interpretation)	2
5	Clause 8 amended (Person must meet QFT prerequisites on arrival)	2
6	New clauses 10 to 10C and cross-headings inserted	3
<i>Conditions for arrivals on QFT flights relating to Australia</i>		
10	Person must not have been in affected Australian State at or after specified time	3
10A	Evidence of qualifying pre-departure test	3
10B	Aircrew members who have been in Australia: pre-departure test	4

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 notice is administered by the Ministry of Health.

<i>Exemption relating to Australia for air carrier of QFT flights</i>			
	10C	Exemption from step generally required to be carried out by air carrier for QFT flight from Australia	4
7		Cross-heading above clause 11 replaced	5
<i>Exemptions for aircrew members and others on relocating flights from affected Australian States</i>			
8		Clause 11 amended (Exemptions for aircrew members and others on relocating flights)	5
9		Schedule 1 amended	5
Schedule			6
New Part 6 inserted into Schedule 1			

Notice

1 Title

This notice is the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 8) 2021.

2 Commencement

This notice comes into force at 11.59 pm on 4 July 2021.

3 Principal notice

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

4 Clause 3 amended (Interpretation)

In clause 3(1), insert in their appropriate alphabetical order:

affected Australian State means any of the following Australian States:

- (a) the State of New South Wales:
- (b) the State of Queensland:
- (c) the State of Western Australia:
- (d) the Northern Territory

Australian State means a State or Territory of Australia

Norfolk Island means the Territory of Norfolk Island as described in Schedule 1 of the Norfolk Island Act 1979 (Aust)

5 Clause 8 amended (Person must meet QFT prerequisites on arrival)

After clause 8(2)(a), insert:

- (b) the prerequisite in clause 5(2) of Schedule 2 of that order (which relates to the results of tests for COVID-19), but only if—
 - (i) the person is an aircrew member to whom the condition in clause 10B applies; and
 - (ii) the QFT flight is from Australia.

6 New clauses 10 to 10C and cross-headings inserted

After clause 9, insert:

Conditions for arrivals on QFT flights relating to Australia

10 Person must not have been in affected Australian State at or after specified time

- (1) An exemption under clause 6(1) is subject to the condition set out in this clause.
- (2) The condition is that the person was not in—
 - (a) the State of New South Wales, Australia at or after 11.59 pm on 22 June 2021 (New Zealand time); or
 - (b) any other affected Australian State at or after 10.30 pm on 26 June 2021 (New Zealand time).
- (3) The condition does not apply if the person is an aircrew member.

10A Evidence of qualifying pre-departure test

- (1) An exemption under clause 6(1) is subject to the condition set out in this clause if—
 - (a) the QFT flight is from Australia; and
 - (b) the person was in Australia for 72 hours or more before the scheduled departure of that flight.
- (2) The condition is that,—
 - (a) before the person boarded the aircraft, a statement was made by, or on behalf of, the person that they have evidence of a qualifying pre-departure test; and
 - (b) when the person boarded the aircraft, the person had that evidence.
- (3) The condition does not apply to a person if—
 - (a) the person is an aircrew member; or
 - (b) the person is younger than 2 years old; or
 - (c) the only place in Australia where the person has been at or after 10.30 pm on 26 June 2021 (New Zealand time) is Norfolk Island.

10B Aircrew members who have been in Australia: pre-departure test

- (1) An exemption under clause 6(1) is subject to the condition set out in this clause if—
 - (a) the QFT flight is from Australia; and
 - (b) the person is an aircrew member.
- (2) The condition is that, before the aircrew member boarded the aircraft, a statement was made by, or on behalf of, the aircrew member that, no more than 7 days immediately before the scheduled departure of the QFT flight and at the direction of their employer, the aircrew member had mouth swabs or nose swabs (or both) taken for an RT-PCR test.
- (3) The condition does not apply to an aircrew member who, when in Australia during the period starting 7 days immediately before the scheduled departure of the aircraft and ending on that scheduled departure, was only—
 - (a) on an aircraft or on the airside of an airport in Australia at which the aircraft landed; or
 - (b) on Norfolk Island.
- (4) The condition also does not apply to an aircrew member who—
 - (a) was in Australia for less than 72 hours before the scheduled departure of the QFT flight; and
 - (b) was not in Australia at any time during the period—
 - (i) starting 7 days immediately before that scheduled departure; and
 - (ii) ending 72 hours before that scheduled departure.
- (5) In this clause, **employer**, in relation to an aircrew member, means an air carrier for which the aircrew member works (whether or not as an employee).

Exemption relating to Australia for air carrier of QFT flights

10C Exemption from step generally required to be carried out by air carrier for QFT flight from Australia

- (1) An air carrier is exempt from the requirement to comply with clause 7D(1)(b)(i) of the Air Border Order, but—
 - (a) only in relation to a QFT flight from Australia; and
 - (b) only to the extent that that provision of the Air Border Order requires the air carrier to take reasonable steps to minimise the risk that a relevant aircrew member on the aircraft did not meet the QFT prerequisite set out in clause 5(2) of Schedule 2 of that order (which relates to the results of tests for COVID-19).
- (2) In this clause, **relevant aircrew member** means an aircrew member to whom the condition set out in clause 10B applies.

7 Cross-heading above clause 11 replaced

Replace the cross-heading above clause 11 with:

Exemptions for aircrew members and others on relocating flights from affected Australian States

8 Clause 11 amended (Exemptions for aircrew members and others on relocating flights)

- (1) In clause 11(1)(a), replace “Australia” with “an affected Australian State”.
- (2) In clause 11(1)(b), replace “relevant carrier” with “QFT carrier”.
- (3) In clause 11(5), insert in its appropriate alphabetical order:
QFT carrier has the meaning given by clause 4A(2) of the Air Border Order
- (4) In clause 11(5), revoke the definition of **relevant carrier**.
- (5) In clause 11(5), definition of **relevant worker**, paragraph (b), replace “relevant carrier” with “QFT carrier”.

9 Schedule 1 amended

In Schedule 1,—

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

Schedule

New Part 6 inserted into Schedule 1

cl 9

Part 6

Provision relating to COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 8) 2021

12 Relocating flights from Australia that depart for New Zealand before commencement of Amendment Notice

(1) Former clause 11 of this notice continues to apply in relation to a flight that departed for New Zealand before the commencement of the Amendment Notice.

(2) In this clause,—

Amendment Notice means the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 8) 2021

former clause 11 means clause 11 as in force immediately before the commencement of the Amendment Notice.

Dated at Wellington this 2nd day of July 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This notice amends the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021 (the **principal notice**). It comes into force at 11.59 pm on 4 July 2021.

The principal notice exempts a person who arrives in New Zealand on an aircraft undertaking a quarantine-free travel flight (or QFT flight) from the requirement in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 for isolation or quarantine after that arrival. The exemption is subject to certain conditions.

This notice is related to the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 6) 2021, which reinstates the possibility of QFT flights from Australia that were stopped due to the recent community outbreak of COVID-19 in that country.

Among other things, this notice imposes certain additional conditions relating to QFT flights from Australia due to the ongoing community outbreak of COVID-19 in Australia. In particular, this notice imposes the following conditions on the exemption:

- that the person concerned (other than an aircrew member) was not in—
 - the State of New South Wales, Australia at or after 11.59 pm on 22 June 2021 (New Zealand time); or
 - the State of Queensland, the State of Western Australia, or the Northern Territory, Australia at or after 10.30 pm on 26 June 2021 (New Zealand time); and
- if the QFT flight is from anywhere else in Australia (except for the Territory of Norfolk Island), that generally,—
 - before the person boarded the aircraft, a statement was made by, or on behalf of, the person that they have evidence of a qualifying pre-departure test; and
 - when they boarded the aircraft, they had that evidence; and
- if the person is an aircrew member, that, except in certain circumstances, a statement was made, before they boarded the aircraft, that, no more than 7 days immediately before the scheduled departure time of the QFT flight, they have had mouth swabs or nose swabs (or both) taken for an RT-PCR test for COVID-19.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 8) 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) Order 2021 (SL 2021/427): clause 61(1)(b)