

**Reprint
as at 20 September 2020**



**COVID-19 Public Health Response (Isolation and
Quarantine) Order 2020**

(LI 2020/241)

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

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Health.

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Transitional, savings, and related provisions**Order****1 Title**

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

2 Commencement

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

3 Purpose

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

- (a) setting out the requirements for people who must be isolated or quarantined in accordance with this order (for example, on arrival in New Zealand), including risk-based provision for when isolation or quarantine ends; and
- (b) restricting entry to any managed isolation or quarantine facility (**MIQF**) to persons who are approved, authorised, or required to enter.

4 Interpretation

In this order, unless the context otherwise requires,—

fellow resident, of any person, means another person who is isolated or quarantined in the same room as them at their place of isolation or quarantine

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

health protection officer has the meaning given by section 2(1) of the Health Act 1956

high-risk MIQF means an MIQF designated by the chief executive of MBIE, after consulting and considering the advice of the Director-General, for the purposes of isolating or quarantining people in a way appropriate for people with a high risk of transmitting COVID-19

low-risk indicators, for a person, means that—

- (a) the person—
 - (i) has undergone the medical examination and testing required to assess whether they have COVID-19, with a negative result; or
 - (ii) has been determined by a medical officer of health or health protection officer to have particular physical or other needs that make it inappropriate for them to undergo that medical examination and testing; and
- (b) other medical tests or information relating to the person (if any) indicate that the person is at low risk of having or transmitting COVID-19

low-risk MIQF means an MIQF designated by the chief executive of MBIE, after consulting and considering the advice of the Director-General, for the purposes of isolating or quarantining people in a way appropriate for people with a low risk of transmitting COVID-19

medical examination and testing means examination or testing that involves only 1 or more of the following:

- (a) taking temperatures;
- (b) seeking and obtaining information about symptoms;
- (c) carrying out chest auscultation;
- (d) taking nose swabs or mouth swabs (or both)

MIQF means a managed isolation or quarantine facility as defined by section 5(1) of the COVID-19 Public Health Response Act 2020

period of isolation or quarantine, for a person, has the meaning given by clause 10 and, if applicable, clauses 11 and 15(2)(c)

physical distancing, from other persons, means remaining at least 2 metres away from them

place of isolation or quarantine, for a person, has the meaning given by clause 12

relevant person has the meaning given by clause 7

site manager, for an MIQF, means a person appointed as a site manager or deputy site manager under clause 16.

5 Transitional, savings, and related provisions

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

6 Application of order

This order applies to the whole of New Zealand.

Part 1

Requirements for isolation and quarantine

7 Part applies to relevant persons

This Part applies to a person who is required by or under a COVID-19 order or another enactment to be isolated or quarantined in accordance with this order (a **relevant person**).

8 Requirements for isolation or quarantine

- (1) A relevant person must be isolated or quarantined as required by this clause throughout their period of isolation or quarantine.
- (2) They must remain in their room at their place of isolation or quarantine, except as permitted by clause 13 or 14.
- (3) They must maintain physical distancing (to the greatest extent practicable) from every person in or outside their place of isolation or quarantine,—
 - (a) including others isolated or quarantined at the same place; but
 - (b) not including their fellow residents (if any).
- (4) They must wear personal protective equipment as directed by a medical officer of health or a health protection officer.

9 Medical examination and testing requirements in isolation or quarantine

A relevant person must report for, and undergo, medical examination and testing for COVID-19 at any time throughout their period of isolation or quarantine, as directed by a medical officer of health or a health protection officer.

10 Period of isolation or quarantine

- (1) A person's **period of isolation or quarantine** is—
 - (a) the period ending at the same time of day as, but on the 14th day after, their start time if the chief executive of MBIE is satisfied that the person meets the low-risk indicators, as determined—
 - (i) as close as is reasonably practicable to the end of that period; and
 - (ii) based on the advice of a suitably qualified health practitioner; or
 - (b) any longer period needed to satisfy the chief executive of MBIE, based on the advice of a suitably qualified health practitioner, that the person meets the low-risk indicators, but no longer than the period ending at the same time of day as, but on the 28th day after, their start time.

Start time

- (2) A person's **start time** is—
 - (a) the time and date of the person's arrival in New Zealand (for example, 3.30 pm on 15 September 2020), unless paragraph (b) applies:

- (b) the start time that applies to the person under the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.
- (3) However, if another person joins them in their room at their place of isolation or quarantine (becoming their fellow resident), the person's **start time** becomes the time and date of the other person's joining them, unless the other person is a caregiver who joins them under clause 15 and to whom clause 15(2)(c)(i) applies.

Exceptions

- (4) This clause is subject to clause 11, which provides for an early end to the period of isolation or quarantine for certain people.

11 Early end to period of isolation or quarantine for certain people

- (1) This clause provides for certain people's **period of isolation or quarantine** to end earlier than provided in clause 10(1).

Exception for practical departure time

- (2) If a person is isolated or quarantined at an MIQF, the site manager may end their **period of isolation or quarantine** no more than 3 hours before it would otherwise end under clause 10(1) if satisfied that—
 - (a) it is a practical time for the person to leave the MIQF; and
 - (b) the person meets the low-risk indicators, based on the advice of a suitably qualified health practitioner.

Exception for people in transit

- (3) Subclause (4) applies to a person who is scheduled to depart New Zealand during the period under clause 10(1).
- (4) Their **period of isolation or quarantine** ends 12 hours before their scheduled departure as long as—
 - (a) they—
 - (i) have been in New Zealand for less than 72 hours; or
 - (ii) have been in New Zealand for 72 hours or more and the chief executive of MBIE is satisfied, based on the advice of a suitably qualified health practitioner, that they meet the low-risk indicators; and
 - (b) they leave their place of isolation or quarantine only to travel to the place of departure and depart accordingly.

Exception for certain maritime crew

- (5) *See also* the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020, which provides for an early end to the period of isolation or quarantine for certain people.

12 Place of isolation or quarantine

- (1) A person's **place of isolation or quarantine** means the high-risk MIQF or low-risk MIQF that is allocated to the person—
 - (a) by the chief executive of MBIE; and
 - (b) after a suitably qualified health practitioner determines, in accordance with any guidelines provided by the Director-General, whether the person should be allocated a high-risk MIQF or low-risk MIQF.
- (2) However, a medical officer of health may instead determine for any reason (for example, for medical evacuation) that a person's **place of isolation or quarantine** is any other facility or place.
- (3) A medical officer of health need not consider making a determination under subclause (2) for a person if the chief executive of MBIE—
 - (a) consults, and considers the advice of, a suitably qualified health practitioner or of a person who is registered or licensed as an equivalent health professional overseas; and
 - (b) determines that the person does not have particular physical or other needs that require another type of facility or place.

13 Leaving place of isolation or quarantine

A person is permitted to leave their room at their place of isolation or quarantine—

- (a) to do outdoor exercise of a type, and in accordance with any conditions, authorised by the chief executive of MBIE; or
- (b) if they need to leave to preserve or protect their own or another person's life, health, or safety in an emergency; or
- (c) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend by that institution; or
- (d) if the chief executive of MBIE is satisfied, based on the advice of a suitably qualified health practitioner, that the person needs to leave—
 - (i) to access medical services; or
 - (ii) to move to another place of isolation or quarantine (for example, for temporary or emergency care while the person is sick); or
- (e) if they are required to leave under Part 4 of the Health Act 1956; or
- (f) if they are required to move to another place of isolation or quarantine by—
 - (i) a court order; or
 - (ii) any other obligation imposed by or under an enactment that is related to the detention of the person (for example, a direction of the New Zealand Parole Board or a probation officer).

14 Leaving place of isolation or quarantine with special authorisation

- (1) A person is also permitted to leave their room at their place of isolation or quarantine—
 - (a) to assist or accompany a fellow resident to travel somewhere under any provision in clause 13(b) to (f); or
 - (b) for any exceptional reason.
- (2) However, the person may leave only—
 - (a) if authorised by the chief executive of MBIE; and
 - (b) in accordance with the conditions (if any) imposed by the chief executive of MBIE.
- (3) The chief executive of MBIE must not authorise a person to leave under this clause unless—
 - (a) the risk assessment tool indicates that the person’s leaving would not create a high risk of the outbreak or spread of COVID-19; and
 - (b) if paragraph (a) is satisfied, the chief executive—
 - (i) consults a medical officer of health, and takes into account their advice, about—
 - (A) the effect that the person’s leaving might have on the risk of the outbreak or spread of COVID-19; and
 - (B) any conditions required to minimise that risk; and
 - (ii) is satisfied, based on the advice of a suitably qualified health practitioner, that the person meets the low-risk indicators; and
 - (iii) is satisfied that the person will comply with any conditions of the authorisation.
- (4) In this clause, **risk assessment tool** means a risk matrix that—
 - (a) is approved by the Director-General, including as updated at any time; and
 - (b) assesses the risk of the outbreak or spread of COVID-19 by taking into account matters such as the following:
 - (i) the risk caused by any activity for which the person seeks to leave their place of isolation or quarantine;
 - (ii) the results of any medical examination and testing of the person or any other relevant person;
 - (iii) the length of time for which the person has been isolated or quarantined;
 - (iv) the risk profile of the country or countries from which the person arrived;

- (v) any international airports or ports to which the person has been on the way to New Zealand;
- (vi) any potential exposure of the person to COVID-19 before arriving in New Zealand (for example, from working in healthcare or being somewhere without controls on community transmission);
- (vii) the length of time for which the person will leave their place of isolation or quarantine.

15 Caregivers of vulnerable people

- (1) A caregiver of a vulnerable person may join them in their room at their place of isolation or quarantine, to care for them, if authorised by the chief executive of MBIE.
- (2) A caregiver who joins a vulnerable person in accordance with the authorisation—
 - (a) must be isolated or quarantined in the same room as them at their place of isolation or quarantine (and is therefore their fellow resident); and
 - (b) is a relevant person to whom this Part applies; and
 - (c) has the following **start time** under clause 10:
 - (i) the same start time as the vulnerable person, but only if the chief executive of MBIE is satisfied, based on the advice of a suitably qualified health practitioner, that the caregiver meets the low-risk indicators when joining the vulnerable person; or
 - (ii) the time and date of their joining the vulnerable person, otherwise.
- (3) In this clause, **vulnerable person** includes—
 - (a) a child, meaning a person who is younger than 18 years of age; and
 - (b) a person who is elderly or has a disability.

15A Power for Minister to grant exemptions from this Part

- (1) The Minister may exempt any class of relevant persons from the requirement to comply with any provision of this Part or the application of any provision of this Part if the Minister is satisfied that—
 - (a) the exemption (together with any conditions) is not inconsistent with the purpose of the Act; and
 - (b) the exemption is necessary to facilitate a Government-approved event, or a major Government-approved programme, within the meaning of the relevant immigration instructions; and
 - (c) the extent of the exemption is not broader than is reasonably necessary to facilitate that event or programme.
- (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 must—
 - (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
 - (b) be notified in the *Gazette*.
- (5) In this clause, **relevant immigration instructions** means the immigration instructions (as in force from time to time) that—
 - (a) are certified under section 22 of the Immigration Act 2009; and
 - (b) relate to the grant of temporary entry class visas.

Clause 15A: inserted, at 11.59 pm on 20 September 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254).

Part 2

Security of managed isolation and quarantine facilities

16 Appointment of site managers

The chief executive of MBIE may appoint a person as the site manager or deputy site manager of an MIQF if—

- (a) the person is employed or engaged by the Crown; and
- (b) the chief executive considers that the person is suitably qualified to manage an MIQF.

17 Restriction on entry to MIQF

- (1) A person must not enter an MIQF unless—
 - (a) the site manager has approved their entry (subject to any reasonable conditions); or
 - (b) they are authorised or required by law to enter the MIQF.
- (2) However, a person who is not otherwise authorised or required by law to enter an MIQF may do so without approval if—
 - (a) they need to enter to preserve or protect a person's life, health, or safety in an emergency; and
 - (b) it is not reasonably practicable to obtain approval.

18 Duty to remain at MIQF for risk assessment

- (1) A person who enters an MIQF in breach of clause 17 must remain at the MIQF for as long as is reasonably required by the site manager in order for—

- (a) a suitably qualified health practitioner to assess whether the person is at risk of having been exposed to COVID-19 as a result of their entry; and
- (b) if the health practitioner determines that the person is at risk of having been exposed, a medical officer of health—
 - (i) to be advised; and
 - (ii) to determine whether to exercise, in relation to the person, a power conferred on the officer by or under an enactment.
- (2) To avoid doubt, subclause (1) does not empower the site manager or the health practitioner to require the person to undergo a medical examination or testing of any kind.

19 Revocation

The COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020 (LI 2020/221) is revoked.

Schedule 1 Transitional, savings, and related provisions

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Part 1 Provisions relating to this order as made

1 Meaning of references to former orders

In this Part,—

former border order means—

- (a) the COVID-19 Public Health Response (Air Border) Order 2020 (the **former air border order**); and
- (b) the COVID-19 Public Health Response (Maritime Border) Order 2020 (the **former maritime border order**)

former security order means the COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020.

Former border orders

2 People isolated or quarantined under former border orders

- (1) This clause applies to a person if, immediately before the commencement of this order, they were still required to be isolated or quarantined—
 - (a) in accordance with clause 7(1)(b) and (c) of the former air border order;
 - or

- (b) in a managed facility in accordance with clause 20(2) of the former maritime border order.
- (2) The requirements in Part 1 of this order apply in place of the requirements for isolation or quarantine in the former border orders, and—
 - (a) the person is a relevant person under this order; and
 - (b) the period for which the person must be isolated or quarantined is determined by this order; but
 - (c) the person's place of isolation or quarantine determined under the former border order must be treated as if it were their place of isolation or quarantine under this order.

3 High-risk MIQFs and low-risk MIQFs

A facility that, immediately before the commencement of this order,—

- (a) was a high risk facility under a former border order must be treated as if it were a high-risk MIQF under this order;
- (b) was a low risk facility under a former border order must be treated as if it were a low-risk MIQF under this order.

4 Existing authorisations, conditions, and directions

Any authorisation given, condition imposed, or direction made in accordance with a former border order, as it relates to requirements for isolation or quarantine described by clause 2(1) of this schedule, must be treated as if it were given, imposed, or made in accordance with Part 1 of this order.

Former security order

5 Existing appointments, approvals, conditions, and requirements

Any appointment made, approval given, or condition or requirement imposed in accordance with the former security order must be treated as if it were made, given, or imposed in accordance with Part 2 of this order.

Dated at Wellington this 4th day of September 2020.

Hon Chris Hipkins,
Minister of Health.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254): Part 2