

**Version
as at 20 October 2022**



**COVID-19 Public Health Response (Air Border)
Amendment Order (No 5) 2022
(SL 2022/194)**

COVID-19 Public Health Response (Air Border) Amendment Order (No 5) 2022: revoked, at 12.01 am on 20 October 2022, pursuant to clause 3 of the COVID-19 Public Health Response (Air Border) Order Revocation Order 2022 (SL 2022/275).

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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 Clause 7 amended (COVID-19 provisions apply to person if specified in COVID-19 border requirements schedule that applies to them)	2
5 New clause 10A inserted (May be authorised to isolate at MIQF)	2
10A May be authorised to isolate at MIQF	2
6 Clause 13 replaced (Must be vaccinated or excused by certificate (unless under 17 years of age))	3
13 Must be vaccinated (or be excused or exempt)	3
7 Clause 16A replaced (Must not exhibit COVID-19 symptoms (or must have certificate))	4
16A Must not exhibit COVID-19 symptoms (or must be excused or exempt)	4
8 Clause 54 amended (Carrier must check compliance with COVID-19 provisions)	5

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.

9	Schedule 1 amended	5
10	Schedule 3 amended	5
11	Schedule 4 amended	5
12	Schedule 5 amended	6
13	Schedule 6 amended	7
14	Schedule 7 amended	7
15	Schedule 8 amended	8
16	Schedule 9 revoked	8
17	Schedule 10 amended	8
18	Schedule 11 amended	8
19	Schedule 12 amended	9
20	Schedule 13 amended	9
21	Schedule 14 amended	10
	Schedule	11
	New Part 3 inserted into Schedule 1	

Order

1 Title

This order is the COVID-19 Public Health Response (Air Border) Amendment Order (No 5) 2022.

2 Commencement

This order comes into force at 11.59 pm on 20 June 2022.

3 Principal order

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

4 Clause 7 amended (COVID-19 provisions apply to person if specified in COVID-19 border requirements schedule that applies to them)

Revoke clause 7(5)(f).

5 New clause 10A inserted (May be authorised to isolate at MIQF)

After clause 10, insert:

10A May be authorised to isolate at MIQF

- (1) A person may ask the chief executive for authorisation to isolate at an MIQF after the person arrives in New Zealand.
- (2) The request may be made by someone acting on behalf of the person.
- (3) Before granting a request,—
 - (a) the chief executive must be satisfied that—

- (i) there is capacity for the person to be isolated at an MIQF:
- (ii) the person consents to be isolated at an MIQF:
- (b) the chief executive must, after taking into account the health, safety, and well-being of the person, and of the workers and other residents at the MIQF, be satisfied that the MIQF has the capability for the person to isolate at the MIQF.
- (4) If the request is granted,—
 - (a) subpart 3 of Part 3 of the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022 applies as if the authorisation under this clause were an authorisation under clause 29 of that order; but
 - (b) that order does not apply to them.

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

Replace clause 13 with:

13 Must be vaccinated (or be excused or exempt)

- (1) A person must be vaccinated before they arrive in New Zealand unless they are excused or exempt.
- (2) A person is **excused** if they have—
 - (a) 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
 - (b) if the certificate is not in English, a translation of the certificate into English.
- (3) A person is **exempt** if they—
 - (a) are aged 16 years or under:
 - (b) are a New Zealand citizen:
 - (c) hold a New Zealand residence class visa:
 - (d) hold a New Zealand residence class visa that has expired no more than 6 months before the person boards their direct flight or first connecting flight to New Zealand:
 - (e) travel 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):
 - (f) are a citizen of Australia and ordinarily resident in New Zealand:
 - (g) are a citizen of Afghanistan and arrive in New Zealand on or before 12 December 2022:
 - (h) are an arrival from Ukraine.
- (4) A breach of subclause (1) is a medium risk infringement offence for the purposes of section 26(3) of the Act, unless clause 10 is applied to the person by a COVID-19 border requirements schedule on their entry into New Zealand (which means they must enter managed isolation or quarantine under Part 1 of the Isolation and Quarantine Order).
- (5) In this clause,—
- (a) a person is **an arrival from Ukraine** if—
 - (i) they travel to New Zealand for the first time as a holder of a visa granted to them under the 2022 Special Ukraine Visa Policy; or
 - (ii) they are, or have been, ordinarily resident in Ukraine at any point on, or after, 1 January 2022; but
 - (b) a person is not **an arrival from Ukraine** if they travel to New Zealand as the holder of a work visa or visitor visa granted to them for the purpose of becoming a member of the crew of a fishing vessel in New Zealand waters.

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

Replace clause 16A with:

- 16A Must not exhibit COVID-19 symptoms (or must be excused or exempt)**
- (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 those symptoms, they must be excused or exempt.
 - (2) A person is **excused** if they have a certificate to verify that a qualified person has—
 - (a) examined the person within the period of 48 hours before the person boards the flight; and
 - (b) determined that the symptoms are likely to be caused by something other than COVID-19.
 - (3) A person is **exempt** if—
 - (a) they have undergone a COVID-19 test within the period specified in the Director-General notice; and

- (b) they have—
- (i) a negative result from that COVID-19 test; or
 - (ii) 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.
- (4) In this clause, **qualified person** means a health practitioner, an overseas-qualified medical practitioner, a health protection officer, or a medical officer of health.

8 Clause 54 amended (Carrier must check compliance with COVID-19 provisions)

Replace clause 54(3)(b) with:

- (b) the details about each person on board that are specified by a Director-General notice.

9 Schedule 1 amended

In Schedule 1,—

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

10 Schedule 3 amended

In Schedule 3, revoke the items relating to persons with permission to arrive for humanitarian reasons, refugees and related persons, citizens of Afghanistan, and arrivals from Ukraine.

11 Schedule 4 amended

- (1) In Schedule 4, Part 1, revoke clause 1(2).
- (2) In Schedule 4, Part 2, revoke the item relating to clause 12.
- (3) In Schedule 4, Part 2, replace the item relating to clause 13 with:

cl 13	Must be vaccinated (or be excused or exempt)	(1)	Clause 13(2) does not apply to the person (option of being excused by certificate).
		(2)	Clause 13(3)(b), (c), (d), and (f) does not apply to the person (exemption if the person is a New Zealand citizen, a New Zealand residence class visa holder, or an Australian citizen who is ordinarily resident in New Zealand).

- (4) In Schedule 4, Part 2, revoke the item relating to clause 14.
- (5) In Schedule 4, Part 2, item relating to clause 16A, replace the item in the second column with:

Must not exhibit COVID-19 symptoms (or must be excused or exempt)

- (6) In Schedule 4, Part 2, revoke the item relating to clause 23.
- (7) In Schedule 4, Part 2, item relating to clause 28, third column, insert:
- Clause 28(1)(b) and (c) does not apply to the person
- (8) In Schedule 4, Part 2, revoke the item relating to clause 36.

12 Schedule 5 amended

- (1) In Schedule 5, Part 1, replace clause 2 with:

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

Part 2 of this schedule specifies the COVID-19 provisions that apply to an overseas-based aircrew member to whom this schedule applies.

- (2) In Schedule 5, Part 1, revoke clause 3.
- (3) In Schedule 5, replace the Part 2 heading with:

Part 2 All overseas-based aircrew members

- (4) In Schedule 5, Part 2, item relating to clause 8, revoke the item in the third column.
- (5) In Schedule 5, Part 2, after the item relating to clause 8, insert:
- cl 10A May be authorised to isolate at MIQF
- (6) In Schedule 5, Part 2, revoke the item relating to clause 12.
- (7) In Schedule 5, Part 2, replace the item relating to clause 13 with:
- | | | | |
|-------|--|-----|--|
| cl 13 | Must be vaccinated (or be excused or exempt) | (1) | Clause 13(2) does not apply to the person (option of being excused by certificate). |
| | | (2) | Clause 13(3)(b), (c), (d), and (f) does not apply to the person (exemption if the person is a New Zealand citizen, a New Zealand residence class visa holder, or an Australian citizen who is ordinarily resident in New Zealand). |
- (8) In Schedule 5, Part 2, revoke the items relating to clauses 14 and 15.
- (9) In Schedule 5, Part 2, item relating to clause 16A, replace the item in the second column with:
- Must not exhibit COVID-19 symptoms (or must be excused or exempt)
- (10) In Schedule 5, Part 2, revoke the item relating to clause 23.
- (11) In Schedule 5, Part 2, before the item relating to clause 28, insert:

cl 24	Must provide, at certain times, information necessary to support public health response to COVID-19	Clause 24 does not 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.
-------	---	--

- (12) In Schedule 5, Part 2, item relating to clause 28, third column, insert:

Clause 28(1)(b) and (c) does not apply to the person

- (13) In Schedule 5, Part 2, revoke the item relating to clause 36.
(14) In Schedule 5, revoke Part 3.

13 Schedule 6 amended

- (1) In Schedule 6, Part 2, revoke the items relating to clauses 12 and 13.
(2) In Schedule 6, Part 2, item relating to clause 16A, replace the item in the second column with:
Must not exhibit COVID-19 symptoms (or must be excused or exempt)
(3) In Schedule 6, Part 2, revoke the item relating to clause 23.

14 Schedule 7 amended

- (1) In Schedule 7, Part 1, revoke clauses 2 and 3.
(2) In Schedule 7, Part 1, clause 5, replace “if none of clauses 2 to 4 apply to them” with “if clause 4 does not apply to them”.
(3) In Schedule 7, revoke Parts 2 and 3.
(4) In Schedule 7, replace the Part 4 heading with:

Part 4
Relevant workers who have been in group 3 country

- (5) In Schedule 7, replace the Part 5 heading with:

Part 5
Other relevant workers

- (6) In Schedule 7, Part 5, replace the item relating to clause 13 with:
cl 13 Must be vaccinated (or be excused or exempt)
(7) In Schedule 7, Part 5, revoke the item relating to clause 14.
(8) In Schedule 7, Part 5, item relating to clause 16A, replace the item in the second column with:
Must not exhibit COVID-19 symptoms (or must be excused or exempt)
(9) In Schedule 7, Part 5, item relating to clause 28, third column, insert:
Clause 28(1)(b) and (c) does not apply to the person
(10) In Schedule 7, Part 5, revoke the item relating to clause 36.

15 Schedule 8 amended

- (1) In Schedule 8, Part 2, revoke the item relating to clause 16.
- (2) In Schedule 8, Part 2, item relating to clause 16A, replace the item in the second column with:
Must not exhibit COVID-19 symptoms (or must be excused or exempt)
- (3) In Schedule 8, Part 2, revoke the item relating to clause 27.
- (4) In Schedule 8, Part 2, item relating to clause 28, third column, insert:
Clause 28(1)(b) and (c) does not apply to the person
- (5) In Schedule 8, Part 2, revoke the item relating to clause 36.

16 Schedule 9 revoked

Revoke Schedule 9.

17 Schedule 10 amended

- (1) In Schedule 10, Part 2, item relating to clause 28, third column, insert:
Clause 28(1)(b) and (c) does not apply to the person
- (2) In Schedule 10, Part 2, revoke the item relating to clause 36.

18 Schedule 11 amended

- (1) In Schedule 11, Part 1, revoke clause 1(d)(vi).
- (2) In Schedule 11, Part 1, replace clause 2 with:

2 Part 2 of this schedule applies to all arrivals

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

- (3) In Schedule 11, Part 1, revoke clause 3.
- (4) In Schedule 11, replace the Part 2 heading with:

Part 2
All arrivals (A)

- (5) In Schedule 11, Part 2, item relating to clause 8, revoke the item in the third column.
- (6) In Schedule 11, Part 2, after the item relating to clause 8, insert:
cl 10A May be authorised to isolate at MIQF
- (7) In Schedule 11, Part 2, after the item relating to clause 12, insert:
cl 13 Must be vaccinated (or be excused or exempt)
- (8) In Schedule 11, Part 2, revoke the item relating to clause 16.

- (9) In Schedule 11, Part 2, item relating to clause 16A, replace the item in the second column with:

Must not exhibit COVID-19 symptoms (or must be excused or exempt)

- (10) In Schedule 11, Part 2, item relating to clause 28, third column, insert:

Clause 28(1)(b) and (c) does not apply to the person

- (11) In Schedule 11, Part 2, revoke the item relating to clause 36.

- (12) In Schedule 11, revoke Part 3.

19 Schedule 12 amended

- (1) In Schedule 12, Part 1, revoke clause 1(1)(c)(vi).

- (2) In Schedule 12, Part 1, replace clause 2 with:

2 Part 2 of this schedule applies to all arrivals

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

- (3) In Schedule 12, Part 1, revoke clause 3.

- (4) In Schedule 12, replace the Part 2 heading with:

Part 2 All arrivals (B)

- (5) In Schedule 12, Part 2, replace the item relating to clause 8 with:

cl 9	Must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place	The person must self-isolate in accordance with Part 1D of the Isolation and Quarantine Order.
------	--	--

- (6) In Schedule 12, Part 2, replace the item relating to clause 13 with:

cl 13	Must be vaccinated (or be excused or exempt)
-------	--

- (7) In Schedule 12, Part 2, revoke the items relating to clauses 14, 15, and 16.

- (8) In Schedule 12, Part 2, item relating to clause 16A, replace the item in the second column with:

Must not exhibit COVID-19 symptoms (or must be excused or exempt)

- (9) In Schedule 12, revoke Part 3.

20 Schedule 13 amended

- (1) In Schedule 13, Part 1, revoke clause 1(1)(c)(vi).

- (2) In Schedule 13, Part 2, revoke the items relating to clauses 14, 15, and 16.

- (3) In Schedule 13, Part 2, item relating to clause 16A, replace the item in the second column with:

Must not exhibit COVID-19 symptoms (or must be excused or exempt)

21 Schedule 14 amended

- (1) In Schedule 14, Part 1, replace clause 2 with:

2 Part 2 of this schedule applies to all arrivals

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

- (2) In Schedule 14, Part 1, revoke clause 3.
(3) In Schedule 14, replace the Part 2 heading with:

**Part 2
All arrivals (Z)**

- (4) In Schedule 14, Part 2, item relating to clause 8, item in the third column, revoke paragraph (2).
(5) In Schedule 14, Part 2, after the item relating to clause 8, insert:
cl 10A May be authorised to isolate at MIQF
(6) In Schedule 14, Part 2, replace the item relating to clause 13 with:
cl 13 Must be vaccinated (or be excused or exempt)
(7) In Schedule 14, Part 2, revoke the items relating to clauses 14, 15, and 16.
(8) In Schedule 14, Part 2, item relating to clause 16A, replace the item in the second column with:
Must not exhibit COVID-19 symptoms (or must be excused or exempt)
(9) In Schedule 14, Part 2, item relating to clause 28, third column, insert:
Clause 28(1)(b) and (c) does not apply to the person
(10) In Schedule 14, Part 2, revoke the item relating to clause 36.
(11) In Schedule 14, revoke Part 3.

Schedule
New Part 3 inserted into Schedule 1

cl 9

Part 3
Provisions relating to COVID-19 Public Health Response (Air Border) Amendment Order (No 5) 2022

- 4 Order as amended does not apply to persons or flights that depart before relevant amendments commence**
- (1) This clause applies to a person if they arrive in New Zealand at or after 11.59 pm on 20 June 2022—
- (a) on a direct flight, if it departed for New Zealand before that time; or
 - (b) on a multi-leg journey to New Zealand, if the first flight of the journey departed before that time.
- (2) This order, as in force immediately before the commencement of the amendment order, continues to apply to the person.
- (3) In this clause,—
- amendment order** means the COVID-19 Public Health Response (Air Border) Amendment Order (No 5) 2022
- multi-leg journey**, in relation to a person, means the 2 or more flights that—
- (a) carry the person to New Zealand from another country; and
 - (b) are each ticketed with a specified departure and arrival place, date, and time for each flight; and
 - (c) are not separated by more than 72 hours (as measured from the arrival time of a flight and the departure time of the next flight in the journey).

Dated at Wellington this 16th day of June 2022.

Hon Dr Ayesha Verrall,
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 (Air Border) Order 2021 (the **principal order**). It comes into force at 11.59 pm on 20 June 2022.

Pre-departure testing

Schedules 3, 4, 5, 7, 12, 13, and 14 of the principal order are amended to remove the pre-departure testing requirement for all travellers.

Vaccination requirements

Clause 13 of the principal order is amended to expand the categories of people who are exempt from the requirement to be vaccinated before arriving in New Zealand. In addition to the groups of people already exempt from the requirement to be vaccinated, the following categories of people are now also exempt:

- a person who is the holder of a New Zealand residence class visa that has expired no more than 6 months before the person boards their flight to New Zealand; and
- a person who is a citizen of Australia and who is ordinarily resident in New Zealand.

Exhibiting symptoms of COVID-19

Previously, a person who exhibited any symptoms of COVID-19 was not allowed to board their flight to New Zealand unless they had a certificate from a qualified person verifying that the symptoms were likely to be caused by something other than COVID-19. As replaced, *new clause 16A* provides for a person who travels to New Zealand and who exhibits any symptoms of COVID-19 to arrive in New Zealand if they have a certificate from a qualified person or a negative COVID-19 test result.

Voluntary stay at MIQF

The principal order is amended to insert *new clause 10A* and amend *Schedules 5, 11, and 14* to provide for people to whom those schedules apply to ask the chief executive of the Ministry of Business, Innovation, and Employment for authorisation to isolate at a managed isolation and quarantine facility after they arrive in New Zealand.

Carrier must check compliance with COVID-19 provisions

Clause 54 is amended to provide for the information that carriers must provide to Customs to be specified by Director-General notice rather than being specified in the principal order.

Other miscellaneous amendments

The principal order is also amended to—

- remove the physical distancing requirement for travellers from group 1 countries:
- remove the face covering requirement for travellers from group 1 countries at the port of arrival:
- remove the prerequisite for New Zealand-based aircrew to visit no more than 2 ports while outside New Zealand:
- remove the requirement for aircrew to complete a traveller declaration:
- remove the vaccination requirement and New Zealand traveller declaration requirement for all transit passengers:
- remove the requirement for travellers to wait on the results of a COVID-19 test before boarding their direct flight or first connecting flight to New Zealand:
- remove the requirement that arrivals from Antarctica must be considered at negligible risk of having been exposed to COVID-19:
- provide for shipping crew members arriving in New Zealand by air to join a ship to be treated the same as general travellers:
- reinstate the pathway for travellers who have been in a group 2 country to self-isolate should countries be added to group 2 in the future.

Schedule 1 of the principal order is amended to provide transitional provisions so that a person remains subject to the requirements of the principal order, as in force immediately before the commencement of this order, if—

- the person arrives in New Zealand at or after 11.59 pm on 20 June 2022; and
- they are on a direct flight, if it departed for New Zealand before that time, or on a multi-leg journey to New Zealand, if the first flight of the journey departed before that time.

Approval by resolution required

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

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Amendment Order (No 5) 2022 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 Revocation Order 2022 (SL 2022/275): clause 3