

Version  
as at 12 September 2022



**COVID-19 Public Health Response (Air Border, Isolation  
and Quarantine, and Required Testing) Amendment  
Order 2021**  
(LI 2021/73)

COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021: revoked, at 11.59 pm on 12 September 2022, pursuant to clause 3(1)(a) of the COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254).

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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**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.**

**COVID-19 Public Health Response (Air Border,  
Isolation and Quarantine, and Required Testing)  
Amendment Order 2021**

Version as at  
12 September 2022

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## **Order**

### **1 Title**

This order is the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021.

### **2 Commencement**

This order comes into force at 11.59 pm on 18 April 2021.

## Part 1

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

#### 3 Principal order

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

#### 4 Clause 4 amended (Interpretation)

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

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

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

**immigration officer** has the meaning given by section 4 of the Immigration Act 2009

**medical practitioner** includes a person who is registered or licensed overseas as a health professional equivalent to a medical practitioner

**QFT** means quarantine-free travel

**QFT flight** has the meaning given by clause 4A

**QFT person** means a person who is exempt from clause 8(3), in relation to their arrival in New Zealand on an aircraft undertaking a QFT flight, by an exemption under clause 26

**QFT place** means any of the following countries:

- (a) Australia:
- (b) the Cook Islands:
- (c) Niue

**QFT prerequisite** means a QFT prerequisite set out in Schedule 2

**suitably qualified health practitioner** includes a person who is registered or licensed overseas as a health professional equivalent to a suitably qualified health practitioner.

- (2) In clause 4(1), revoke the definition of **specified place**.

#### 5 New clause 4A inserted (Meaning of QFT flight)

After clause 4, insert:

##### 4A Meaning of QFT flight

- (1) In this order, **QFT flight** means an international flight that meets the following criteria:

- (a) the flight is from an international airport in a QFT place to—
    - (i) a QFT port; or
    - (ii) any other airport in New Zealand to which the flight is required to be diverted:
  - (b) the owner or charterer of the aircraft undertaking the flight is a QFT carrier:
  - (c) the flight is part of a scheduled international air service or is an authorised non-scheduled international flight:
  - (d) it is a condition of carriage that passengers meet all of the applicable QFT prerequisites on boarding the aircraft.
- (2) In this clause,—
- authorised non-scheduled international flight** means a non-scheduled international flight that is authorised under section 87ZE of the Civil Aviation Act 1990
- QFT carrier** means,—
- (a) if the QFT place concerned is Australia,—
    - (i) Air New Zealand Limited; or
    - (ii) Qantas Airways Limited; or
    - (iii) Jetstar Airways Proprietary Limited; or
  - (b) if the QFT place concerned is the Cook Islands or Niue, Air New Zealand Limited
- QFT port** means any of the following airports in New Zealand:
- (a) Auckland International Airport:
  - (b) Christchurch International Airport:
  - (c) Queenstown International Airport:
  - (d) Wellington International Airport
- scheduled international air service** has the meaning given by section 87A of the Civil Aviation Act 1990.

**6 Clause 7A amended (Air carrier must not cause aircraft to arrive in New Zealand without complying with requirement)**

Replace the heading to clause 7A with “**Steps to be taken to obtain evidence of confirmed allocation**”.

**7 Clause 7B amended (Certain air carriers to comply with requirements relating to pre-departure testing)**

In clause 7B(1), delete “from a specified place”.

**8 New clause 7D inserted (Steps to be taken in relation to QFT flights)**

After clause 7C, insert:

**7D Steps to be taken in relation to QFT flights**

- (1) An air carrier must not cause an aircraft undertaking a QFT flight to arrive in New Zealand unless—
  - (a) it has obtained, or a staff member or representative of the air carrier has been shown, appropriate evidence on or after each passenger's check-in for the flight, that—
    - (i) the passenger would meet each of the applicable QFT prerequisites on boarding (assuming that there would be no material change affecting the passenger before boarding); and
    - (ii) there was no reason, when the evidence was obtained or shown, why the passenger would fail to be a QFT person on arrival in New Zealand; and
  - (b) it has taken all other reasonable steps (for example, in communications with passengers and aircrew members before boarding) to minimise the risk that—
    - (i) any person (including any aircrew member) on the aircraft did not meet the applicable QFT prerequisites on boarding the aircraft; or
    - (ii) there was any other reason, at that time, why the person would fail to be a QFT person on arrival in New Zealand; and
  - (c) it has taken all reasonable steps to prevent the transmission of COVID-19 between persons during the flight.
- (2) In this clause, a reference to **appropriate evidence**, in relation to a passenger of an aircraft, is a reference to—
  - (a) a declaration made by, or on behalf of, the passenger; or
  - (b) in the case of a QFT prerequisite requiring the passenger to have a certificate from a medical practitioner that verifies an opinion of the medical practitioner, that certificate; or
  - (c) in the case of a QFT prerequisite requiring a suitably qualified health practitioner's opinion in respect of the passenger's symptoms, a certificate from a suitably qualified health practitioner verifying that they are of that opinion; or
  - (d) any other evidence sufficient to demonstrate compliance with a QFT prerequisite.
- (3) However, a certificate from a suitably qualified health practitioner who is not a medical practitioner is **appropriate evidence**, in relation to the passenger, only if—

- (a) the certificate was obtained from the suitably qualified health practitioner at the airport from which the aircraft departed; and
- (b) a declaration was made by, or on behalf of, the passenger that the symptoms concerned developed less than 12 hours before the scheduled time of that departure.

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

- (1) In the heading to clause 8, replace “**Obligations**” with “**General obligations**”.
- (2) In clause 8(2B), replace “If the person arrives in New Zealand on a journey or multi-leg journey, the” with “The”.
- (3) In clause 8(2B)(a)(i), replace “the journey began” with “their journey to New Zealand began”.
- (4) In clause 8(2B)(a)(ii) and (iii), replace “specified person” with “medical practitioner”.
- (5) After clause 8(4A), insert:

(4AA) For the purposes of subclause (2B), a person whose journey to New Zealand is a multi-leg journey is taken to have begun their journey—

- (a) on the person’s first international departure; or
- (b) if the person stays after that first international departure in any country or other place for more than 96 hours, on their international departure from the country or other place at which the person most recently stayed for 96 hours or more before arriving in New Zealand.

- (6) In clause 8(5), definition of **Director-General has specified**, replace “, COVID-19 test, specified person, or specified place” with “or COVID-19 test”.
- (7) In clause 8(5), revoke the definitions of **immigration officer**, **journey**, and **specified person**.

**10 New clause 8B inserted (Obligations on persons on QFT flights)**

After clause 8A, insert:

**8B Obligations on persons on QFT flights**

*Face coverings*

- (1) A person who is on an aircraft undertaking a QFT flight must, while they are on the aircraft in New Zealand, wear a face covering.
- (2) A person who arrives in New Zealand on an aircraft undertaking a QFT flight and is exempt from clause 8(4) must wear a face covering while they are on the airside of the airport at which they arrive in New Zealand.
- (3) A person is not required by this clause to wear a face covering if—
  - (a) there is an emergency; or

- (b) wearing a face covering is not safe in all of the circumstances; or
- (c) the person is in a defined or enclosed space on an aircraft that is separate from the passenger area; or
- (d) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
- (e) the person is asked to remove the face covering to ascertain identity; or
- (f) removal of, or not wearing, the face covering is otherwise required or authorised by law; or
- (g) the person is under the age of 12 years; or
- (h) the person has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
- (i) the person needs to remove the face covering to take medicine; or
- (j) the person needs to remove the face covering to eat or drink.

*Evidence and questions*

- (4) A person who arrives in New Zealand on an aircraft undertaking a QFT flight must provide appropriate evidence to a relevant official (when requested), or answer questions put to the person by the official, relating to whether the person is a QFT person.

*Infringement offences*

- (5) A failure to comply with subclause (1), (2), or (4) is an infringement offence (*see* section 26(3) and (4) of the Act).

*Definitions*

- (6) In this clause,—

**appropriate evidence** has the meaning given by clause 7D

**face covering** means a covering of any type that covers the nose and mouth of a person

**relevant official** means any of the following persons:

- (a) a health protection officer or a medical officer of health;
- (b) a staff member or representative of the air carrier of the aircraft undertaking the QFT flight concerned;
- (c) an immigration officer.

**11 Clause 9 amended (Designation of higher-risk routes)**

In section 9(2), replace “notice” with “designation”.

**12 Subpart 2 heading in Part 3 replaced**

In Part 3, replace the subpart 2 heading with:

Subpart 2—Arrivals in New Zealand generally

**13 Clause 10 amended (Arrivals remaining airside until departure from New Zealand)**

- (1) Replace clause 10(3) with:
- (3) However, this clause does not exempt a transit passenger from clause 8 who is granted permission, in accordance with the Immigration Act 2009, to enter New Zealand.
- (2) In clause 10(4), revoke the definition of **airside**.

**14 Clause 12 revoked (Crew of ship)**

Revoke clause 12.

**15 Clause 14 amended (Aircraft turned back to New Zealand)**

Replace clause 14(2) with:

- (2) This clause exempts a person from clause 8 only if, immediately before the aircraft's most recent departure from New Zealand, the person—
  - (a) was in New Zealand for at least 14 days; or
  - (b) was in New Zealand for less than 14 days but was exempt from clause 8(3) in relation to the person's most recent arrival in New Zealand.

**16 New clause 15A and cross-heading inserted**

After clause 15, insert:

*Exemptions from part of clause 8*

**15A Crew of ship**

- (1) A person arriving in New Zealand by air who is a member of the crew of a ship is exempt from clause 8(2), (2A), and (3) to (4), subject to the following conditions:
  - (a) immediately after leaving the airport at which the person arrives in New Zealand, the person must travel (whether by air or by any other form or forms of transport) to and then board the ship; and
  - (b) the ship must be scheduled to depart from New Zealand as soon as is reasonably practicable after the person boards the ship.
- (2) This clause does not apply in relation to a QFT person.
- (3) In this clause, **crew**, **depart from New Zealand**, and **ship** have the meanings given to them by the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

**17 Cross-heading above clause 16 revoked**

Revoke the cross-heading above clause 16.

**18 Clause 16 amended (Exemption under Isolation and Quarantine Order)**

Replace the heading to clause 16 with “**Confirmed allocation: exemption under Isolation and Quarantine Order**”.

**19 New clause 18AA inserted (Exemption from pre-departure testing requirements)**

After clause 18, insert:

**18AA Exemption from pre-departure testing requirements**

The following persons arriving in New Zealand by air are exempt from clause 8(2B):

- (a) a person who is younger than 2 years old;
- (b) a person arriving in New Zealand on an aircraft that is required to land in New Zealand for a purpose other than taking on or discharging passengers, cargo, or mail;
- (c) a person who has, or is given, permission to arrive in New Zealand for humanitarian reasons.

**20 Subpart 3 heading in Part 3 replaced**

Replace the subpart 3 heading in Part 3 with:

Subpart 3—Specified aircrew members arriving in New Zealand

**21 Clause 20 amended (Exemption from requirement for confirmed allocation)**

- (1) Replace the heading to clause 20 with “**Exemptions from requirements for confirmed allocation and pre-departure testing**”.
- (2) Replace “clause 8(2A)” with “clause 8(2A) and (2B)”.

**22 Clause 20A revoked (Exemption from requirements set out in clause 8(2B))**

Revoke clause 20A.

**23 Clause 21 amended (Exemption from requirement to be isolated or quarantined)**

Replace clause 21(2) with:

- (2) The exemption provided for in this clause does not apply—
  - (a) if the aircrew member arrives in New Zealand on an aircraft undertaking a QFT flight; or
  - (b) in the circumstances set out in clauses 22 to 25.

**24 Clause 23 amended (Pilots returning from flight simulator training)**

In clause 23, insert as subclause (2):

- (2) This clause does not apply if the specified aircrew member undertook the training only in a QFT place.

**25 Clause 24 amended (Absences of at least 7 days or overseas domestic travel)**

- (1) In clause 24(1)(a), after “outside New Zealand”, insert “(other than in a QFT place or on an aircraft undertaking a QFT flight)”.
- (2) In clause 24(1)(b), after “outside New Zealand”, insert “(other than in a QFT place)”.

**26 Clause 25 amended (Failure to meet key safety standards)**

- (1) In clause 25(1), replace “outside New Zealand” with “anywhere outside New Zealand except for a QFT place”.
- (2) After clause 25(3), insert:
- (4) In this clause, **QFT place** includes an aircraft undertaking a QFT flight.

**27 New cross-heading above clause 26 inserted**

Before clause 26, insert:

*Power for Minister to grant exemptions from this order*

**28 Clause 26 amended (Power for Minister to grant exemptions from this order)**

- (1) Replace the heading to clause 26 with “**Exemptions granted by Minister**”.
- (2) After clause 26(1), insert:
- (1A) Without limiting subclause (1), the class of persons may be identified or limited by reference to any matter, including, for example, any of the following matters:
- (a) the country, place, or airport from which they departed for New Zealand:
  - (b) the airport at which they arrive, or are scheduled to arrive, in New Zealand:
  - (c) the air 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.
- (3) After clause 26(3), insert:

- (3A) Before exempting a class of persons from clause 8(3), in relation to the arrival of those persons in New Zealand on an aircraft undertaking a QFT flight (or amending such an exemption), the Minister—
- (a) must consult the Prime Minister, the Deputy Prime Minister, the Minister of Foreign Affairs, and the Minister of Transport; and
  - (b) may consult any other Minister that the Minister thinks fit.
- (4) After clause 26(5), insert:
- (6) However, the Minister need not comply with subclause (5) before an exemption, or an amendment to an exemption, comes into force if satisfied that the exemption or amendment should come into force urgently.
- (7) In that case,—
- (a) the effect of the exemption (or, in the case of an amendment to an exemption, the effect of the amendment) must be publicly announced before it comes into force; and
  - (b) the Minister must comply with subclause (5) as soon as practicable after the exemption or amendment comes into force.

## 29 Clauses 27 and 27A replaced

Replace clauses 27 and 27A with:

### *Powers for Director-General to grant exemptions from this order*

#### **26A General provisions relating to exemptions granted by Director-General**

- (1) The Director-General may grant an exemption under this subpart (a **relevant exemption**) only if 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.
- (2) The Director-General may impose conditions on a relevant exemption as the Director-General considers necessary.
- (3) A relevant exemption for any specified person must be notified in writing to the applicant and the exempt person.
- (4) A relevant exemption for any class of persons must—
- (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
  - (b) be notified in the *Gazette*.

#### **27 Power to grant exemption to emergency workers**

- (1) For the purposes of assisting in the response to an emergency in respect of which a state of emergency is declared, the Director-General may exempt any

person or class of persons arriving in New Zealand by air from the requirement to comply with any provision of this order or the application of any provision of this order.

- (2) In addition to the matters specified in clause 26A(1), the Director-General may grant the exemption only if satisfied that, based on the advice of the National Emergency Management Agency, the person or class of persons is critical to assisting in the response to the emergency.
- (3) In this clause,—  
**emergency** includes an emergency that may occur  
**state of emergency** has the meaning given by section 4 of the Civil Defence Emergency Management Act 2002.

**27A Power to grant exemption from requirements relating to pre-departure testing**

The Director-General may exempt any person or class of persons arriving in New Zealand by air from the requirement to comply with, or the application, of clause 8(2B).

**30 Clause 27B amended (Power for Director-General to grant exemptions from clause 8A for humanitarian reasons)**

- (1) Replace the heading to clause 27B with “**Power to grant exemption from clause 8A for humanitarian reasons**”.
- (2) Revoke clause 27B(2) to (4).

**31 Schedule 1 amended**

In Schedule 1,—

- (a) insert the following Part as the last Part; and
- (b) make all necessary consequential amendments:

**Part 3**  
**Provisions relating to COVID-19 Public Health Response**  
**(Air Border, Isolation and Quarantine, and Required Testing)**  
**Amendment Order 2021**

**2 QFT flights**

- (1) Clauses 7D and 8B, as inserted by the Amendment Order, apply only in relation to a QFT flight that departs for New Zealand at or after 11.59 pm on 18 April 2021.
- (2) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021.

**32 New Schedule 2 inserted**

After Schedule 1, insert:

**Schedule 2**  
**QFT prerequisites**

cl 4

**1 What this schedule does**

This schedule sets out the QFT prerequisites applying to a person (a **relevant person**) in connection with their departure for or arrival in New Zealand on an aircraft undertaking a QFT flight.

**2 Interpretation**

In this schedule,—

**aircrew member**, for a QFT flight, means a person who—

- (a) is identified as a crew member on the crew manifest for the aircraft undertaking the flight; or
- (b) is not identified as a crew member on that manifest but is on the aircraft at the direction of an airline for which they work as a pilot, co-pilot, or flight attendant

**relevant person** has the meaning given by clause 1

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

- (a) starts at the beginning of the 14th day before the day on which the person boards the aircraft undertaking the QFT flight concerned; and
- (b) ends when the person boards the aircraft.

**3 Location during specified 14-day period**

*General*

(1) It is a QFT prerequisite that, during the specified 14-day period, the relevant person has not been in any country other than—

- (a) New Zealand; or
- (b) the QFT place that the aircraft undertaking the QFT flight concerned is departing, or has departed, from.

*Aircrew members*

(2) The QFT prerequisite specified in this clause does not apply in relation to an aircrew member for the QFT flight.

#### 4 Early end to isolation or quarantine

##### *General*

- (1) It is a QFT prerequisite that, if the relevant person ended a period of isolation or quarantine during the specified 14-day period, they did not end that period early (whether or not authorised by the law of the QFT place or of New Zealand) to enable them to depart from the QFT place or New Zealand on the QFT flight concerned or any other flight.

##### *Aircrew members*

- (2) The QFT prerequisite specified in this clause does not apply in relation to an aircrew member for the QFT flight.

#### 5 Results of test for COVID-19

- (1) It is a QFT prerequisite that the relevant person—
  - (a) has not had a positive result from a test for COVID-19 during the specified 14-day period; or
  - (b) has had a positive result from a test for COVID-19 during that period but has a certificate from a medical practitioner that verifies that the medical practitioner is of the opinion that the person is no longer infectious with COVID-19 (that is, the result is indicative of what is commonly referred to as a historical infection).
- (2) It is a QFT prerequisite that the relevant person is not awaiting the results of a test for COVID-19 that the person has undergone during the specified 14-day period.

#### 6 Direction to be tested or to isolate

- (1) It is a QFT prerequisite that the relevant person is not subject to a relevant direction in the QFT place to undergo a test for COVID-19 or to isolate from others.
- (2) In this clause,—

**official of a public health authority**, in relation to a QFT place, includes a person who is engaged by a public health authority of the QFT place

**relevant direction**, in relation to a QFT place,—

  - (a) means a direction under a law of the QFT place; and
  - (b) includes a direction or advice from a suitably qualified health practitioner, or an official of a public health authority, given in the QFT place.

#### 7 Aircrew members who have been on relevant flights

- (1) This clause applies in relation to an aircrew member who, during the specified 14-day period, has been on an aircraft undertaking a relevant flight.
- (2) It is a QFT prerequisite that the aircrew member—

- (a) has had a negative result from a test for COVID-19 administered no earlier than 72 hours after the arrival, at the destination concerned, of the aircraft that undertook the relevant flight; and
  - (b) has not been on an aircraft undertaking a flight from New Zealand to the QFT place concerned (or vice versa) since that arrival and before receiving the negative result from the test.
- (3) In this clause,—
- low-risk destination** means—
- (a) a QFT place; or
  - (b) Antarctica; or
  - (c) the Federated States of Micronesia; or
  - (d) Fiji; or
  - (e) Kiribati; or
  - (f) Marshall Islands; or
  - (g) Nauru; or
  - (h) New Caledonia; or
  - (i) Palau; or
  - (j) Samoa; or
  - (k) Solomon Islands; or
  - (l) Tokelau; or
  - (m) Tonga; or
  - (n) Tuvalu; or
  - (o) Vanuatu
- relevant flight** means—
- (a) a flight to or from a country (or other place) outside New Zealand other than a low-risk destination; or
  - (b) a flight between 2 places that are both in New Zealand where the purpose of the flight is to transfer persons to an MIQF.

## 8 Symptoms of COVID-19

It is a QFT prerequisite that—

- (a) the relevant person does not have any of the following symptoms:
  - (i) a new or worsening cough;
  - (ii) a sore throat;
  - (iii) shortness of breath;
  - (iv) a runny nose;
  - (v) loss of sense of smell;

(vi) a fever; or

- (b) a suitably qualified health practitioner is of the opinion, on the basis of the symptoms that the relevant person is experiencing, that the person should not be required to isolate or quarantine.

## 9 Contact tracing information

### *General*

- (1) The purpose of the QFT prerequisite specified in this clause is to facilitate contact tracing in relation to a relevant person.
- (2) It is a QFT prerequisite that the specified information for the relevant person has been provided (by them or on their behalf) to the Ministry of Health by way of the approved system.

### *Aircrew members*

- (3) The QFT prerequisite specified in this clause does not apply in relation to an aircrew member for the QFT flight.

### *Definitions*

- (4) In this clause,—

**approved system** means the system approved by the Director-General for the purposes of this clause

**passport**, of a person, means the passport or certificate of identity (within the meaning of section 4 of the Immigration Act 2009) intended to be used for the purposes of the person's entry to New Zealand

**specified information**, for a relevant person, means the following information:

- (a) the person's full name (as shown in their passport):
- (b) the person's date of birth:
- (c) the person's nationality (as shown in their passport):
- (d) the person's passport number:
- (e) the expiry date of the person's passport:
- (f) if the person resides in or is moving to New Zealand, a telephone number that may be used to easily contact the person or the person's guardian:
- (g) if the person is visiting New Zealand, 1 or more telephone numbers that may be used to easily contact the person or the person's guardian (whether or not directly) while the person is in New Zealand:
- (h) the email address (if any) of the person or the person's guardian:
- (i) if the person resides in or is moving to New Zealand, the person's address or intended address in New Zealand:
- (j) if the person is visiting New Zealand, all addresses at which it is intended that the person will stay while in New Zealand:

- (k) the scheduled date of arrival in New Zealand of the QFT flight concerned:
- (l) the flight number of the QFT flight concerned:
- (m) if the person is visiting New Zealand, the person's scheduled date of departure from New Zealand (if any):
- (n) the following information relating to another person (an **emergency contact**) who may be contacted in an emergency (but, if the relevant person is visiting New Zealand, only while the relevant person is in New Zealand):
  - (i) the emergency contact's full name:
  - (ii) a telephone number that may be used to contact the emergency contact:
  - (iii) the emergency contact's email address (if any):
  - (iv) the relationship of the emergency contact to the relevant person.

## Part 2

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

#### 33 Principal order

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

#### 34 Clause 15B amended (Part applies to relevant workers)

In clause 15B(3), definition of **relevant crew member**, revoke paragraph (b).

#### 35 Clause 15DB amended (Other circumstances in which Part 1 applies)

- (1) In clause 15DB(1)(a), after "outside New Zealand", insert "(other than in a QFT place)".
- (2) In clause 15DB(1)(b), after "outside New Zealand", insert "(other than in a QFT place)".
- (3) In clause 15DB(4), replace "outside New Zealand" with "anywhere outside New Zealand except for a QFT place".
- (4) After clause 15DB(4), insert:
- (5) In this clause, **QFT place** has the meaning given by the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, and includes an aircraft undertaking a QFT flight (within the meaning of that order).

#### 36 Schedule 2 amended

- (1) In Schedule 2, revoke clause 2(e).

- (2) In Schedule 2, revoke clause 3(c).

### Part 3

#### Amendments to COVID-19 Public Health Response (Required Testing) Amendment Order 2021

**37 Principal order**

This Part amends the COVID-19 Public Health Response (Required Testing) Amendment Order 2021.

**38 Clause 4 amended (Clause 4 amended (Interpretation))**

In clause 4, new definition of **affected item**, paragraph (a), replace “aircraft” with “affected aircraft”.

**39 Clause 8 amended (Schedule 2 amended)**

In clause 8(5), new item 3.14, replace “members” with “members (other than those arriving on QFT flights)”.

### Part 4

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

**40 Principal order**

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

**41 Clause 4 amended (Interpretation)**

- (1) In clause 4, replace the definition of **affected airport** with:

**affected airport**, in relation to a place, means an airport at which an affected aircraft arrives from a location outside New Zealand

- (2) In clause 4, definition of **aircrew member**,—

(a) paragraph (a)(ii), replace “flight” with “flight (other than a QFT flight)”; and

(b) paragraph (b)(ii), replace “aircraft” with “affected aircraft”; and

(c) paragraph (c), replace “passengers” with “passengers (other than QFT persons)”.

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

**affected aircraft** means an aircraft (other than an aircraft undertaking a QFT flight) that arrives from a location outside New Zealand

**QFT flight** has the meaning given by clause 4A of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

**QFT person** has the meaning given by clause 4(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

#### 42 Schedule 2 amended

- (1) In Schedule 2, item 3.1, replace “aircraft that arrives from location outside New Zealand” with “affected aircraft”.
- (2) In Schedule 2, item 3.10, replace “passengers” with “passengers (other than those arriving on QFT flights)”.

Dated at Wellington this 16th day of April 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 following orders, mainly in relation to quarantine-free travel from Australia, the Cook Islands, and Niue (**QFT places**) to New Zealand:

- the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order**):
- the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020:
- the COVID-19 Public Health Response (Required Testing) Amendment Order 2021:
- the COVID-19 Public Health Response (Required Testing) Order 2020.

It comes into force at 11.59 pm on 18 April 2021.

The COVID-19 Public Health Response (Exemption for Quarantine-free Travel) Notice 2021 is related. That notice exempts persons who arrive in New Zealand on a quarantine-free travel flight (a **QFT flight**) that has departed from an international airport in a QFT place from the requirement in the Air Border Order for isolation or quarantine on arrival. It is made by the Minister under that order and also comes into force at 11.59 pm on 18 April 2020.

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

## Part 1

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

*Part 1* amends the COVID-19 Public Health Response (Air Border) Order (No 2) 2020. In particular, it makes the following amendments in relation to QFT flights that depart from international airports in a QFT place:

- defining a QFT place as Australia, the Cook Islands, or Niue (*clause 4(1)*); and
- defining QFT flight (*clause 4(1)* and *new clause 4A*); and
- providing that an air carrier must not cause an aircraft undertaking a QFT flight to arrive in New Zealand unless certain steps have been taken to ensure that passengers and aircrew members have met the QFT prerequisites on boarding the aircraft (*new clause 7D* and *new Schedule 2*, which sets out the QFT prerequisites); and
- requiring passengers and aircrew members to wear face coverings while—
  - in New Zealand on an aircraft undertaking a QFT flight (*new clause 8B(1)*); or
  - on the airside of the airport at which the aircraft arrives in New Zealand (*new clause 8B(2)*); and
- requiring passengers and aircrew members who arrive in New Zealand on an aircraft undertaking a QFT flight to provide certain evidence, when requested, to immigration or health officials (among others), or answer questions put to them, about whether they meet the QFT prerequisites or other conditions of the exemption for quarantine-free travel (*new clause 8B(4)*); and
- providing that the new obligations of air carriers, passengers, and aircrew members described above (*new clauses 7D and 8B*) apply only in relation to QFT flights departing from a QFT place on or after this order comes into force (*clause 31*, which amends *Schedule 1*); and
- adjusting the Minister's power to grant an exemption to a class of persons as follows (*see clause 28*, which amends *clause 26*):
  - a class of persons may be identified or limited by reference to any matter, including matters of relevance to quarantine-free travel, such as the following:
    - the country, place, or airport from which they departed for New Zealand:
    - the airport at which they arrive in New Zealand:
    - the air carrier of the aircraft on which they arrive in New Zealand:
    - particulars of the flight by which they arrive (for example, its flight number and scheduled departure or arrival times):

- whether they were in certain places at certain times before departing for or arriving in New Zealand:
- before exempting a class of persons, in relation to the arrival of those persons in New Zealand on an aircraft undertaking a QFT flight, the Minister must have consulted each of the following:
  - the Prime Minister:
  - the Deputy Prime Minister:
  - the Minister of Foreign Affairs:
  - the Minister of Transport:
- if an exemption or an amendment to an exemption needs to come into force urgently, the exemption or amendment may be published on an appropriate Internet site and notified in the *Gazette* as soon as practicable after (instead of before) it comes into force, so long as its effect is publicly announced before it comes into force.

*Part 1* also makes—

- technical amendments relating to the requirement for persons arriving in New Zealand by air to undergo pre-departure testing for COVID-19; and
- consequential amendments and other amendments of a minor or machinery nature.

## Part 2

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

*Part 2* amends the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 as a consequence of the amendments made by *Part 1* to the Air Border Order relating to quarantine-free travel.

## Part 3

### Amendments to COVID-19 Public Health Response (Required Testing) Amendment Order 2021

*Part 3* amends the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 before it comes into force to ensure that the pending changes made by that order to the COVID-19 Public Health Response (Required Testing) Order 2020 take account of QFT flights.

**Part 4**  
**Amendments to COVID-19 Public Health Response (Required  
Testing) Order 2020**

*Part 4* amends the COVID-19 Public Health Response (Required Testing) Order 2020 to ensure that it takes account of QFT flights.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 16 April 2021.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment 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 (Revocations) Order 2022 (SL 2022/254): clause 3(1)(a)