

Version  
as at 2 May 2022



**COVID-19 Public Health Response (Maritime Border)  
Order (No 2) 2020**  
(LI 2020/240)

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

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

**This order is administered by the Ministry of Health.**

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**Order**

**1 Title**

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

**2 Commencement**

This order comes into force at 11.59 pm on 6 September 2020.

## Part 1

### Preliminary provisions

#### 3 Purpose

The purpose of this order is to prevent, and limit the risk of, an outbreak, or the spread, of COVID-19 by—

- (a) restricting which ships may arrive in New Zealand; and
- (b) requiring people who arrive in New Zealand by sea to undergo testing for COVID-19; and
- (c) enabling the safe transfer of crew.

Compare: LI 2020/134 cl 3

Clause 3(b): replaced, at 11.59 pm on 2 May 2022, by clause 4 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

#### 4 Interpretation

- (1) In this order, unless the context otherwise requires,—

**Act** means the COVID-19 Public Health Response Act 2020

**arrive in New Zealand**,—

- (a) in relation to a person, means to enter into New Zealand from a point outside New Zealand by any means, whether lawfully or unlawfully; and
- (b) in relation to a ship, means to arrive in New Zealand from a point outside New Zealand,—
  - (i) whether lawfully or unlawfully; and
  - (ii) whether or not the ship does any of the following:
    - (A) lands, berths, moors, anchors, or stops at any place within New Zealand;
    - (B) hovers above any place within New Zealand;
    - (C) otherwise arrives at any place within New Zealand

**cargo ship** means a ship that is a commercial craft and that is carrying primarily cargo into or out of New Zealand

**compulsory testing** has the meaning given to it by clause 16(1)

**crew**—

- (a) means the persons employed or engaged in any capacity on board a ship; and
- (b) includes—
  - (i) a master; and
  - (ii) a person who is temporarily working on a ship; but
- (c) does not include a pilot

**exclusive economic zone**, in relation to New Zealand, has the same meaning as in section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

**fishing ship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**foreign ship** has the same meaning as in clause 1(1) of Schedule 5A of the Customs and Excise Act 2018

**foreign State ship** means—

- (a) a warship of any State other than New Zealand; and
- (b) a ship owned or operated by any State other than New Zealand, if the ship is being operated for non-commercial purposes

**health protection officer** has the same meaning as in section 2(1) of the Health Act 1956

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

**high seas** has the same meaning as in clause 1(1) of Schedule 5A of the Customs and Excise Act 2018

**master** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**medical officer of health** has the same meaning as in section 2(1) of the Health Act 1956

**New Zealand citizen** has the same meaning as in section 4 of the Immigration Act 2009

**New Zealand Government ship** has the same meaning as in section 2(1) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

**New Zealand ship** has the same meaning as in clause 1(1) of Schedule 5A of the Customs and Excise Act 2018

**offshore installation** has the same meaning as in section 222(1) of the Maritime Transport Act 1994

**pilot** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**port** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**ship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**territorial sea**, in relation to New Zealand, has the same meaning as in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

**United Nations Convention on the Law of the Sea** has the same meaning as Convention in section 2 of the United Nations Convention on the Law of the Sea Act 1996

**warship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994.

(2) *[Revoked]*

Compare: LI 2020/134 cl 4

Clause 4(1) **aircraft**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **compulsory testing**: inserted, at 11.59 pm on 2 May 2022, by clause 5(3) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **crew** paragraph (c): amended, at 11.59 pm on 2 May 2022, by clause 5(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **Customs officer**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **depart from New Zealand**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **exempt crew member**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **health practitioner**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **high risk infringement offence**: inserted, at 11.59 pm on 2 May 2022, by clause 5(3) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **Isolation and Quarantine order**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **isolation or quarantine**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **isolation or quarantine plan**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **last contact**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **low-risk indicators**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **new person**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **person who undertakes a necessary task**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **physical distancing**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **place of isolation or quarantine**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **regulator**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **security designated aerodrome**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(1) **specified ship**: revoked, at 11.59 pm on 2 May 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 4(2): revoked, at 11.59 pm on 2 May 2022, by clause 5(4) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

## **5 Transitional, savings, and related provisions**

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

Compare: LI 2020/134 cl 5

## **6 Application of order**

This order applies to the whole of New Zealand.

## **7 Relationship with certain requirements and immunities**

- (1) Nothing in this order limits or affects any immigration requirements under any enactment.
- (2) Nothing in this order limits or affects the immunities of a foreign State ship or its crew.

Compare: LI 2020/134 cl 7

# **Part 2 Ships arriving in New Zealand**

## *New Zealand ships and foreign ships*

## **8 New Zealand ships and New Zealand warships**

A New Zealand ship or a New Zealand warship is not permitted to arrive in New Zealand unless the master of the ship is reasonably satisfied that every person on board the ship is—

- (a) a New Zealand citizen; or

- (b) a person who may travel to and be in New Zealand under section 14(1) of the Immigration Act 2009 (which relates to visa requirements for persons other than New Zealand citizens).

Compare: LI 2020/134 cl 8

## **9 Foreign ships**

- (1) Foreign ships are not permitted to arrive in New Zealand.
- (2) Despite subclause (1), a foreign ship is permitted to exercise, in accordance with the United Nations Convention on the Law of the Sea, the right of —
  - (a) innocent passage through the territorial sea; or
  - (b) transit passage through straits used for international navigation.

Compare: LI 2020/134 cl 9

### *Exemptions*

## **10 Exemptions from clause 9**

- (1) Despite clause 9(1),—
  - (a) a foreign ship on which every person on board is a New Zealand citizen is permitted to arrive in New Zealand; and
  - (b) the foreign ships specified in subclause (2) are permitted to arrive in New Zealand if every person on board is—
    - (i) a New Zealand citizen; or
    - (ii) a person who may travel to and be in New Zealand under section 14(1) of the Immigration Act 2009 (which relates to visa requirements for persons other than New Zealand citizens).
- (2) For the purposes of subclause (1)(b), the foreign ships are—
  - (a) a cargo ship that is arriving in New Zealand for the purpose of loading or unloading cargo;
  - (b) a fishing ship that is—
    - (i) unloading its catch; or
    - (ii) reprovisioning or refuelling, or both; or
    - (iii) embarking or disembarking its crew;
  - (c) a foreign State ship that has been granted diplomatic clearance by the Ministry of Foreign Affairs and Trade;
  - (d) a ship that has been granted permission to arrive in New Zealand by the Director-General in accordance with clause 11.

Compare: LI 2020/134 cl 10



Clause 10(1)(b): amended, at 11.59 pm on 23 December 2020, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329).

Clause 10(2): amended, at 11.59 pm on 23 December 2020, by clause 5(2) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329).

Clause 10(2)(b)(iii): amended, at 11.59 pm on 2 May 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 10(2)(d): amended, at 11.59 pm on 23 December 2020, by clause 5(3) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329).

## **11 Director-General may permit ships to arrive in New Zealand despite clause 9**

- (1) The Director-General may give permission for a ship to arrive in New Zealand only if—
  - (a) all of the persons on board the ship are able to travel to New Zealand in accordance with the Immigration Act 2009; or
  - (b) the ship is seeking permission to arrive in New Zealand for the purpose of—
    - (i) reprovisioning or refuelling, or both; or
    - (ii) carrying out a refit or a refurbishment of, or a repair to, the ship that is more than minor; or
    - (iii) delivering the ship to a business; or
  - (c) there is a compelling need for the ship to arrive in New Zealand for humanitarian reasons.
- (2) If the Director-General gives permission under subclause (1), the Director-General may require any person on the ship—
  - (a) to comply with—
    - (i) *[Revoked]*
    - (ii) any directions given on arrival in New Zealand, including those—
      - (A) regarding where and when the ship may berth:
      - (B) given by a medical officer of health:
  - (b) to maintain contact with New Zealand authorities, including providing notice of the ship's proposed arrival time before it departs for New Zealand:
  - (c) to provide, in the case of refit, refurbishment, or repair work, evidence (if requested) that the work has been completed (for example, an invoice, a receipt, or a signed contract):
  - (d) to obtain any required visas under the Immigration Act 2009 before arrival in New Zealand:
  - (e) to comply with any other conditions that the Director-General considers necessary.

- (3) A permission given under subclause (1) continues to apply to a ship arriving in New Zealand if—
- (a) the ship has travelled only within New Zealand’s territorial sea or New Zealand’s exclusive economic zone since it first relied on the permission; and
  - (b) every person on board the ship is complying with all requirements under subclause (2) that were imposed when the ship obtained the permission.

Clause 11: replaced, at 11.59 pm on 23 December 2020, by clause 6 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329).

Clause 11(2)(a)(i): revoked, at 11.59 pm on 2 May 2022, by clause 7 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 11(3): inserted, at 11.59 pm on 12 December 2021, by clause 5 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

## **12 Matters relevant to Director-General giving permission under clause 11**

- (1) In determining whether to give permission under clause 11(1)(b)(ii) or (iii), the Director-General may take into account the following matters:
- (a) the urgency of the need for—
    - (i) the ship to be refitted, refurbished, or repaired:
    - (ii) the delivery of the ship to a business; and
  - (b) the monetary contribution to New Zealand’s economy of—
    - (i) the refit, refurbishment, or repair work:
    - (ii) the delivery of the ship to a business and the financial benefits arising from that delivery; and
  - (c) the risk of those on board the ship spreading COVID-19 to New Zealanders and any related health concerns; and
  - (d) the likelihood of those on board the ship adhering to any applicable requirements (for example, immigration and customs requirements); and
  - (e) the likely administrative costs (if any) required to carry out activities related to ensuring compliance with the Act and this order; and
  - (f) any other matter that the Director-General considers relevant.
- (2) In determining whether to give permission under clause 11(1)(c), the Director-General may take into account the following matters:
- (a) the right of a New Zealand citizen to enter and be in New Zealand at any time under section 13(1) of the Immigration Act 2009; and
  - (b) the welfare of the persons on board the ship; and
  - (c) the impact that not granting permission for the ship to arrive in New Zealand would have on the persons on board the ship; and
  - (d) any other matter that the Director-General considers relevant.

- (2A) Before permitting a ship to arrive in New Zealand under clause 11, the Director-General must take into account—
- (a) the public health risk of the ship arriving in New Zealand; and
  - (b) the resources available to manage that risk.
- (3) The Director-General must consult any relevant agencies before permitting a ship to arrive in New Zealand under clause 11(1), including (without limitation)—
- (a) Maritime New Zealand; and
  - (b) the Ministry of Business, Innovation, and Employment; and
  - (c) the Ministry of Transport; and
  - (d) the New Zealand Customs Service.

Compare: LI 2020/134 cl 10(2)(e), (f)

Clause 12(1): replaced, at 11.59 pm on 23 December 2020, by clause 7(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329).

Clause 12(2): amended, at 11.59 pm on 21 June 2021, by clause 5 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/158).

Clause 12(2): amended, at 11.59 pm on 23 December 2020, by clause 7(2) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329).

Clause 12(2A): inserted, at 11.59 pm on 23 December 2020, by clause 7(3) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329).

### **13 Exemption for ships in distress or other difficulties**

Clauses 8 and 9(1) do not apply to a ship if—

- (a) the master of the ship is satisfied that the ship is in distress; or
- (b) the master of the ship is satisfied that it is necessary for the ship to arrive in New Zealand in order to preserve human life; or
- (c) a medical officer of health is satisfied that a person on board the ship requires urgent medical care in New Zealand; or
- (d) the master of the ship is satisfied that the ship requires critical safety repairs.

Compare: LI 2020/134 cl 11

Clause 13 heading: amended, at 11.59 pm on 12 December 2021, by clause 6(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

Clause 13(a): replaced, at 11.59 pm on 12 December 2021, by clause 6(2) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

Clause 13(b): replaced, at 11.59 pm on 12 December 2021, by clause 6(2) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

Clause 13(c): inserted, at 11.59 pm on 12 December 2021, by clause 6(2) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

Clause 13(d): inserted, at 11.59 pm on 12 December 2021, by clause 6(2) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

*Requirement to give notice of arrival***14 Master to give notice of arrival**

- (1) This clause applies to the master of a ship that is—
  - (a) permitted to arrive in New Zealand under clause 8, 10(1), or 11(1); and
  - (b) travelling to New Zealand.
- (2) The master must give between 168 and 192 hours' notice before the ship arrives in New Zealand.
- (3) However, if it is not practicable for the master to give between 168 and 192 hours' notice of arrival, the master must instead give notice when the ship departs for New Zealand from a port or place outside New Zealand.
- (4) A notice of arrival must be completed and delivered in the manner and form specified by the Director-General under clause 15.
- (5) The master must provide an update of progress before arrival if requested by an enforcement officer.
- (6) Nothing in this clause limits or affects the need to comply with the following requirements:
  - (a) notice requirements under the Biosecurity Act 1993:
  - (b) notice requirements under the Customs and Excise Act 2018:
  - (c) any other lawful requirement to give notice of the intended arrival of a ship in New Zealand.

Clause 14(2): replaced, at 11.59 pm on 12 December 2021, by clause 7 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

Clause 14(3): replaced, at 11.59 pm on 12 December 2021, by clause 7 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

**15 Form and content of notice of arrival**

- (1) The Director-General must specify the form of a notice of arrival and the manner in which—
  - (a) the form is to be completed; and
  - (b) notice is to be given.
- (2) A notice of arrival must contain the following information:
  - (a) information about the ship, including—
    - (i) the name of the ship; and
    - (ii) its country of registration; and
    - (iii) any relevant registration number; and
  - (b) information about the ship's voyage, including—
    - (i) the intended port or other place of arrival in New Zealand; and
    - (ii) the estimated time and date of arrival in New Zealand; and

- (iii) the port or other place outside New Zealand that the ship has most recently visited; and
    - (iv) the time at which and date on which the ship departed from that port or other place; and
    - (v) whether any person boarded the ship after it departed from that port or other place, whether or not they are on board when the ship arrives in New Zealand; and
  - (c) information about the persons on board the ship, including—
    - (i) the name of the ship’s master; and
    - (ii) the numbers of crew and passengers on board the ship; and
    - (iii) the number of people wishing to disembark the ship in New Zealand; and
    - (iv) the status of each person on the ship with respect to vaccination against COVID-19, including the type of vaccine administered to the person and each date on which it was administered; and
    - (v) for each person on board the ship, the results of tests for COVID-19 returned during the period specified in the notice; and
  - (d) information about whether, to the best knowledge of the ship’s master,—
    - (i) any person on board the ship has had, in the 7 days prior to the notice being given, symptoms that suggest the presence of COVID-19; and
    - (ii) any person on board the ship is currently experiencing any symptoms that suggest the presence of COVID-19.
- (3) A notice of arrival may contain any other information that the Director-General thinks necessary for the purpose of clause 14.
- (4) The Director-General must publish the form on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government.

Clause 15(2)(b)(v): replaced, at 11.59 pm on 21 June 2021, by clause 6 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/158).

Clause 15(2)(c)(iv): inserted, at 11.59 pm on 12 December 2021, by clause 8 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

Clause 15(2)(c)(v): inserted, at 11.59 pm on 12 December 2021, by clause 8 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412).

Clause 15(2)(d)(i): amended, at 11.59 pm on 15 February 2022, by clause 7 of the COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022 (SL 2022/16).

*Requirement to ensure awareness of requirements*

Heading: inserted, at 11.59 pm on 2 May 2022, by clause 8 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**15A Master to ensure awareness of COVID-19 testing and self-isolation requirements**

- (1) This clause applies to the master of a ship that is—
  - (a) permitted to arrive in New Zealand under clause 8, 10(1), or 11(1); and
  - (b) travelling to New Zealand.
- (2) Before the ship arrives in New Zealand, the master must take all reasonable steps to ensure that every person on board the ship is aware of—
  - (a) the testing requirements under Part 3 of this order and the COVID-19 Public Health Response (Testing for COVID-19) Order 2022; and
  - (b) the self-isolation requirements under the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022.

Clause 15A: inserted, at 11.59 pm on 2 May 2022, by clause 8 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**Part 3  
Testing, self-isolation, and isolation**

Part 3: replaced, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

*Testing requirements*

Heading: replaced, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**16 Person who arrives by ship must undergo testing for COVID-19**

- (1) A person who arrives in New Zealand on board a ship must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022 (**compulsory testing**).
- (2) If the person undergoes compulsory testing on board the ship, they must report their test results to the master of the ship.

Clause 16: replaced, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**17 Master to notify COVID-19 test results**

- (1) The master of a ship must notify the medical officer of health of the result of any compulsory testing that is undertaken on board the ship.
- (2) A breach of this clause is a high risk infringement offence for the purposes of section 26(3) of the Act.

Clause 17: replaced, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**17A Requirement to remain in isolation or quarantine when new person boards ship**

*[Revoked]*

Clause 17A: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

*Transfers to MIQF*

Heading: inserted, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**18 Chief executive may authorise person to isolate in MIQF (whether or not self-isolating)**

- (1) The chief executive may, on request, authorise any person who arrives in New Zealand on board a ship to be isolated at an MIQF.
- (2) The request may be made by the person or someone acting on their behalf.
- (3) Before granting a request,—
  - (a) the chief executive must be satisfied of the following matters:
    - (i) that there is capacity for the person to be isolated at an MIQF:
    - (ii) that 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 be isolated 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) if the person does not have an existing duty to self-isolate under that order, clause 29A(1)(b) and (3) of that order does not apply to them.

Clause 18: replaced, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

*Exemptions for persons disembarking ship**[Revoked]*

Heading: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**19 Requirements for disembarking***[Revoked]*

Clause 19: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**20 Certain arrivals not required to complete period of isolation or quarantine to disembark***[Revoked]*

Clause 20: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**21 Person may disembark to undertake essential task***[Revoked]*

Clause 21: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

*Testing and medical examination**[Revoked]*

Heading: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**22 Obligation to undergo testing and medical examination***[Revoked]*

Clause 22: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**22A Testing of crew leaving ship to depart New Zealand by air***[Revoked]*

Clause 22A: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

*Isolation or quarantine in accordance with Isolation and Quarantine Order**[Revoked]*

Heading: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**23 Transfer to place of isolation or quarantine and start time***[Revoked]*

Clause 23: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).



*Ships in isolation or quarantine*

*[Revoked]*

Heading: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**24 Ships in isolation or quarantine**

*[Revoked]*

Clause 24: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**25 Obligations of persons undertaking necessary tasks**

*[Revoked]*

Clause 25: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**25A Medical officers of health may exercise powers in relation to persons undertaking necessary tasks**

*[Revoked]*

Clause 25A: revoked, at 11.59 pm on 2 May 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**Part 4**

**Exemptions for arriving and departing crew**

*[Revoked]*

Part 4: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

*Crew departing New Zealand*

*[Revoked]*

Heading: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**26 Exemption for certain crew departing New Zealand**

*[Revoked]*

Clause 26: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

*Crew arriving in New Zealand**[Revoked]*

Heading: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**27 Exempt crew members arriving in New Zealand by air***[Revoked]*

Clause 27: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**28 Other crew members who arrive in New Zealand by air***[Revoked]*

Clause 28: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**29 Requirements relating to crew members who travel to or from security designated aerodrome, ship, or place of isolation or quarantine***[Revoked]*

Clause 29: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**Part 4A****Infringement offences***[Revoked]*

Part 4A: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**29A Infringement offences***[Revoked]*

Clause 29A: revoked, at 11.59 pm on 2 May 2022, by clause 10 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**Part 5****Other exemptions and revocation***Other exemptions***30 Exemption from clauses 14 to 17**

Persons on the following ships are exempt from clauses 14 to 17:

- (a) a New Zealand Government ship:
- (b) a New Zealand warship:
- (c) a foreign State ship.

Compare: LI 2020/134 cl 15

Clause 30 heading: amended, at 11.59 pm on 2 May 2022, by clause 11(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 30: amended, at 11.59 pm on 2 May 2022, by clause 11(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

### **31 Exemption from clauses 8 to 17**

- (1) Clauses 8 to 17 do not apply to a ship during the time that it is carrying out any of the permitted shipping movements specified in subclause (2).
- (2) The permitted shipping movements are—
  - (a) arriving in New Zealand, if the ship was previously at a New Zealand port and left New Zealand only to do 1 or both of the following:
    - (i) support an offshore installation:
    - (ii) support another ship operating offshore:
  - (b) entering a New Zealand port, if the ship—
    - (i) is a fishing ship; and
    - (ii) was previously at a New Zealand port; and
    - (iii) left New Zealand to operate in 1 or more of the following:
      - (A) New Zealand’s exclusive economic zone:
      - (B) the high seas:
      - (C) the exclusive economic zone of another State:
  - (c) arriving in another New Zealand port from a port in the Chatham Islands, if the ship was previously at another New Zealand port and travelled only to the Chatham Islands port.
- (3) The movement specified in subclause (2)(a) is a permitted shipping movement only if no person on the ship has interacted with a person from another ship or place other than those that the ship is supporting.
- (4) The movement specified in subclause (2)(b) is a permitted shipping movement only if—
  - (a) no person on the ship has interacted with a person from another ship; and
  - (b) no crew member has embarked or disembarked since the ship was previously at a New Zealand port.
- (5) The permitted shipping movements specified in subclause (2) are subject to compliance with reasonable directions given by an enforcement officer for the purpose of this clause.

Compare: LI 2020/134 cl 22

Clause 31 heading: amended, at 11.59 pm on 2 May 2022, by clause 12(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Clause 31(1): replaced, at 11.59 pm on 2 May 2022, by clause 12(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

**31A Power for Minister to grant exemptions from this order**

- (1) The Minister may exempt any person or class of persons from the requirement to comply with any provision of this order or the application of any provision of this order if the Minister is 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 Minister may impose conditions on the exemption as the Minister considers necessary.
- (3) The Minister must take into account the advice of the Director-General when deciding—
  - (a) whether to grant an exemption; and
  - (b) what (if any) conditions to impose on an exemption.
- (4) An exemption for any specified person must be notified in writing to the applicant and the exempt person.
- (5) An exemption for any class of persons is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**Legislation Act 2019 requirements for secondary legislation made under this clause**

<b>Publication</b>	The maker must: <ul style="list-style-type: none"> <li>• notify it in the <i>Gazette</i></li> <li>• publish it on a publicly accessible Internet site maintained by, or on behalf of, the New Zealand Government</li> </ul>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the secondary legislation.*

Clause 31A: inserted, at 11.59 pm on 4 March 2021, by clause 4 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2021 (LI 2021/32).

Clause 31A(5): replaced, on 28 October 2021, by regulation 114 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

**32 Revocation**

The COVID-19 Public Health Response (Maritime Border) Order 2020 (LI 2020/134) is revoked.

Compare: LI 2020/134 cl 23

## **Schedule 1**

### **Transitional, savings, and related provisions**

cl 5

#### **Part 1**

##### **Provisions relating to this order as made**

##### **1 Effect of existing isolation or quarantine requirements**

- (1) Any ship or person subject to a specified period of isolation or quarantine under the COVID-19 Public Health Response (Maritime Border) Order 2020 immediately before the commencement of this order must comply with the corresponding requirement in this order, and time spent in isolation or quarantine during that period counts for the purpose of this order.
- (2) Every permission granted by the Director-General under clause 10(2)(e) or (f) of the COVID-19 Public Health Response (Maritime Border) Order 2020 continues to have effect as if granted under clause 11(1) of this order.

#### **Part 2**

##### **Provision relating to COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022**

Schedule 1 Part 2: inserted, at 11.59 pm on 15 February 2022, by clause 12(a) of the COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022 (SL 2022/16).

##### **2 Allowing for coordinated, orderly, and proportionate departure from isolation**

- (1) A medical officer of health or a health protection officer may, for the purpose of preventing, and limiting the risk of, the outbreak or spread of COVID-19, require a person who is in isolation on a ship immediately before 11.59 pm on 15 February 2022 to remain in isolation on the ship after their period of isolation and quarantine would otherwise end under clause 17 of this order, for as long as is reasonably necessary to enable a co-ordinated, orderly, and proportionate departure from isolation on that ship.
- (2) This clause ceases to apply at 11.59 pm on 18 February 2022.

Schedule 1 clause 2: inserted, at 11.59 pm on 15 February 2022, by clause 12(a) of the COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022 (SL 2022/16).

### Part 3

## Provisions relating to COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022

Part 3: inserted, at 11.59 pm on 2 May 2022, by clause 13(a) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

### 3 Interpretation

In this Part,—

**amendment order** means the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022

**old clause** means any clause of this order as in force immediately before it is revoked by the amendment order.

Schedule 1 clause 3: inserted, at 11.59 pm on 2 May 2022, by clause 13(a) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

### 4 Requirement to isolate or quarantine ceases to apply to certain people at 11.59 pm on 2 May 2022

- (1) This clause applies to a person if—
  - (a) the person is, immediately before 11.59 pm on 2 May 2022, subject to a requirement to isolate or quarantine in accordance with an old clause (the **requirement**); but
  - (b) the requirement would not have applied to the person if they had arrived in New Zealand at or immediately after that time.
- (2) The requirement ceases to apply to the person at 11.59 pm on 2 May 2022.
- (3) However, the person may request to continue to be isolated in an MIQF under clause 18.

Schedule 1 clause 4: inserted, at 11.59 pm on 2 May 2022, by clause 13(a) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

### 5 Recognition of pre-commencement actions and processes in relation to authorisation to stay in MIQF

Any action or process undertaken before the commencement of the amendment order by the chief executive or any other person may be taken into account by the chief executive in authorising a person to continue to be isolated in an MIQF on or after commencement if the action or process substantially complies with clause 18.

Schedule 1 clause 5: inserted, at 11.59 pm on 2 May 2022, by clause 13(a) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

Dated at Wellington this 4th day of September 2020.

Hon Chris Hipkins,  
Minister of Health.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 4 September 2020.

## Notes

### 1 *General*

This is a consolidation of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 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 (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125): Part 1

COVID-19 Public Health Response (Isolation and Quarantine and Maritime Border) Amendment Order 2022 (SL 2022/16): Part 2

COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 3) 2021 (SL 2021/412)

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulation 114

COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/158)

COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2021 (LI 2021/32)

COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order 2020 (LI 2020/329)