

**Version
as at 27 February 2022**



**COVID-19 Public Health Response (Air Border) Order
(No 2) 2020
(LI 2020/239)**

COVID-19 Public Health Response (Air Border) Order (No 2) 2020: revoked, at 11.59 pm on 27 February 2022, by clause 61(1)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 (SL 2021/427).

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 (Air 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, the outbreak or spread of COVID-19 by imposing certain requirements in relation to persons arriving in New Zealand by air (including medical examination and testing for COVID-19, and commencement of isolation or quarantining, as soon as practicable after arriving in New Zealand).

Clause 3: amended, at 11.59 pm on 28 April 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

4 Interpretation

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

Act means the COVID-19 Public Health Response Act 2020

air carrier, in relation to an aircraft (but not a foreign military aircraft),—

- (a) means the owner or charterer of the aircraft; and
- (b) if the owner or charterer is not in New Zealand, includes the agent in New Zealand of the owner or charterer; and
- (c) if there is no agent in New Zealand, includes the person in charge of the aircraft

aircrew member means an overseas-based aircrew member or a New Zealand-based aircrew member

airport has the meaning given by subclause (2)

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

confirmed allocation has the meaning given by section 32J of the Act

Customs officer has the meaning given by section 5(1) of the Customs and Excise Act 2018

evidence of a confirmed allocation means—

- (a) written evidence of a confirmed allocation (for example, a voucher); or
- (b) evidence of a confirmed allocation by any other means, as long as the evidence is supplied by the New Zealand Government

fellow traveller, of any person arriving in New Zealand, means,—

- (a) if the person is an aircrew member, an aircrew member arriving in New Zealand on the same aircraft; or
- (b) in any other case, anyone who accompanied the person on the journey to New Zealand

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

higher-risk route means a route of travel that is designated in accordance with clause 9

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

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

managed isolation allocation system has the meaning given by section 32J of the Act

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)

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

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

New Zealand-based aircrew member means a person who—

- (a) is ordinarily resident in New Zealand; and
- (b) arrives in New Zealand, as soon as is reasonably practicable after travelling on an aircraft undertaking a flight from New Zealand,—
 - (i) on an aircraft on which they are working as crew (as defined in section 4 of the Immigration Act 2009); or

- (ii) for repositioning purposes (that is, for the purpose of connecting with another aircraft on which they are working as crew); or
- (iii) after completing training that they were directed by their employer to undertake and that the Civil Aviation Authority, or an equivalent international regulator, requires aircrew members to complete

New Zealand citizen has the meaning given by section 4 of the Immigration Act 2009

overseas-based aircrew member means a person who—

- (a) is not ordinarily resident in New Zealand; and
- (b) arrives in New Zealand—
 - (i) on an aircraft on which they are working as crew (as defined in section 4 of the Immigration Act 2009); or
 - (ii) for repositioning purposes (that is, for the purpose of connecting with another aircraft on which they are working as crew); and
- (c) is scheduled to depart New Zealand as soon as is reasonably practicable after they arrive (and after they complete any stand-down time required by the Civil Aviation Authority or an equivalent international regulator for safety and well-being purposes)

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

place of isolation or quarantine,—

- (a) for a person to whom Part 1 of the Isolation and Quarantine Order applies, has the meaning given by clause 12 of that order; or
- (b) for a person to whom Part 1A of the Isolation and Quarantine Order applies, means the accommodation notified to the Ministry of Health under that Part as the person's place of self-isolation

QFT means quarantine-free travel

QFT flight has the meaning given by clause 4A

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

QFT place means any of the following countries:

- (a) *[Revoked]*
- (b) the Cook Islands;
- (c) Niue;
- (d) Samoa;
- (e) Tokelau;

- (f) Tonga:
- (g) Vanuatu

QFT prerequisite means a QFT prerequisite set out in Schedule 2

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

very high risk country means a country listed in Schedule 3.

- (2) A reference in this order to an **airport** that is in New Zealand is a reference to a security designated aerodrome within the meaning of section 2(1) of the Civil Aviation Act 1990.

Clause 4(1) **air carrier**: inserted, on 3 November 2020, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 4(1) **aircrew member**: replaced, at 11.58 pm on 16 January 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 4(1) **airport**: inserted, at 11.59 pm on 4 October 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **airside**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **airside condition**: revoked, at 11.59 pm on 20 December 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **confirmed allocation**: replaced, at 11.59 pm on 9 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2021 (LI 2021/62).

Clause 4(1) **confirmed allocation**: amended, on 20 November 2021, by section 28 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Clause 4(1) **Customs officer**: inserted, at 11.59 pm on 25 July 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196).

Clause 4(1) **evidence of a confirmed allocation**: inserted, on 3 November 2020, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 4(1) **exempt person**: revoked, at 11.59 pm on 20 December 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **fellow traveller**: replaced, at 11.59 pm on 4 October 2020, by clause 4(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **health practitioner**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **higher-risk route**: inserted, at 11.59 pm on 4 October 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **higher-risk route**: amended, at 11.59 pm on 20 December 2020, by clause 4(4) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **immigration officer**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **managed isolation allocation system**: replaced, at 11.59 pm on 9 April 2021, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2021 (LI 2021/62).

Clause 4(1) **managed isolation allocation system**: amended, on 20 November 2021, by section 28 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Clause 4(1) **medical practitioner**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **MIQF**: inserted, at 11.59 pm on 20 December 2020, by clause 4(5) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **New Zealand-based aircrew member**: inserted, at 11.58 pm on 16 January 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 4(1) **New Zealand citizen**: inserted, at 11.59 pm on 31 October 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

Clause 4(1) **overseas airside condition**: revoked, at 11.59 pm on 20 December 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **overseas-based aircrew member**: inserted, at 11.58 pm on 16 January 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 4(1) **place of isolation or quarantine**: replaced, at 11.59 pm on 20 December 2020, by clause 4(6) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **QFT**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **QFT flight**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **QFT person**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **QFT place**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **QFT place** paragraph (a): revoked, at 11.59 pm on 11 August 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 9) 2021 (LI 2021/200).

Clause 4(1) **QFT place** paragraph (d): inserted, at 11.59 pm on 7 November 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4(1) **QFT place** paragraph (e): inserted, at 11.59 pm on 7 November 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4(1) **QFT place** paragraph (f): inserted, at 11.59 pm on 7 November 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4(1) **QFT place** paragraph (g): inserted, at 11.59 pm on 7 November 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4(1) **QFT prerequisite**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **security designated aerodrome**: revoked, at 11.59 pm on 4 October 2020, by clause 4(4) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **specified aircrew member**: revoked, at 11.58 pm on 16 January 2022, by clause 4(3) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 4(1) **specified place**: revoked, at 11.59 pm on 18 April 2021, by clause 4(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **suitably qualified health practitioner**: inserted, at 11.59 pm on 18 April 2021, by clause 4(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4(1) **very high risk country**: inserted, at 11.59 pm on 28 April 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

Clause 4(2): inserted, at 11.59 pm on 4 October 2020, by clause 4(5) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

4A Meaning of QFT flight

- (1) In this order, **QFT flight** means an international flight that meets the following criteria:
 - (a) the flight is from an international airport in a QFT place to—
 - (i) a QFT port; or
 - (ii) any other airport in New Zealand to which the flight is required to be diverted;
 - (b) the owner or charterer of the aircraft undertaking the flight is a QFT carrier;
 - (c) the flight is part of a scheduled international air service or is an authorised non-scheduled international flight;
 - (d) it is a condition of carriage that passengers meet all of the applicable QFT prerequisites on boarding the aircraft.
- (2) In this clause,—

authorised non-scheduled international flight means a non-scheduled international flight that is authorised under section 87ZE of the Civil Aviation Act 1990

QFT carrier means,—

- (a) New Zealand Air Ambulance Service Limited:
- (a) *[Revoked]*
- (aa) Aeromed Pacific Limited:
- (b) if the QFT place concerned is the Cook Islands or Niue, Air New Zealand Limited:
- (c) if the QFT place concerned is Samoa, Air New Zealand Limited:
- (d) if the QFT place concerned is Tonga, Air New Zealand Limited:
- (e) if the QFT place concerned is Vanuatu, Air Vanuatu (Operations) Limited

QFT port means any of the following airports in New Zealand:

- (a) Auckland International Airport:
- (b) Christchurch International Airport:
- (c) Queenstown International Airport:
- (d) Wellington International Airport

scheduled international air service has the meaning given by section 87A of the Civil Aviation Act 1990.

Clause 4A: inserted, at 11.59 pm on 18 April 2021, by clause 5 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4A(2) **QFT carrier** paragraph (a): inserted, at 11.59 pm on 7 November 2021, by clause 5(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4A(2) **QFT carrier** paragraph (a): revoked, at 11.59 pm on 11 August 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 9) 2021 (LI 2021/200).

Clause 4A(2) **QFT carrier** paragraph (aa): inserted, at 11.59 pm on 7 November 2021, by clause 5(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4A(2) **QFT carrier** paragraph (c): inserted, at 11.59 pm on 7 November 2021, by clause 5(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4A(2) **QFT carrier** paragraph (d): inserted, at 11.59 pm on 7 November 2021, by clause 5(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4A(2) **QFT carrier** paragraph (e): inserted, at 11.59 pm on 7 November 2021, by clause 5(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

5 Transitional, savings, and related provisions

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

6 Application of order

This order applies to the whole of New Zealand.

7 Immunities of foreign military aircraft and crew unaffected

Nothing in this order limits or affects the immunities of any foreign military aircraft or its crew.

Part 1A

Obligations on air carriers

Part 1A: inserted, on 3 November 2020, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Part 1A heading: amended, at 11.59 pm on 28 April 2021, by clause 6 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

7A Steps to be taken to obtain evidence of confirmed allocation

- (1) An air carrier must not cause an aircraft to arrive in New Zealand unless it has taken reasonable steps to ensure that each person on board the aircraft (other than an exempt person) has evidence of a confirmed allocation.
- (2) In this clause, **exempt person** means a person who is exempt from clause 8(2A) by or under this order.

Clause 7A: inserted, on 3 November 2020, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 7A heading: replaced, at 11.59 pm on 18 April 2021, by clause 6 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 7A(2): inserted, at 11.59 pm on 20 December 2020, by clause 5 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

7B Certain air carriers to comply with requirements relating to pre-departure testing

- (1) This clause applies to any air carrier that is responsible for, or has a commercial obligation in, the transporting of a person (other than an exempt person) on a flight or a multi-leg flight to New Zealand.
 - (1A) The air carrier must not cause an aircraft to arrive in New Zealand unless it has taken the steps set out in subclause (2).
 - (2) The air carrier must take reasonable steps to ensure that the person, when checking in for the flight or initially checking in for the multi-leg flight, has evidence of compliance with clause 8(2B)(a).

- (3) In this clause, **exempt person** means a person who is exempt from clause 8(2B) by or under this order.

Clause 7B: inserted, at 11.59 pm on 15 January 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1).

Clause 7B heading: replaced, at 4 pm on 11 April 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/64).

Clause 7B(1): amended, at 11.59 pm on 18 April 2021, by clause 7 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 7B(1A): inserted, at 11.59 pm on 28 April 2021, by clause 7 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

7C Certain air carriers to comply with requirements relating to travel from very high risk countries

- (1) This clause applies to any air carrier that is responsible for, or has a commercial obligation in, the transporting of a person (other than an exempt person) on a flight or a multi-leg flight from another country to New Zealand.

- (2) The air carrier must not cause an aircraft to arrive in New Zealand unless it has taken the steps set out in subclause (3) or (4).

Flights departing from very high risk countries

- (3) If the flight departs from a very high risk country, the air carrier must take reasonable steps to ensure that the person does not board the flight.

Flights departing from other countries

- (4) If the flight departs from a country other than a very high risk country, the air carrier must take reasonable steps to ensure that the person,—

(a) when checking in for the flight or initially checking in for the multi-leg flight, is informed that the person is prohibited from arriving in New Zealand under clause 8A if they have been in a very high risk country within the 14 days immediately before the date of their arrival in New Zealand; and

(b) does not board the flight unless the person has stated that they have not been in a very high risk country within that period.

- (5) The statement required by subclause (4)(b) must be given verbally or by other means of communication (including a statement made on behalf of the person) if verbal communication is not possible.

- (6) In this clause, **exempt person** means a person who is exempt from clause 8A by or under this order.

Clause 7C: replaced, at 11.59 pm on 28 April 2021, by clause 8 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

7D Steps to be taken in relation to QFT flights

- (1) An air carrier must not cause an aircraft undertaking a QFT flight to arrive in New Zealand unless—

- (a) it has obtained, or a staff member or representative of the air carrier has been shown, appropriate evidence on or after each passenger's check-in for the flight, that—
 - (i) the passenger would meet each of the applicable QFT prerequisites on boarding (assuming that there would be no material change affecting the passenger before boarding); and
 - (ii) there was no reason, when the evidence was obtained or shown, why the passenger would fail to be a QFT person on arrival in New Zealand; and
 - (b) it has taken all other reasonable steps (for example, in communications with passengers and aircrew members before boarding) to minimise the risk that—
 - (i) any person (including any aircrew member) on the aircraft did not meet the applicable QFT prerequisites on boarding the aircraft; or
 - (ii) there was any other reason, at that time, why the person would fail to be a QFT person on arrival in New Zealand; and
 - (c) it has taken all reasonable steps to prevent the transmission of COVID-19 between persons during the flight.
- (2) In this clause, a reference to **appropriate evidence**, in relation to a passenger of an aircraft, is a reference to—
- (a) a declaration made by, or on behalf of, the passenger; or
 - (b) in the case of a QFT prerequisite requiring the passenger to have a certificate from a medical practitioner that verifies an opinion of the medical practitioner, that certificate; or
 - (c) in the case of a QFT prerequisite requiring a suitably qualified health practitioner's opinion in respect of the passenger's symptoms, a certificate from a suitably qualified health practitioner verifying that they are of that opinion; or
 - (d) any other evidence sufficient to demonstrate compliance with a QFT prerequisite.
- (3) However, a certificate from a suitably qualified health practitioner who is not a medical practitioner is **appropriate evidence**, in relation to the passenger, only if—
- (a) the certificate was obtained from the suitably qualified health practitioner at the airport from which the aircraft departed; and
 - (b) a declaration was made by, or on behalf of, the passenger that the symptoms concerned developed less than 12 hours before the scheduled time of that departure.
- (4) Nothing in subclause (1)(a)(ii) or (b)(ii) applies in relation to a person who is exempted from clause 8 by an exemption under clause 11.

Clause 7D: inserted, at 11.59 pm on 18 April 2021, by clause 8 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 7D(4): inserted, at 11.59 pm on 26 July 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 8) 2021 (LI 2021/197).

Part 1B

Vaccination requirements

Part 1B: inserted, at 11.59 pm on 31 October 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

7E Vaccination requirements for person arriving in New Zealand by air

- (1) This clause applies to a person who arrives in New Zealand by air and who is not—
 - (a) an excepted person; or
 - (b) an exempt person.
- (2) The person must—
 - (a) satisfy the vaccination requirement at least 14 days before their journey to New Zealand began; and
 - (b) upon request, produce to any of the following persons evidence of having satisfied the vaccination requirement:
 - (i) a health protection officer;
 - (ii) a staff member or representative of the relevant air carrier;
 - (iii) an immigration officer;
 - (iv) an enforcement officer.
- (2A) Subclause (2)(b) does not apply to an aircrew member who is an affected person under item 5.1 of Schedule 2 of the COVID-19 Public Health Response (Vaccinations) Order 2021.
- (3) The evidence required to be produced by a person under subclause (2) is confirmation of—
 - (a) a record of having received 1 or more COVID-19 vaccines that shows their name; and
 - (b) the name of the COVID-19 vaccine or vaccines they have received; and
 - (c) the name of the agency that administered the COVID-19 vaccine or vaccines; and
 - (d) the place where they received 1 or more doses of the COVID-19 vaccine or vaccines; and
 - (e) the date on which they received—
 - (i) the dose of the COVID-19 vaccine, if only 1 dose of the vaccine is required to be satisfy the vaccination requirement; or

- (ii) each dose of the COVID-19 vaccine, if 2 or more doses of the vaccine are required to satisfy the vaccination requirement.
- (4) *[Revoked]*
- (5) In this clause,—

COVID-19 vaccine means a COVID vaccine specified by the Director-General by notice in the *Gazette*

excepted person means any of the following persons:

- (a) a New Zealand citizen:
- (b) a person under the age of 17 years:
- (c) a person who has a certificate from a medical practitioner verifying the medical practitioner's advice that, for medical reasons, the person should not receive a COVID-19 vaccine:
- (d) a person travelling to New Zealand for the first time as the holder of a residence class visa granted to the person under any of the following immigration instructions:
 - (i) S3.22 (Requirements for grant of a permanent resident visa (mandated refugee)):
 - (ii) S4.10 (Refugee Family Support Category):
 - (iii) S4.20 (Refugee Quota Family Reunification Category):
 - (iv) S4.25 (Community Organisation Refugee Sponsorship Category):
- (e) a person who is a citizen of Afghanistan and arrives in New Zealand on or before 12 December 2022

exempt person means a person granted an exemption under clause 7G or exempt under clause 9A or 9B

Gazette notice means the *Gazette* notice referred to in the definition of COVID-19 vaccine

immigration instructions has the same meaning as in section 4 of the Immigration Act 2009

vaccination requirement, in relation to a person, means the requirement for the person to be vaccinated against COVID-19 by receiving all of the doses of a COVID-19 vaccine specified by—

- (a) the Director-General in the *Gazette* notice; or
- (b) the government of the country in which the person received their last dose of a COVID-19 vaccine.

Clause 7E: inserted, at 11.59 pm on 31 October 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

Clause 7E(2A): inserted, at 11.59 pm on 18 November 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 13) 2021 (SL 2021/373).

Clause 7E(4): revoked, on 4 December 2021, by clause 4 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Clause 7E(5): amended, at 11.59 pm on 7 November 2021, by clause 6(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 7E(5) **exempt person**: amended, at 11.59 pm on 7 November 2021, by clause 6(b) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

7F Air carrier to take steps to obtain evidence of compliance with vaccination requirements

An air carrier must not cause an aircraft to arrive in New Zealand unless it has taken reasonable steps to ensure that each person on board the aircraft has evidence of—

- (a) having satisfied the vaccination requirement; or
- (b) being an excepted person; or
- (c) being an exempted person.

Clause 7F: inserted, at 11.59 pm on 31 October 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

7G Director-General may grant exemption

- (1) The Director-General may, on the application of a person, exempt the person from the requirements in clause 7E(2).
- (2) The Director-General must not grant an exemption under subclause (1) unless the Director-General is satisfied that—
 - (a) the person has not satisfied the vaccination requirement because there is limited access to a COVID-19 vaccine in the place where the person has spent the 6 months before the date their journey to New Zealand began; or
 - (b) the person is travelling with a family member who is a New Zealand citizen and has not had sufficient time to satisfy the vaccination requirement before their journey to New Zealand began.
- (3) The Director-General must give the applicant written notice of the outcome of the application.
- (4) In this clause,—

dependent child has the same meaning as in section 4 of the Immigration Act 2009

family member in relation to a person, means—

- (a) a spouse, civil union partner, or de facto partner of the person;
- (b) a dependent child of the person;
- (c) a parent of the person;
- (d) a sibling of the person.

Clause 7G: inserted, at 11.59 pm on 25 October 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

Part 2

Obligations on air arrivals

8 General obligations on persons arriving in New Zealand by air

- (1) A person who arrives in New Zealand by air must comply with this clause.
- (2) The person must report for and undergo medical examination and testing for COVID-19, as soon as practicable after their arrival, at the airport at which they arrive.
- (2A) The person must—
 - (a) have a confirmed allocation; and
 - (b) produce evidence of a confirmed allocation when requested by 1 or more of the following:
 - (i) a health protection officer or a medical officer of health;
 - (ii) a staff member or representative of the relevant air carrier;
 - (iii) an immigration officer.
- (2B) The person—
 - (a) must have—
 - (i) a negative result from a COVID-19 test administered no more than 48 hours before their journey to New Zealand began; or
 - (ii) a certificate that verifies that the person was examined by a medical practitioner no more than 72 hours before the journey began and that the person—
 - (A) was determined to have particular physical or other needs that made it inappropriate for the person to undergo a COVID-19 test; and
 - (B) did not exhibit symptoms of COVID-19; or
 - (iii) in the case of a positive result from a COVID-19 test administered no more than 48 hours before the journey began, a certificate that verifies that a medical practitioner considers that the person is no longer infectious with COVID-19; and
 - (b) must produce evidence of the negative result or the relevant certificate when requested by 1 or more of the following:
 - (i) a health protection officer;
 - (ii) a staff member or representative of the relevant air carrier;
 - (iii) an immigration officer;
 - (iv) an enforcement officer.

- (3) The person must be isolated or quarantined (commencing as soon as practicable after arriving in New Zealand) in accordance with the Isolation and Quarantine Order, subject to any IQ exemption applying in relation to the person.
- (3A) If the person's place of isolation or quarantine is an MIQF, the person must travel from the airport to the MIQF in accordance with directions of the chief executive.
- (4) Throughout the period while the person is at the airport and travelling from the airport to their place of isolation or quarantine, they must,—
- (a) to the greatest extent practicable, maintain physical distancing from all other persons (other than fellow travellers); and
 - (b) wear personal protective equipment as directed by a medical officer of health or a health protection officer.
- (4A) *[Revoked]*
- (4AA) For the purposes of subclause (2B), a person whose journey to New Zealand is a multi-leg journey is taken to have begun their journey—
- (a) on the person's first international departure; or
 - (b) if the person stays after that first international departure in any country or other place for more than 96 hours, on their international departure from the country or other place at which the person most recently stayed for 96 hours or more before arriving in New Zealand.
- (4B) The hours requirement in subclause (2B)(a) is to be treated as being 72 hours from the new departure time instead of 48 hours from the original departure time if—
- (a) the initial flight of the person's journey or multi-leg journey to New Zealand is delayed for a period of less than 24 hours; or
 - (b) the person's booking for the journey or multi-leg journey to New Zealand is cancelled for any reason and the person is subsequently re-booked for departure within 24 hours of the cancellation.
- (5) In this clause,—
- certificate**, in relation to a person who is examined, means—
- (a) written verification provided by the specified person who carried out the examination; or
 - (b) any other appropriate evidence that the Director-General has specified
- COVID-19 test** means—
- (a) any applicable examination or test (or both) for COVID-19 that the Director-General has specified; and
 - (b) any appropriate evidence of the result that the Director-General has specified

Director-General has specified, in relation to a certificate or COVID-19 test, means specified by the Director-General in a notice published—

- (a) on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
- (b) in the *Gazette*

IQ exemption means an exemption under the Isolation and Quarantine Order.

Clause 8 heading: amended, at 11.59 pm on 18 April 2021, by clause 9(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(2): amended, at 11.59 pm on 4 October 2020, by clause 5(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 8(2A): inserted, on 3 November 2020, by clause 6(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 8(2A): amended, at 11.59 pm on 20 December 2020, by clause 6(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 8(2A)(b): replaced, at 11.59 pm on 15 January 2021, by clause 6(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1).

Clause 8(2B): inserted, at 11.59 pm on 15 January 2021, by clause 6(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1).

Clause 8(2B): amended, at 11.59 pm on 18 April 2021, by clause 9(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(2B)(a)(i): amended, on 7 January 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429).

Clause 8(2B)(a)(i): amended, at 11.59 pm on 18 April 2021, by clause 9(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(2B)(a)(ii): amended, at 11.59 pm on 18 April 2021, by clause 9(4) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(2B)(a)(iii): amended, on 7 January 2022, by clause 4(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429).

Clause 8(2B)(a)(iii): amended, at 11.59 pm on 18 April 2021, by clause 9(4) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(3): amended, at 11.59 pm on 20 September 2020, by clause 4(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254).

Clause 8(3A): inserted, at 11.59 pm on 20 December 2020, by clause 6(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 8(3A): amended, on 20 November 2021, by section 28 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Clause 8(4): amended, at 11.59 pm on 4 October 2020, by clause 5(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 8(4A): revoked, on 4 December 2021, by clause 5 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Clause 8(4AA): inserted, at 11.59 pm on 18 April 2021, by clause 9(5) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(4B): inserted, at 11.59 pm on 15 January 2021, by clause 6(4) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1).

Clause 8(4B): amended, on 7 January 2022, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429).

Clause 8(4B): amended, on 7 January 2022, by clause 4(3) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429).

Clause 8(5): replaced, at 11.59 pm on 15 January 2021, by clause 6(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1).

Clause 8(5) **Director-General has specified**: amended, at 11.59 pm on 18 April 2021, by clause 9(6) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(5) **immigration officer**: revoked, at 11.59 pm on 18 April 2021, by clause 9(7) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(5) **journey**: revoked, at 11.59 pm on 18 April 2021, by clause 9(7) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8(5) **specified person**: revoked, at 11.59 pm on 18 April 2021, by clause 9(7) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

8A Obligations on persons who have been in very high risk countries

- (1) A person must not arrive in New Zealand by air if they have been in a very high risk country within the 14 days immediately before the date of their arrival.
- (2) To avoid doubt, a person must still comply with clause 8 if the person arrives in New Zealand—
 - (a) in reliance on an exemption from this clause that is provided by or under this order; or
 - (b) in breach of subclause (1).

Clause 8A: replaced, at 11.59 pm on 28 April 2021, by clause 9 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

8B Obligations on persons on QFT flights

Persons on QFT flights must be QFT persons

- (1AAA) A person must not arrive in New Zealand on an aircraft undertaking a QFT flight unless they are a QFT person.

Face coverings

- (1) A person who is on an aircraft undertaking a QFT flight must, while they are on the aircraft in New Zealand, wear a face covering.

- (2) A person who arrives in New Zealand on an aircraft undertaking a QFT flight and is exempt from clause 8(4) must wear a face covering while they are on the airside of the airport at which they arrive in New Zealand.
- (3) A person is not required by this clause to wear a face covering if—
- (a) there is an emergency; or
 - (b) wearing a face covering is not safe in all of the circumstances; or
 - (c) the person is in a defined or enclosed space on an aircraft that is separate from the passenger area; or
 - (d) the person is communicating with a person who is deaf or hard of hearing and visibility of the mouth is essential for communication; or
 - (e) the person is asked to remove the face covering to ascertain identity; or
 - (f) removal of, or not wearing, the face covering is otherwise required or authorised by law; or
 - (g) the person is under the age of 12 years; or
 - (h) the person has a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; or
 - (i) the person needs to remove the face covering to take medicine; or
 - (j) the person needs to remove the face covering to eat or drink.

Evidence and questions

- (4) A person who arrives in New Zealand on an aircraft undertaking a QFT flight must—
- (a) provide to a relevant official when requested—
 - (i) appropriate evidence to establish that, on boarding the aircraft, they met each of the applicable QFT prerequisites; and
 - (ii) evidence to establish that, on boarding the aircraft, they met all other applicable conditions to an exemption from the requirement to comply with clause 8(3) that is granted under clause 26; and
 - (b) answer any questions put to them by a relevant official to establish whether they are a QFT person.

- (5) *[Revoked]*

Exclusion for diplomatic and consular officials, etc

- (5A) Nothing in subclause (1AAA) or (4) applies in relation to a person who is exempted from clause 8 by an exemption under clause 11.

Definitions

- (6) In this clause,—
appropriate evidence has the meaning given by clause 7D

face covering means,—

- (a) whenever the person is carrying out vaccine-mandate work, a medical-grade face covering (as those terms are defined in clause 5(1) of the COVID-19 Public Health Response (Protection Framework) Order 2021); and
- (b) in any other case, a covering of any type that—
 - (i) covers the nose and mouth of a person; and
 - (ii) is secured to the person’s head by ear loops or a head loop

relevant official means any of the following persons:

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

Clause 8B: inserted, at 11.59 pm on 18 April 2021, by clause 10 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 8B(1AAA) heading: inserted, at 11.59 pm on 25 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196).

Clause 8B(1AAA): inserted, at 11.59 pm on 25 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196).

Clause 8B(4): replaced, at 11.59 pm on 25 July 2021, by clause 5(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196).

Clause 8B(5) heading: revoked, on 4 December 2021, by clause 6 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Clause 8B(5): revoked, on 4 December 2021, by clause 6 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Clause 8B(5A) heading: inserted, at 11.59 pm on 26 July 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 8) 2021 (LI 2021/197).

Clause 8B(5A): inserted, at 11.59 pm on 26 July 2021, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 8) 2021 (LI 2021/197).

Clause 8B(6) **face covering**: replaced, at 11.59 pm on 3 February 2022, by clause 21 of the COVID-19 Public Health Response (Protection Framework and Other Matters) Amendment Order 2022 (SL 2022/6).

Clause 8B(6) **relevant official** paragraph (d): inserted, at 11.59 pm on 25 July 2021, by clause 5(4) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196).

Part 3

Exemptions

Part 3: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Subpart 1—Designation of higher-risk routes

Subpart 1: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

9 Designation of higher-risk routes

- (1) For the purposes of this Part, the Director-General may designate a route of travel between a place outside New Zealand and another place (in or outside New Zealand) as a higher-risk route.
- (2) The designation 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*.

Clause 9: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 9(2): amended, at 11.59 pm on 18 April 2021, by clause 11 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Subpart 2—Arrivals in New Zealand generally

Subpart 2: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Subpart 2 heading: replaced, at 11.59 pm on 18 April 2021, by clause 12 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Exemptions from vaccination requirements

Heading: inserted, immediately after 3.30 pm on 3 November 2021, by clause 7 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

9A Aircraft turned back to New Zealand

- (1) A person arriving in New Zealand by air is exempt from clause 7E if the aircraft on which the person arrives did not land in a place outside New Zealand after it most recently departed from New Zealand (for example, it may have been necessary for the aircraft to return to New Zealand because of a mechanical fault).
- (2) This clause exempts a person from clause 7E only if, immediately before the aircraft's most recent departure from New Zealand, the person—
 - (a) was in New Zealand for at least 14 days; or

- (b) was in New Zealand for less than 14 days but was exempt from clause 7E in relation to the person's most recent arrival in New Zealand.

Clause 9A: inserted, immediately after 3.30 pm on 3 November 2021, by clause 7 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

9B Medical transfers

The following persons arriving in New Zealand by air are exempt from clause 7E:

- (a) a person who is assisting, as a medical attendant, with a medical transfer to New Zealand:
- (b) a person who is arriving to assist, as a medical attendant, with a medical transfer from New Zealand:
- (c) a person who is returning from assisting, as a medical attendant, with a medical transfer from New Zealand and who is ordinarily resident in New Zealand:
- (d) a patient who is being medically transferred to New Zealand:
- (e) a person accompanying a patient described in paragraph (d) for the purpose of providing support to the patient.

Clause 9B: inserted, immediately after 3.30 pm on 3 November 2021, by clause 7 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Exemptions from whole of clause 8

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

10 Arrivals remaining airside until departure from New Zealand

- (1) A person arriving in New Zealand is exempt from clause 8 if, until they depart from New Zealand, they remain on the airside of—
- (a) the airport at which they arrive in New Zealand; and
- (b) any other airport through which they transit.
- (2) Without limiting subclause (1), any transit passenger is exempt from clause 8.
- (3) However, this clause does not exempt a transit passenger from clause 8 who is granted permission, in accordance with the Immigration Act 2009, to enter New Zealand.
- (4) In this clause,—

transit passenger has the meaning given by section 4 of the Immigration Act 2009.

Clause 10: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 10(3): replaced, at 11.59 pm on 18 April 2021, by clause 13(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 10(4) **airside**: revoked, at 11.59 pm on 18 April 2021, by clause 13(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

11 Diplomatic and consular officials, and New Zealand Defence Force

The following persons arriving by air in New Zealand are exempt from clauses 7E and 8:

- (a) a person who is entitled to any immunity from jurisdiction by or under—
 - (i) the Diplomatic Privileges and Immunities Act 1968 (other than a person referred to in section 10D(2)(d) of that Act) or the Consular Privileges and Immunities Act 1971; or
 - (ii) any order under either of those Acts:
- (b) a person who is a member of the New Zealand Defence Force and returning from service outside New Zealand.

Clause 11: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 11: amended, at 11.59 pm on 31 October 2021, by clause 6 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

12 Crew of ship

[Revoked]

Clause 12: revoked, at 11.59 pm on 18 April 2021, by clause 14 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

13 Arrivals from Antarctica

- (1) A person arriving in New Zealand by air from Antarctica is exempt from clauses 7E and 8 if the person is—
 - (a) a member of, or associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960); or
 - (b) a person to whom section 5 of the Antarctica Act 1960 applies.
- (2) However, the person is not exempt from clause 8(2), (3), or (4) if a medical officer of health has assessed that there is a more than negligible risk that the group of arrivals from Antarctica to which the person belongs has been exposed to COVID-19 within 14 days before that arrival.
- (3) For the purposes of subclause (2), an assessment must be made—
 - (a) not earlier than 7 days before the person's arrival in New Zealand; or
 - (b) after the person's arrival in New Zealand.

Clause 13: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 13(1): amended, at 11.59 pm on 31 October 2021, by clause 7(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

Clause 13(3): replaced, at 11.59 pm on 31 October 2021, by clause 7(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

14 Aircraft turned back to New Zealand

- (1) A person arriving by air in New Zealand is exempt from clause 8 if the aircraft on which the person arrives did not land in a place outside New Zealand after it most recently departed from New Zealand (for example, it may have been necessary for the aircraft to return to New Zealand because of a mechanical fault).
- (2) This clause exempts a person from clause 8 only if, immediately before the aircraft's most recent departure from New Zealand, the person—
 - (a) was in New Zealand for at least 14 days; or
 - (b) was in New Zealand for less than 14 days but was exempt from clause 8(3) in relation to the person's most recent arrival in New Zealand.

Clause 14: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 14(2): replaced, at 11.59 pm on 18 April 2021, by clause 15 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

15 Designated persons

A person arriving by air in New Zealand who, immediately before the commencement of this order, was designated by the Director-General as critical to providing services to assist with the response to COVID-19 is exempt from clause 8.

Clause 15: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Exemptions from part of clause 8

Heading: inserted, at 11.59 pm on 18 April 2021, by clause 16 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

15A Crew of ship

- (1) A person arriving in New Zealand by air who is a member of the crew of a ship is exempt from clause 8(2), (2A), and (3) to (4), subject to the following conditions:
 - (a) immediately after leaving the airport at which the person arrives in New Zealand, the person must travel (whether by air or by any other form or forms of transport) to and then board the ship; and
 - (b) the ship must be scheduled to depart from New Zealand as soon as is reasonably practicable after the person boards the ship.
- (2) This clause does not apply in relation to a QFT person.

- (3) In this clause, **crew, depart from New Zealand, and ship** have the meanings given to them by the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

Clause 15A: inserted, at 11.59 pm on 18 April 2021, by clause 16 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Exemptions relating to confirmed allocation only

[Revoked]

Heading: revoked, at 11.59 pm on 18 April 2021, by clause 17 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

16 Confirmed allocation: exemption under Isolation and Quarantine Order

- (1) A person who arrives in New Zealand by air is exempt from clause 8(2A) if the person is exempt from any requirement for the person's place of isolation or quarantine to be an MIQF because of an exemption made by or under the Isolation and Quarantine Order.
- (2) Nothing in this clause limits any other exemption from clause 8(2A) that may be provided for by or under this order.

Clause 16: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 16 heading: replaced, at 11.59 pm on 18 April 2021, by clause 18 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

17 Medical attendants

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

- (a) any person who is assisting, as a medical attendant, with a medical transfer to New Zealand:
- (b) any person who is arriving in New Zealand to assist, as a medical attendant, with a medical transfer from New Zealand:
- (c) any person who is returning from assisting, as a medical attendant, with a medical transfer from New Zealand and is ordinarily resident in New Zealand.

Clause 17: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 17: amended, at 11.59 pm on 15 January 2021, by clause 8 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1).

18 Police escorts of extradited or deported persons

A member of the New Zealand Police arriving in New Zealand by air is exempt from clause 8(2A) and (2B) if the member—

- (a) is escorting a person in connection with that person's extradition to New Zealand; or
- (b) is returning from escorting a person in connection with that person's deportation from New Zealand.

Clause 18: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 18: amended, at 11.59 pm on 15 January 2021, by clause 9 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1).

18AA Exemption from pre-departure testing requirements

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

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

Clause 18AA: inserted, at 11.59 pm on 18 April 2021, by clause 19 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Exemptions from clause 8A

Heading: inserted, at 4 pm on 11 April 2021, by clause 7 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/64).

18A New Zealand citizens and certain related persons

- (1) The following persons arriving by air in New Zealand are exempt from clause 8A:

- (a) a New Zealand citizen;
- (b) a spouse, civil union partner, or de facto partner of a New Zealand citizen;
- (c) a dependent child of a New Zealand citizen;
- (d) a parent of a dependent child who is a New Zealand citizen;
- (e) any other dependent child of a parent described in paragraph (d).

- (2) In this clause,—

dependent child has the meaning given by section 4 of the Immigration Act 2009

parent, in relation to a dependent child, means a person on whom the child is dependent.

Clause 18A: replaced, at 11.59 pm on 28 April 2021, by clause 10 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

Clause 18A(1)(e): inserted, at 11.59 pm on 15 August 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021 (LI 2021/209).

Clause 18A(2) **New Zealand citizen**: revoked, at 11.59 pm on 31 October 2021, by clause 8 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

18B Arrivals who remain airside while transiting through very high risk countries

A person arriving by air in New Zealand is exempt from clause 8A if they—

- (a) were in a very high risk country within the 14 days immediately before the date of their arrival in New Zealand; but
- (b) were airside of an airport the entire time that they were in the very high risk country.

Clause 18B: inserted, at 11.59 pm on 28 April 2021, by clause 10 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

18C Aircrew members

An aircrew member is exempt from clause 8A.

Clause 18C: inserted, at 11.59 pm on 28 April 2021, by clause 10 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

18D Diplomatic and consular officials, and New Zealand Defence Force

The following persons arriving by air in New Zealand are exempt from clause 8A:

- (a) a person who is entitled to any immunity from jurisdiction by or under—
 - (i) the Diplomatic Privileges and Immunities Act 1968 (other than a person referred to in section 10D(2)(d) of that Act) or the Consular Privileges and Immunities Act 1971; or
 - (ii) any order under either of those Acts:
- (b) a person who is a member of the New Zealand Defence Force and returning from service outside New Zealand.

Clause 18D: inserted, at 11.59 pm on 28 April 2021, by clause 10 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

18E Persons on aircraft landing for non-traffic purposes

A person arriving by air in New Zealand is exempt from clause 8A if they are on an aircraft that is required to land in New Zealand for a purpose other than taking on or discharging passengers, cargo, or mail.

Clause 18E: inserted, at 11.59 pm on 28 April 2021, by clause 10 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

18F Arrivals from Fiji transiting through New Zealand

[Revoked]

Clause 18F: revoked, at 11.59 pm on 28 November 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021 (SL 2021/383).

18G Medical transfers between Fiji and New Zealand

[Revoked]

Clause 18G: revoked, at 11.59 pm on 28 November 2021, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021 (SL 2021/383).

Subpart 3—New Zealand-based aircrew members

Subpart 3: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Subpart 3 heading: replaced, at 11.58 pm on 16 January 2022, by clause 5 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Application

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

19 Application of subpart

- (1) This subpart applies to a New Zealand-based aircrew member arriving in New Zealand by air.
- (2) This subpart does not apply to a New Zealand-based aircrew member to whom clause 10(1) or 13 applies.

Clause 19: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 19(1): replaced, at 11.58 pm on 16 January 2022, by clause 6(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 19(2): amended, at 11.58 pm on 16 January 2022, by clause 6(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Exemptions

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

20 Exemptions from requirements for confirmed allocation and pre-departure testing

A New Zealand-based aircrew member is exempt from clause 8(2A) and (2B).

Clause 20: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 20 heading: replaced, at 11.59 pm on 18 April 2021, by clause 21(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 20: amended, at 11.58 pm on 16 January 2022, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 20: amended, at 11.59 pm on 18 April 2021, by clause 21(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

20A Exemption from requirements set out in clause 8(2B)

[Revoked]

Clause 20A: revoked, at 11.59 pm on 18 April 2021, by clause 22 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

21 Exemption from requirement to be isolated or quarantined

- (1) A New Zealand-based aircrew member is exempt from clause 8(3) if a suitably qualified health practitioner responsible for the medical examination and testing of the member under clause 8(2) is satisfied that the member is at a low risk of having or transmitting COVID-19.
- (2) The exemption provided for in this clause does not apply—
 - (a) if the aircrew member arrives in New Zealand on an aircraft undertaking a QFT flight; or
 - (b) in the circumstances set out in clauses 22 to 25.

Clause 21: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 21(1): amended, at 11.58 pm on 16 January 2022, by clause 8 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 21(2): replaced, at 11.59 pm on 18 April 2021, by clause 23 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Exceptions to exemption from requirement to be isolated or quarantined

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

22 Higher-risk route

A New Zealand-based aircrew member is not exempt from clause 8(3) if they have travelled on a higher-risk route within the 7 days immediately before arriving in New Zealand by air.

Clause 22: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 22: amended, at 11.58 pm on 16 January 2022, by clause 9 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

23 Pilots returning from flight simulator training

- (1) A New Zealand-based aircrew member is not exempt from clause 8(3) if they are returning from a period of flight simulator training in a country outside New Zealand.
- (2) This clause does not apply if the New Zealand-based aircrew member undertook the training only in a QFT place.

Clause 23: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 23(1): amended, at 11.58 pm on 16 January 2022, by clause 10 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 23(2): inserted, at 11.59 pm on 18 April 2021, by clause 24 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 23(2): amended, at 11.58 pm on 16 January 2022, by clause 10 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

24 Absences of at least 7 days or overseas domestic travel

- (1) A New Zealand-based aircrew member is not exempt from clause 8(3) if they—
 - (a) were outside New Zealand (other than in a QFT place or on an aircraft undertaking a QFT flight) for a continuous period of at least 7 days immediately before arriving in New Zealand by air; or
 - (b) have travelled domestically outside New Zealand (other than in a QFT place) within the 7 days immediately before arriving in New Zealand by air.
- (2) A New Zealand-based aircrew member **travels domestically outside New Zealand** if—
 - (a) they travel by aircraft on a domestic route in a country outside New Zealand; and
 - (b) there are other persons travelling on the aircraft who are not—
 - (i) the pilot or a co-pilot of the aircraft; or
 - (ii) a person who works as a pilot, co-pilot, or flight attendant for the same airline as the aircrew member.

Clause 24: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 24(1): amended, at 11.58 pm on 16 January 2022, by clause 11 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 24(1)(a): amended, at 11.59 pm on 18 April 2021, by clause 25(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 24(1)(b): amended, at 11.59 pm on 18 April 2021, by clause 25(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 24(2): amended, at 11.58 pm on 16 January 2022, by clause 11 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

25 Failure to meet key safety standards

- (1) A New Zealand-based aircrew member is not exempt from clause 8(3) if a medical officer of health determines (on the basis of information brought to that officer's attention) that there are reasonable grounds to believe that, within the 7 days immediately before arriving in New Zealand by air and while any-

where outside New Zealand except for a QFT place, the aircrew member has failed to meet 1 or more of the key safety standards.

- (2) The **key safety standards** are set out in Part 1 of Schedule 2 of the Isolation and Quarantine Order.
- (3) For the purposes of this clause, a reference in that Part to a relevant crew member is to be treated as if it were a reference to a New Zealand-based aircrew member.
- (4) In this clause, **QFT place** includes an aircraft undertaking a QFT flight.

Clause 25: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 25(1): amended, at 11.58 pm on 16 January 2022, by clause 12 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 25(1): amended, at 11.59 pm on 18 April 2021, by clause 26(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 25(3): amended, at 11.58 pm on 16 January 2022, by clause 12 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Clause 25(4): inserted, at 11.59 pm on 18 April 2021, by clause 26(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Subpart 4—Powers to grant exemptions

Subpart 4: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Power for Minister to grant exemptions from this order

Heading: inserted, at 11.59 pm on 18 April 2021, by clause 27 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

26 Exemptions granted by Minister

- (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.
- (1A) Without limiting subclause (1), the class of persons may be identified or limited by reference to any matter, including, for example, any of the following matters:
 - (a) the country, place, or airport from which they departed for New Zealand;
 - (b) the airport at which they arrive, or are scheduled to arrive, in New Zealand;

- (c) the air carrier of the aircraft undertaking the flight by which they arrive in New Zealand;
 - (d) other particulars of the flight by which they arrive in New Zealand (such as its flight number and scheduled departure or arrival times);
 - (e) whether they were in certain places at or after a certain time before departing for or arriving in New Zealand.
- (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.
 - (3A) Before exempting a class of persons from clause 8(3), in relation to the arrival of those persons in New Zealand on an aircraft undertaking a QFT flight (or amending such an exemption), the Minister—
 - (a) must consult the Prime Minister, the Deputy Prime Minister, the Minister of Foreign Affairs, and the Minister of Transport; and
 - (b) may consult any other Minister that the Minister thinks fit.
 - (4) 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).
 - (6) However, an exemption, or an amendment to an exemption, may come into force before it is published if the Minister is satisfied that the exemption or amendment should come into force urgently.
 - (7) In that case,—
 - (a) the effect of the exemption (or, in the case of an amendment to an exemption, the effect of the amendment) must be publicly announced before it comes into force; and
 - (b) the exemption or amendment must be published under the Legislation Act 2019 as soon as practicable after it comes into force.

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 26: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 26 heading: replaced, at 11.59 pm on 18 April 2021, by clause 28(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 26(1A): inserted, at 11.59 pm on 18 April 2021, by clause 28(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 26(3A): inserted, at 11.59 pm on 18 April 2021, by clause 28(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 26(5): replaced, on 28 October 2021, by regulation 104(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 26(6): replaced, on 28 October 2021, by regulation 104(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 26(7): inserted, at 11.59 pm on 18 April 2021, by clause 28(4) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 26(7)(b): replaced, on 28 October 2021, by regulation 104(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Powers for Director-General to grant exemptions from this order

Heading: inserted, at 11.59 pm on 18 April 2021, by clause 29 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

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

- (1) The Director-General may grant an exemption under this subpart (a **relevant exemption**) only if satisfied that—
 - (a) the exemption is necessary or desirable in order to promote the purposes of the Act or the purposes of this order; and
 - (b) the extent of the exemption is not broader than is reasonably necessary to address the matters giving rise to the exemption.
- (2) The Director-General may impose conditions on a relevant exemption as the Director-General considers necessary.
- (3) A relevant exemption for any specified person must be notified in writing to the applicant and the exempt person.
- (4) A relevant exemption for any class of persons 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
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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 26A: inserted, at 11.59 pm on 18 April 2021, by clause 29 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 26A(4): replaced, on 28 October 2021, by regulation 105 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

27 Power to grant exemption to emergency workers

- (1) For the purposes of assisting in the response to an emergency in respect of which a state of emergency is declared, the Director-General may exempt any person or class of persons arriving in New Zealand by air from the requirement to comply with any provision of this order or the application of any provision of this order.
- (2) In addition to the matters specified in clause 26A(1), the Director-General may grant the exemption only if satisfied that, based on the advice of the National Emergency Management Agency, the person or class of persons is critical to assisting in the response to the emergency.
- (3) In this clause,—

emergency includes an emergency that may occur

state of emergency has the meaning given by section 4 of the Civil Defence Emergency Management Act 2002.

Clause 27: replaced, at 11.59 pm on 18 April 2021, by clause 29 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

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

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

Clause 27A: replaced, at 11.59 pm on 18 April 2021, by clause 29 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

27B Power to grant exemption from clause 8A for humanitarian reasons

- (1) The Director-General may exempt any person or class of persons from clause 8A for humanitarian reasons.
- (2) *[Revoked]*
- (3) *[Revoked]*
- (4) *[Revoked]*

Clause 27B: inserted, at 4 pm on 11 April 2021, by clause 8 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/64).

Clause 27B heading: replaced, at 11.59 pm on 18 April 2021, by clause 30(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 27B(2): revoked, at 11.59 pm on 18 April 2021, by clause 30(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 27B(3): revoked, at 11.59 pm on 18 April 2021, by clause 30(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 27B(4): revoked, at 11.59 pm on 18 April 2021, by clause 30(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Part 4

Infringement offences

Part 4: inserted, on 4 December 2021, by clause 7 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

28 Infringement offences

- (1) A breach of clause 7E(2)(a) or (b), 8(2A) or (2B), or 8B(1AAA), (1), (2), or (4) is an infringement offence for the purposes of section 26(3) of the Act.
- (2) An infringement offence against—
 - (a) clause 7E(2)(a) or 8B(1AAA) is a high risk offence:
 - (b) clause 8(2A) or (2B)(a) or 8B(1) or (2) is a medium risk offence:
 - (c) clause 7E(2)(b), 8(2B)(b) or 8B(4) is a low risk offence.
- (3) The penalties for the offences are set out in regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for those classes of offence.
- (4) In this clause,—

high risk 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

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

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

Clause 28: inserted, on 4 December 2021, by clause 7 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Part 3 **Exemptions**

[Revoked]

Part 3: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Airside conditions

[Revoked]

Heading: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

8A Airside condition

[Revoked]

Clause 8A: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

8B Overseas airside condition

[Revoked]

Clause 8B: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Designation of higher-risk routes

[Revoked]

Heading: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

8C Designation of higher-risk routes

[Revoked]

Clause 8C: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Exemptions

[Revoked]

Heading: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

9 Transit passengers

[Revoked]

Clause 9: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

10 Diplomatic and consular officials, and New Zealand Defence Force

[Revoked]

Clause 10: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

11 Aircrew members who meet airside condition

[Revoked]

Clause 11: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

11A Aircrew members who do not meet airside condition

[Revoked]

Clause 11A: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

11B Medical attendants who meet airside condition

[Revoked]

Clause 11B: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

12 Crew of ship

[Revoked]

Clause 12: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

13 Designated persons

[Revoked]

Clause 13: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

14 Minister may replace exemptions under clauses 11 to 13

[Revoked]

Clause 14: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

15 Power for Minister to grant exemptions from this order

[Revoked]

Clause 15: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Part 4**Revocation and consequential amendments**

[Revoked]

Part 4: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

16 Revocation

[Revoked]

Clause 16: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

17 Consequential amendments to COVID-19 Public Health Response (Alert Level Requirements) Order 2020

[Revoked]

Clause 17: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Schedule 1

Transitional, savings, and related provisions

cl 5

Part 1

Provisions relating to this order as made

There are no transitional, savings, or related provisions relating to this order as made.

Part 2

Provisions relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021

Schedule 1 Part 2: inserted, at 4 pm on 11 April 2021, by clause 9(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/64).

1 Exemption from clause 8A if multi-leg flight departed before 4 pm on 11 April 2021

A person is exempt from clause 8A if they departed on a multi-leg flight to New Zealand before 4 pm on 11 April 2021.

Schedule 1 clause 1: inserted, at 4 pm on 11 April 2021, by clause 9(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/64).

Part 3

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

Schedule 1 Part 3: inserted, at 11.59 pm on 18 April 2021, by clause 31(a) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

2 QFT flights

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

Schedule 1 clause 2: inserted, at 11.59 pm on 18 April 2021, by clause 31(a) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Part 4

Provision relating to COVID-19 Public Health Response (Air Border) (No 2) Amendment Order (No 4) 2021

Schedule 1 Part 4: inserted, at 11.59 pm on 4 June 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 4) 2021 (LI 2021/133).

3 QFT flights operated by Air Chathams Limited

An international flight meeting the criteria in clause 4A(1) is not to be treated as a QFT flight for the purposes of this order (including any exemption granted under clause 26) if—

- (a) the owner or charterer of the aircraft undertaking the flight is Air Chathams Limited; and
- (b) the flight departed from Australia for New Zealand before 11.59 pm on 4 June 2021.

Schedule 1 clause 3: inserted, at 11.59 pm on 4 June 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 4) 2021 (LI 2021/133).

Part 5

Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 5) 2021

Schedule 1 Part 5: inserted, at 10.30 pm on 26 June 2021, by clause 6(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 5) 2021 (LI 2021/162).

4 Amendments relating to QFT flights from Australia

- (1) Clauses 7D and 8B of this order continue to apply in relation to a QFT flight that departed from Australia for New Zealand before 10.30 pm on 26 June 2021.
- (2) The exemptions provided for in clause 6 of the QFT Exemption Notice, and the conditions imposed on those exemptions, continue to apply in relation to a QFT flight that departed from Australia for New Zealand before 10.30 pm on 26 June 2021.
- (3) For the purposes of subclauses (1) and (2), the definitions of **QFT place** and **QFT carrier**, set out in clauses 4(1) and 4A(2) of this order (as in force immediately before the commencement of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 5) 2021) continue to apply.
- (4) In this clause, **QFT Exemption Notice** means the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021.

Schedule 1 clause 4: inserted, at 10.30 pm on 26 June 2021, by clause 6(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 5) 2021 (LI 2021/162).

Part 6

Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021

Schedule 1 Part 6: inserted, at 11.59 pm on 25 July 2021, by clause 6(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196).

5 QFT flights departing before commencement of Amendment Order

- (1) Clause 8B(4) of this order, as in force immediately before the commencement of the Amendment Order, continues to apply to persons arriving in New Zealand on an aircraft undertaking a QFT flight that departed before the commencement of the Amendment Order.
- (2) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021.

Schedule 1 clause 5: inserted, at 11.59 pm on 25 July 2021, by clause 6(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196).

Part 7

Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021

Schedule 1 Part 7: inserted, at 11.59 pm on 15 August 2021, by clause 6(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021 (LI 2021/209).

6 Flights departing before commencement of Amendment Order

- (1) Clause 18A and Schedule 3 of this order, as in force immediately before the commencement of the Amendment Order, continue to apply to persons arriving in New Zealand on an aircraft that departed before the commencement of the Amendment Order.
- (2) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021.

Schedule 1 clause 6: inserted, at 11.59 pm on 15 August 2021, by clause 6(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021 (LI 2021/209).

Part 8

Provisions relating the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021

Schedule 1 Part 8: inserted, at 11.59 pm on 31 October 2021, by clause 9(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

7 Flights departing before commencement of Amendment Order

- (1) Part 1B, as inserted by the Amendment Order, does not apply to a person who arrives in New Zealand on an aircraft that departed before the commencement of the Amendment Order.

- (2) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021.

Schedule 1 clause 7: inserted, at 11.59 pm on 31 October 2021, by clause 9(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327).

Part 9

Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021

Schedule 1 Part 9: inserted, at 11.59 pm on 7 November 2021, by clause 8(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

8 Flights departing before commencement of Amendment Order

- (1) This clause applies to any provision of this order (the **relevant provision**) that is amended by a provision of the Amendment Order (the **amending provision**).
- (2) The relevant provision, as in force immediately before it is amended by the amending provision, continues to apply to persons arriving in New Zealand on an aircraft that departed before the commencement of the amending provision.
- (3) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021.

Schedule 1 clause 8: inserted, at 11.59 pm on 7 November 2021, by clause 8(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Part 10

Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 13) 2021

Schedule 1 Part 10: inserted, at 11.59 pm on 18 November 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 13) 2021 (SL 2021/373).

9 Flights departing before commencement of Amendment Order

- (1) This clause applies to any provision of this order (the **relevant provision**) that is amended by a provision of the Amendment Order (the **amending provision**).
- (2) The relevant provision, as in force immediately before it is amended by the amending provision, continues to apply to persons arriving in New Zealand on an aircraft that departed before the commencement of the amending provision.
- (3) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 13) 2021.

Schedule 1 clause 9: inserted, at 11.59 pm on 18 November 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 13) 2021 (SL 2021/373).

Part 11

Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021

Schedule 1 Part 11: inserted, at 11.59 pm on 28 November 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021 (SL 2021/383).

10 Flights departing before commencement of Amendment Order

- (1) Schedule 3 of this order, as in force immediately before the commencement of the Amendment Order, continues to apply to persons arriving in New Zealand on an aircraft that departed before the commencement of the Amendment Order.
- (2) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021.

Schedule 1 clause 10: inserted, at 11.59 pm on 28 November 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021 (SL 2021/383).

Part 12

Provision relating to COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021

Schedule 1 Part 12: inserted, at 11.59 pm on 23 December 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429).

11 Flights departing before commencement of Amendment Order

- (1) Clause 8, as in force immediately before it is amended by the Amendment Order, continues to apply to persons arriving in New Zealand on an aircraft that departed before the commencement of clause 4 of the Amendment Order.
- (2) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021.

Schedule 1 clause 11: inserted, at 11.59 pm on 23 December 2021, by clause 5(a) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429).

Part 13

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

Schedule 1 Part 13: inserted, at 11.58 pm on 16 January 2022, by clause 13(a) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

12 References in instruments made under this order

- (1) A reference in any relevant instrument to a specified aircrew member or a specified crew member is to be treated as a reference to a New Zealand-based aircrew member.
- (2) A reference in any relevant instrument to specified aircrew is to be treated as a reference to New Zealand-based aircrew members.
- (3) In this clause, **relevant instrument** means any of the following instruments:
 - (a) Exemption of Specified Aircrew Members From Clause 22 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go2433):
 - (b) Exemption of Persons From Clause 8(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go2627):
 - (c) Exemption of Persons From Clause 8(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (*Gazette* 2021-go4851):
 - (d) any other instrument made under this order, including any exemption granted under this order to any person or class of persons.

Schedule 1 clause 12: inserted, at 11.58 pm on 16 January 2022, by clause 13(a) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 2

QFT prerequisites

cl 4

Schedule 2: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

1 What this schedule does

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

Schedule 2 clause 1: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

2 Interpretation

In this schedule,—

relevant person has the meaning given by clause 1

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

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

Schedule 2 clause 2: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 clause 2 **aircrew member**: revoked, at 11.58 pm on 16 January 2022, by clause 14(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

3 Location during specified 14-day period

General

- (1) It is a QFT prerequisite that, during the specified 14-day period, the relevant person has not been in any country other than—
 - (a) New Zealand; or
 - (b) the QFT place that the aircraft undertaking the QFT flight concerned is departing, or has departed, from.

Persons travelling from Tokelau

- (1A) The QFT prerequisite in the case of a relevant person travelling from Tokelau is that, during the specified 14-day period, the person has not been in any country other than—
 - (a) New Zealand; or

- (b) Samoa; or
 - (c) Tokelau.
- (1B) Subclause (1A) overrides subclause (1).

Aircrew members

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

Schedule 2 clause 3: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 clause 3(1A) heading: inserted, at 11.59 pm on 7 November 2021, by clause 9(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 clause 3(1A): inserted, at 11.59 pm on 7 November 2021, by clause 9(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 clause 3(1B): inserted, at 11.59 pm on 7 November 2021, by clause 9(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 clause 3(2): amended, at 11.58 pm on 16 January 2022, by clause 14(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

4 Early end to isolation or quarantine

General

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

Aircrew members

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

Schedule 2 clause 4: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 clause 4(2): amended, at 11.58 pm on 16 January 2022, by clause 14(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

5 Results of test for COVID-19

General

- (1) It is a QFT prerequisite that the relevant person—
- (a) has not had a positive result from a test for COVID-19 during the specified 14-day period; or

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

Aircrew members

- (3) The QFT prerequisite specified in subclause (2) does not apply in relation to an aircrew member.

Schedule 2 clause 5: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 clause 5(1) heading: inserted, at 11.59 pm on 7 November 2021, by clause 9(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 clause 5(3) heading: inserted, at 11.59 pm on 7 November 2021, by clause 9(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 clause 5(3): inserted, at 11.59 pm on 7 November 2021, by clause 9(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 clause 5(3): amended, at 11.58 pm on 16 January 2022, by clause 14(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

6 Direction to be tested or to isolate

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

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

relevant direction, in relation to a QFT place,—

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

Schedule 2 clause 6: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

7 Aircrew members who have been on relevant flights

- (1) This clause applies in relation to an overseas-based aircrew member who,—

- (a) during the specified 14-day period, has been on an aircraft undertaking a relevant flight; and
 - (b) will not remain, until they depart from New Zealand, on the airside of—
 - (i) the airport at which they arrive in New Zealand; and
 - (ii) any other airport through which they transit.
- (1A) *[Revoked]*
- (2) It is a QFT prerequisite that the aircrew member—
- (a) has had a negative result from a test for COVID-19 administered no earlier than 72 hours after the arrival, at the destination concerned, of the aircraft that undertook the relevant flight; and
 - (b) has not been on an aircraft undertaking a flight from New Zealand to the QFT place concerned (or vice versa) since that arrival and before receiving the negative result from the test.
- (3) In this clause,—
- low-risk destination** means—
- (a) a QFT place; or
 - (b) Antarctica; or
 - (c) the Federated States of Micronesia; or
 - (d) *[Revoked]*
 - (e) Kiribati; or
 - (f) Marshall Islands; or
 - (g) Nauru; or
 - (h) New Caledonia; or
 - (i) Palau; or
 - (j) Samoa; or
 - (k) Solomon Islands; or
 - (l) Tokelau; or
 - (m) Tonga; or
 - (n) Tuvalu; or
 - (o) Vanuatu
- relevant flight** means—
- (a) a flight to or from a country (or other place) outside New Zealand other than a low-risk destination; or
 - (aa) a flight to or from a low-risk destination on an aircraft carrying any passenger who has not been in New Zealand or a low-risk destination for the entire period that—

- (i) starts at the beginning of the 14th day before the day on which the passenger boards the aircraft; and
 - (ii) ends when the passenger boards the aircraft; or
- (b) a flight between 2 places that are both in New Zealand where the purpose of the flight is to transfer persons to an MIQF.

Schedule 2 clause 7: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 clause 7(1): replaced, at 11.59 pm on 18 November 2021, by clause 6 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 13) 2021 (SL 2021/373).

Schedule 2 clause 7(1): amended, at 11.58 pm on 16 January 2022, by clause 14(3) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 2 clause 7(1A): revoked, at 11.58 pm on 16 January 2022, by clause 14(4) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 2 clause 7(3) **low-risk destination** paragraph (d): revoked, at 11.59 pm on 15 August 2021, by clause 7 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021 (LI 2021/209).

Schedule 2 clause 7(3) **relevant flight** paragraph (aa): inserted, at 11.59 pm on 7 November 2021, by clause 9(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

8 Symptoms of COVID-19

It is a QFT prerequisite that—

- (a) the relevant person does not have any of the following symptoms:
 - (i) a new or worsening cough;
 - (ii) a sore throat;
 - (iii) shortness of breath;
 - (iv) a runny nose;
 - (v) loss of sense of smell;
 - (vi) a fever; or
- (b) a suitably qualified health practitioner is of the opinion, on the basis of the symptoms that the relevant person is experiencing, that the person should not be required to isolate or quarantine.

Schedule 2 clause 8: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

9 Contact tracing information

General

- (1) The purpose of the QFT prerequisite specified in this clause is to facilitate contact tracing in relation to a relevant person.

- (2) It is a QFT prerequisite that the specified information for the relevant person has been provided (by them or on their behalf) to the Ministry of Health by way of the approved system.

Aircrew members

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

Definitions

- (4) In this clause,—

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

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

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

- (a) the person's full name (as shown in their passport):
- (b) the person's date of birth:
- (c) the person's nationality (as shown in their passport):
- (d) the person's passport number:
- (e) the expiry date of the person's passport:
- (f) if the person resides in or is moving to New Zealand, a telephone number that may be used to easily contact the person or the person's guardian:
- (g) if the person is visiting New Zealand, 1 or more telephone numbers that may be used to easily contact the person or the person's guardian (whether or not directly) while the person is in New Zealand:
- (h) the email address (if any) of the person or the person's guardian:
- (i) if the person resides in or is moving to New Zealand, the person's address or intended address in New Zealand:
- (j) if the person is visiting New Zealand, all addresses at which it is intended that the person will stay while in New Zealand:
- (k) the scheduled date of arrival in New Zealand of the QFT flight concerned:
- (l) the flight number of the QFT flight concerned:
- (m) if the person is visiting New Zealand, the person's scheduled date of departure from New Zealand (if any):
- (n) the following information relating to another person (an **emergency contact**) who may be contacted in an emergency (but, if the relevant per-

son is visiting New Zealand, only while the relevant person is in New Zealand):

- (i) the emergency contact's full name:
- (ii) a telephone number that may be used to contact the emergency contact:
- (iii) the emergency contact's email address (if any):
- (iv) the relationship of the emergency contact to the relevant person.

Schedule 2 clause 9: inserted, at 11.59 pm on 18 April 2021, by clause 32 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 clause 9(3): amended, at 11.58 pm on 16 January 2022, by clause 14(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2).

Schedule 3
Very high risk countries

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Schedule 3: inserted, at 11.59 pm on 28 April 2021, by clause 11 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91).

Schedule 3: amended, at 11.59 pm on 23 December 2021, by clause 6 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429).

Schedule 3: amended, at 11.59 pm on 28 November 2021, by clause 6(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021 (SL 2021/383).

Schedule 3: amended, at 11.59 pm on 28 November 2021, by clause 6(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021 (SL 2021/383).

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 (Air 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 (Protection Framework and Other Matters) Amendment Order 2022 (SL 2022/6): Part 3

COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022 (SL 2022/2): Part 1

COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2021 (SL 2021/429): Part 1

COVID-19 Public Health Response (Air Border) Order 2021 (SL 2021/427): clause 61(1)(a)

COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387): Part 1

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 14) 2021 (SL 2021/383)

COVID-19 Public Health Response Amendment Act 2021 (2021 No 48): section 28

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 13) 2021 (SL 2021/373)

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345)

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 11) 2021 (LI 2021/327)

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulations 104, 105

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021 (LI 2021/209)

- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 9) 2021 (LI 2021/200)
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 8) 2021 (LI 2021/197)
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 7) 2021 (LI 2021/196)
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 5) 2021 (LI 2021/162)
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 4) 2021 (LI 2021/133)
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 3) 2021 (LI 2021/91)
- COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73): Part 1
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 2) 2021 (LI 2021/64)
- COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2021 (LI 2021/62): Part 1
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 (LI 2021/1)
- COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330): Part 1
- COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280)
- COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273): Part 1
- COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254): Part 1