

**Version
as at 12 September 2022**



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

COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020: revoked, at 11.59 pm on 12 September 2022, by clause 3(1)(b) of the COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254).

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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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.

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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 support a public health response to COVID-19 that furthers the purpose of the Act by imposing requirements in relation to persons who arrive in New Zealand by sea.

Clause 3: replaced, at 11.59 pm on 31 July 2022, by clause 4 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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

category 1 ship has the meaning given to it by clause 9(1)

category 2 ship has the meaning given to it by clause 9(2)

compulsory COVID-19 testing has the meaning given to it by clause 10(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

cruise line means a person who is carrying on an international cruise business

cruise ship means a ship operated by a cruise line for an international cruise as part of its international cruise business

Director-General notice means a notice made under clause 31C

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 practitioner has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

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

international cruise business means a business that involves operating ships, boats, or other vessels for international cruises, if the places on the cruises are purchased by or for members of the public on the basis of schedules or itineraries that are publicly available or are made available to members of the public on request

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

medical practitioner means a health practitioner who—

- (a) is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine; and
- (b) holds a current practising certificate

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

overseas-qualified medical practitioner means a person who is registered or licensed, in a country other than New Zealand, as a health professional equivalent to a medical practitioner

passenger means a person carried on a ship during a voyage who is not crew or a pilot

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

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) **cargo ship**: revoked, at 11.59 pm on 31 July 2022, by clause 5(3)(a) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 4(1) **category 1 ship**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 4(1) **category 2 ship**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 4(1) **compulsory COVID-19 testing**: inserted, at 11.59 pm on 31 July 2022, by clause 5(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 4(1) **compulsory testing**: revoked, at 11.59 pm on 31 July 2022, by clause 5(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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) **cruise line**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 4(1) **cruise ship**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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) **Director-General notice**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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) **health protection officer**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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) **international cruise business**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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) **medical practitioner**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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) **overseas-qualified medical practitioner**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 4(1) **passenger**: inserted, at 11.59 pm on 31 July 2022, by clause 5(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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(1) **territorial sea**: revoked, at 11.59 pm on 31 July 2022, by clause 5(3)(b) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 4(1) **United Nations Convention on the Law of the Sea**: revoked, at 11.59 pm on 31 July 2022, by clause 5(3)(c) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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

[Revoked]

Heading: revoked, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

8 Overview of Part 2

- (1) This Part sets out requirements that apply to persons who arrive in New Zealand on board a ship.
- (2) Generally, and as a guide only,—
 - (a) subpart 1 is about compulsory COVID-19 testing for arrivals on category 1 ships; and
 - (b) subpart 2 is about required vaccination for arrivals on category 2 ships; and
 - (c) subpart 3 sets out requirements for the master of any ship.

Clause 8: replaced, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

9 Meaning of category 1 ship and category 2 ship

- (1) Every ship that is not a category 2 ship is a **category 1 ship**.
- (2) The following are **category 2 ships**:
 - (a) a cruise ship:

- (b) any other ship that is operated primarily for the transportation or pleasure of the person or people on board (whether or not there are paid or unpaid crew who support them on board).

Clause 9: replaced, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Subpart 1—Requirements relating to testing (category 1 ships)

Subpart 1 heading: inserted, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Exemptions

[Revoked]

Heading: revoked, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

10 Arrivals on category 1 ships must undergo testing for COVID-19

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

Clause 10: replaced, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

11 Masters of category 1 ships must notify COVID-19 testing results

- (1) The master of a category 1 ship must notify a medical officer of health of the result of any compulsory COVID-19 testing a person undergoes 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 11: replaced, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Subpart 2—Requirements relating to vaccination (category 2 ships)

Subpart 2 heading: inserted, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

12 Arrivals on category 2 ships must be vaccinated (or be excused or exempt)

- (1) A person must be vaccinated before they arrive in New Zealand on board a category 2 ship, 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 residence class visa (as defined in section 4 of the Immigration Act 2009):
 - (d) held a residence class visa that expired no more than 6 months before the person boarded the ship:
 - (e) are a citizen of Australia and ordinarily resident in New Zealand:
 - (f) are a citizen of Afghanistan and arrive in New Zealand on or before 12 December 2022:
 - (g) are an arrival from Ukraine.
- (4) A breach of this subclause (1) is a medium risk infringement offence for the purposes of section 26(3) of the Act.
- (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 (as defined in section 4 of the Immigration Act 2009) 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 temporary visa (within the meaning of the Immigration Act 2009) granted to them for the purpose of becoming a member of the crew of a fishing vessel in New Zealand waters.

Clause 12: replaced, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

13 Evidence of being vaccinated

- (1) When a category 2 ship arrives in New Zealand,—
- (a) the master must, on request, produce satisfactory evidence that every person on board has complied with clause 12; and
 - (b) each person on board must, on request, produce satisfactory evidence that they have complied with clause 12.

- (2) A request for evidence may be made only by a health protection officer or an enforcement officer.
- (3) A breach of subclause (1) is a low risk infringement offence for the purposes of section 26(3) of the Act.
- (4) For the purpose of this clause, evidence is **satisfactory** if it is produced in the form that is specified by a Director-General notice and confirms the details that are specified by a Director-General notice.
- (5) *See* section 34B of the Act (protection of evidence collected or obtained for purpose of determining whether person is vaccinated or has complied with Act or COVID-19 order).

Clause 13: replaced, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

13A Master must have systems and processes in place

The master of a category 2 ship that is travelling to New Zealand must have systems and processes in place to enable the master to check whether persons on board have complied with clause 12.

Clause 13A: inserted, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Subpart 3—Other requirements (all ships)

Subpart 3 heading: inserted, on 31 July 2022, by clause 6 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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 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 a Director-General notice 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(1): replaced, at 11.59 pm on 31 July 2022, by clause 7(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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).

Clause 14(4): amended, at 11.59 pm on 31 July 2022, by clause 7(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

15 Form and content of notice of arrival

A Director-General notice may specify—

- (a) the information to be included and the matters to be confirmed in a notice of arrival; and
- (b) the form of a notice of arrival and the manner in which—
- (i) the form is to be completed; and
 - (ii) the notice is to be given.

Clause 15: replaced, at 11.59 pm on 31 July 2022, by clause 8 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Requirement for master 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).

Heading: amended, at 11.59 pm on 31 July 2022, by clause 9 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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

- (1) This clause applies to the master of a ship that is 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 in this order (*see* subpart 1 of this Part) and the COVID-19 Public Health Response (Testing for COVID-19) Order 2022; and
 - (ab) the vaccination requirements under subpart 2 of this Part; 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).

Clause 15A heading: amended, at 11.59 pm on 31 July 2022, by clause 10(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 15A(1): replaced, at 11.59 pm on 31 July 2022, by clause 10(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 15A(2)(a): amended, at 11.59 pm on 31 July 2022, by clause 10(3) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 15A(2)(ab): inserted, at 11.59 pm on 31 July 2022, by clause 10(4) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Part 3

Transfers to MIQFs

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).

Part 3 heading: replaced, at 11.59 pm on 31 July 2022, by clause 11 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Testing requirements

[Revoked]

Heading: revoked, at 11.59 pm on 31 July 2022, by clause 12 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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

[Revoked]

Clause 16: revoked, at 11.59 pm on 31 July 2022, by clause 12 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

17 Master to notify COVID-19 test results

[Revoked]

Clause 17: revoked, at 11.59 pm on 31 July 2022, by clause 12 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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

[Revoked]

Heading: revoked, on 31 July 2022, by clause 13 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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 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)(i) 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).

Clause 18(4)(b): amended, on 31 July 2022, by clause 14 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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
Exemptions, powers, and revocation**

Part 5 heading: amended, on 31 July 2022, by clause 15 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Exemptions

Heading: replaced, on 31 July 2022, by clause 16 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

30 Exemption from Part 2

Persons on the following ships are exempt from Part 2:

- (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, on 31 July 2022, by clause 17(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Clause 30: amended, on 31 July 2022, by clause 17(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

31 Exemption from Part 2

- (1) Part 2 does 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, on 31 July 2022, by clause 18(1) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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).

Clause 31(1): amended, on 31 July 2022, by clause 18(2) of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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

Publication	The maker must: <ul style="list-style-type: none"> • notify it in the <i>Gazette</i> • publish it on a publicly accessible Internet site maintained by, or on behalf of, the New Zealand Government 	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	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)
Disallowance	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).

31B Director-General may grant exemptions

- (1) The Director-General may, by notice,—
- (a) exempt a person or class of person from clause 12 (arrivals on category 2 ships must be vaccinated (or be excused or exempt));
- (b) exempt those on board a ship or a class of ship from any of the requirements in Part 2, but only for the purpose of—
- (i) facilitating a medical transfer to New Zealand; or
- (ii) assisting with the response to a ship in distress.
- (2) The Director-General must not grant an exemption under this clause unless they are satisfied that—
- (a) the exemption is necessary or desirable in order to promote the purpose of the Act or the purpose 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.

- (3) The Director-General may impose conditions on the exemption as they consider necessary.
- (4) An exemption granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons or ships.
- (5) An exemption granted under this clause for 1 or more named persons or ships (an **individual exemption**) must be notified in writing to—
 - (a) the applicant; and
 - (b) each named person; and
 - (c) the master of each named ship.
- (6) An exemption, or an amendment to an exemption, may come into force before it is published (for secondary legislation) or notified (for individual exemptions) if the Director-General is satisfied that the exemption or amendment should come into force urgently.
- (7) In that case,—
 - (a) the effect of the exemption (or amendment) must be publicly announced before it comes into force; and
 - (b) the exemption or amendment must be published under the Legislation Act 2019 (for secondary legislation) or notified by the maker (for individual exemptions) as soon as practicable after it comes into force.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Clause 31B: inserted, on 31 July 2022, by clause 19 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Director-General notices

Heading: inserted, on 31 July 2022, by clause 19 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

31C Director-General may specify matters by notice

- (1) The Director-General may, by notice, specify anything that this order says may or must be specified by notice.
- (2) A notice made under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons, places, or things.

- (3) A notice made under this clause for 1 or more named persons (an **individual notice**) must be notified in writing to the applicant and any named person or persons.
- (4) A notice, or an amendment to a notice, must be published (for secondary legislation) or notified (for individual notices) as soon as practicable after it is made.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Clause 31C: inserted, on 31 July 2022, by clause 19 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

Revocation

Heading: inserted, on 31 July 2022, by clause 19 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213).

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 (Revocations) Order 2022 (SL 2022/254): clause 3(1)(b)

COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022 (SL 2022/213): Part 1

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 2021 (LI 2021/32)