

**Version
as at 27 February 2022**



**COVID-19 Public Health Response (Air Border) Order
(No 2) Amendment Order 2021
(LI 2021/1)**

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021: revoked, at 11.59 pm on 27 February 2022, pursuant to 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 for COVID-19 Response—

- (a) under sections 11 and 15(1) of the COVID-19 Public Health Response Act 2020; and
- (b) 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.

11	Clause 27 amended (Power for Director-General to grant exemptions from this order to emergency workers)	5
12	New clause 27A inserted (Power for Director-General to grant exemptions from clause 8(2B))	5
27A	Power for Director-General to grant exemptions from clause 8(2B)	5

Order

1 Title

This order is the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021.

2 Commencement

This order comes into force at 11.59 pm on 15 January 2021.

3 Principal order

This order amends the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **principal order**).

4 Clause 4 amended (Interpretation)

In clause 4(1), insert in its appropriate alphabetical order:

specified place means a country or region that the Director-General has specified in a notice—

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

5 New clause 7B inserted (Certain air carriers to comply with other requirements)

After clause 7A, insert:

7B Certain air carriers to comply with other requirements

- (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 a specified place to New Zealand.
- (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** mean a person who is exempt from clause 8(2B) by or under this order.

6 Clause 8 amended (Obligations on persons arriving in New Zealand by air)

- (1) Replace clause 8(2A)(b) with:
- (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.
- (2) After clause 8(2A), insert:
- (2B) If the person arrives in New Zealand on a journey or multi-leg journey, the person—
- (a) must have—
 - (i) a negative result from a COVID-19 test administered no more than 72 hours before the journey began; or
 - (ii) a certificate that verifies that the person was examined by a specified person 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 72 hours before the journey began, a certificate that verifies that a specified person 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) In clause 8(4A), replace “subclause (2A)” with “subclause (2A) or (2B)”.
- (4) After clause 8(4A), insert:
- (4B) The hours requirement in subclause (2B)(a) is to be treated as being 96 hours from the new departure time instead of 72 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) Replace clause 8(5) with:

(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, COVID-19 test, specified person, or specified place, 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*

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

IQ exemption means an exemption under the Isolation and Quarantine Order

journey means travel by any means over a period of 14 days or less from a specified place—

- (a) that does not include staying in one specified place for a period exceeding 96 hours; and

- (b) that begins by departing from a country or region other than New Zealand and ends by arriving in New Zealand

specified person means a person in a specified place who is—

- (a) a medical practitioner; or

- (b) a suitably qualified person that the Director-General has specified.

7 **Clause 12 amended (Crew of ship)**

In clause 12(1), replace “clause 8” with “clause 8 (except subclause (2B))”.

8 **Clause 17 amended (Medical attendants)**

In clause 17, replace “clause 8(2A)” with “clause 8(2A) and (2B)”.

9 Clause 18 amended (Police escorts of extradited or deported persons)

In clause 18, replace “clause 8(2A)” with “clause 8(2A) and (2B)”.

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

After clause 20, insert:

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

- (1) The following persons are exempt from clause 8(2B):
 - (a) a specified aircrew member:
 - (b) a person who is less than 2 years old:
 - (c) a person who is on an aircraft that is required to stop for non-traffic purposes in New Zealand:
 - (d) a person who has, or is given, permission to arrive in New Zealand for humanitarian reasons.
- (2) In this clause, **stop for non-traffic purposes** means to land for any purpose other than taking on or discharging passengers, cargo, or mail.

11 Clause 27 amended (Power for Director-General to grant exemptions from this order to emergency workers)

In clause 27(1), replace “Zealand” with “New Zealand”.

12 New clause 27A inserted (Power for Director-General to grant exemptions from clause 8(2B))

After clause 27, insert:

27A Power for Director-General to grant exemptions from clause 8(2B)

Despite anything in clause 10, the Director-General may exempt any class of persons transiting through New Zealand from the 72 hours requirement specified in clause 8(2B).

Dated at Wellington this 12th day of January 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force at 11.59 pm on 15 January 2021, amends the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 to require pre-departure testing for COVID-19 in respect of specified places. A failure to comply is an infringement offence under section 26(3) of the COVID-19 Public Health Response Act 2020 (the **Act**) for which a person is liable to an infringement fee of \$300 or a fine not exceeding \$1,000.

This order must be approved by a resolution of the House of Representatives before the end of the relevant period described in section 16(2) of the Act. If that does not happen, the order is revoked at the end of that period.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 12 January 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

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