



## **COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022**

This order is made by the Minister for COVID-19 Response 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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**Order**

**1 Title**

This order is the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2022.

**2 Commencement**

This order comes into force at 11.58 pm on 16 January 2022.

**Part 1**  
**Amendments to COVID-19 Public Health Response (Air Border)**  
**Order (No 2) 2020**

**3 Principal order**

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

**4 Clause 4 amended (Interpretation)**

- (1) In clause 4(1), replace the definition of **aircrew member** with:

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

- (2) In clause 4(1), insert in their appropriate alphabetical order:

**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

**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)

- (3) In clause 4(1), revoke the definition of **specified aircrew member**.

**5 Subpart 3 heading in Part 3 replaced**

In Part 3, replace the subpart 3 heading with:

Subpart 3—New Zealand-based aircrew members

**6 Clause 19 amended (Application of subpart)**

(1) Replace clause 19(1) with:

(1) This subpart applies to a New Zealand-based aircrew member arriving in New Zealand by air.

(2) In clause 19(2), replace “specified aircrew member” with “New Zealand-based aircrew member”.

**7 Clause 20 amended (Exemptions from requirements for confirmed allocation and pre-departure testing)**

In clause 20, replace “specified aircrew member” with “New Zealand-based aircrew member”.

**8 Clause 21 amended (Exemption from requirement to be isolated or quarantined)**

In clause 21(1), replace “specified aircrew member” with “New Zealand-based aircrew member”.

**9 Clause 22 amended (Higher-risk route)**

In clause 22, replace “specified aircrew member” with “New Zealand-based aircrew member”.

**10 Clause 23 amended (Pilots returning from flight simulator training)**

In clause 23(1) and (2), replace “specified aircrew member” with “New Zealand-based aircrew member”.

**11 Clause 24 amended (Absences of at least 7 days or overseas domestic travel)**

In clause 24(1) and (2), replace “specified aircrew member” with “New Zealand-based aircrew member”.

**12 Clause 25 amended (Failure to meet key safety standards)**

In clause 25(1) and (3), replace “specified aircrew member” with “New Zealand-based aircrew member”.

**13 Schedule 1 amended**

In Schedule 1,—

- (a) insert the following Part as the last Part; and
- (b) make all necessary consequential amendments:

### Part 13

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

##### 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.

##### 14 Schedule 2 amended

- (1) In Schedule 2, clause 2, revoke the definition of **aircrew member**.
- (2) In Schedule 2, clauses 3(2), 4(2), 5(3), and 9(3), delete “for the QFT flight”.
- (3) In Schedule 2, clause 7(1), replace “aircrew member” with “overseas-based aircrew member”.
- (4) In Schedule 2, revoke clause 7(1A).

### Part 2

#### Amendments to COVID-19 Public Health Response (Air Border) Order 2021

##### 15 Principal order

This Part amends the COVID-19 Public Health Response (Air Border) Order 2021.

##### 16 Clause 2 amended (Commencement)

In clause 2, replace “16 January” with “27 February”.

**17 Clause 4 amended (Interpretation)**

- (1) In clause 4(1), definition of **aircrew member**, replace “international aircrew member” with “overseas-based aircrew member”.
- (2) In clause 4(1), revoke the definition of **international aircrew member**.
- (3) In clause 4(1), insert in its appropriate alphabetical order:

**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)

**18 Clause 7 amended (COVID-19 provisions apply to person if specified in COVID-19 border requirements schedule that applies to them)**

- (1) In clause 7(5)(b), replace “international aircrew members” with “overseas-based aircrew members”.
- (2) In clause 7(6), after “applies and”, insert “specifies”.

**19 Clause 34 amended (Must provide self-isolation information at certain times at low risk of having or transmitting COVID-19)**

Replace the heading to clause 34 with “**Must be considered at low risk of having or transmitting COVID-19**”.

**20 Clause 45 amended (Exhibiting symptoms of COVID-19 on arrival)**

In clause 45(3), replace “international aircrew member” with “overseas-based aircrew member”.

**21 Clause 46 amended (Considered not at low risk of having or transmitting COVID-19)**

In clause 46(3), replace “international aircrew member” with “overseas-based aircrew member”.

**22 Schedule 5 amended**

- (1) Replace the Schedule 5 heading with:

## Schedule 5

### Overseas-based aircrew members

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- (2) In Schedule 5, clauses 1 to 3, replace “international aircrew member” with “overseas-based aircrew member”.
- (3) In Schedule 5, clause 1, after “arrives in New Zealand”, insert “by air”.
- (4) In Schedule 5, headings to clauses 2 and 3, replace “**international aircrew members**” with “**overseas-based aircrew members**”.
- (5) In Schedule 5, in the Part 2 and Part 3 headings, replace “**International aircrew members**” with “**Overseas-based aircrew members**”.

#### 23 Schedules 6, 11, 12, and 13 amended

In each of the following, replace “international aircrew members” with “overseas-based aircrew members”:

- (a) Schedule 6, clause 1(2)(b):
- (b) Schedule 11, clause 1(2)(b):
- (c) Schedule 12, clause 1(2)(b):
- (d) Schedule 13, clause 1(2)(b).

#### 24 Schedule 15 amended

In Schedule 15, clause 1, definition of **lay-over country**, paragraph (b), replace “international aircrew member” with “overseas-based aircrew member”.

## Part 3

### Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

#### 25 Principal order

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

#### 26 Clause 4 amended (Interpretation)

- (1) In clause 4(1), replace the definition of **aircrew member** with:  
**aircrew member** means a New Zealand-based aircrew member or an overseas-based aircrew member
- (2) In clause 4(1), insert in their appropriate alphabetical order:  
**New Zealand-based aircrew member** has the meaning given by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

**overseas-based aircrew member** has the meaning given by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

**27 Clause 11 amended (Early end to period of isolation or quarantine for certain people)**

- (1) Replace clause 11(3)(a) with:
  - (a) a person who arrived in New Zealand as an aircrew member; or
- (2) Replace clause 11(4A) with:
  - (4A) Subclause (4B) applies to a scheduled departer who—
    - (a) arrived in New Zealand as an overseas-based aircrew member; or
    - (b) is not ordinarily resident in New Zealand and arrived in New Zealand by air—
      - (i) while assisting, as a medical attendant, with a medical air transfer to New Zealand; or
      - (ii) to assist, as a medical attendant, with a medical air transfer from New Zealand.
- (3) Replace clause 11(4D) with:
- (4D) If a person who arrived in New Zealand as a New Zealand-based aircrew member is isolated or quarantined at an MIQF, the chief executive may end that person's **period of isolation or quarantine** earlier than it would otherwise end under clause 10(1) if satisfied—
  - (a) that it is a practical time for the person to leave the MIQF; and
  - (b) that, based on the advice of a medical officer of health, the aircrew member meets the low-risk indicators.

**28 Clause 15B amended (Part applies to relevant workers)**

- (1) Revoke clause 15B(1)(b).
- (2) In clause 15B(3), definition of **Police escort**, replace “applies (duties in connection with extradition to or deportation from New Zealand)” with “applied (duties in connection with extradition to or deportation from New Zealand) on their arrival in New Zealand”.
- (3) In clause 15B(3), replace the definition of **relevant crew member** with:

**relevant crew member** means a person who arrived in New Zealand as a New Zealand-based aircrew member and who travelled on a higher-risk route (within the meaning of the Air Border Order) within the 7 days immediately before that arrival
- (4) In clause 15B(3), definition of **relevant medical attendant**, after “person”, insert “who is ordinarily resident in New Zealand and”.



**29 Clause 15DB amended (Other circumstances in which Part 1 applies)**

In clause 15DB(2)(b)(ii), replace “aircrew” with “relevant crew”.

**Part 4****Amendments to COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021****30 Principal order**

This Part amends the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021.

**31 Clause 2 replaced (Commencement)**

Replace clause 2 with:

**2 Commencement**

This order comes into force as follows:

- (a) clause 10(1) comes into force at 11.59 pm on 16 January 2022;
- (b) the rest of this order comes into force at 11.59 pm on 27 February 2022.

**32 Clause 5 amended (Clause 4 amended (Interpretation))**

- (1) In clause 5(1), revoke the new definition of **international aircrew member**.
- (2) In clause 5(2), revoke the new definition of **aircrew member**.
- (3) After clause 5(2), insert:
- (3) In clause 4(1), replace the definition of **overseas-based aircrew member** with: **overseas-based aircrew member** has the meaning given by clause 4 of the Air Border Order

**33 Clause 10 amended (Clause 11 amended (Early end to period of isolation or quarantine for certain people))**

- (1) Replace clause 10(2) with:
- (2) Replace clause 11(3) with:
- (3) Subclause (4) applies to a person who is scheduled to depart from New Zealand during the period under clause 10(1) (a **scheduled departer**), other than a person who arrived in New Zealand as—
  - (a) an overseas-based aircrew member; or
  - (b) a medical attendant.
- (2) Replace clause 10(3) with:
- (3) Replace clause 11(4A)(b) with:
  - (b) is not ordinarily resident in New Zealand and arrived in New Zealand as a medical attendant.

**34 Schedule 1 amended**

- (1) In Schedule 1, new clause 11(1)(a), replace “the Amendment Order commences” with “11.59 pm on 27 February 2022”.
- (2) In Schedule 1, new clause 11(1)(b), replace “after that commencement” with “at or after that time”.
- (3) In Schedule 1, revoke new clause 11(5).

Dated at Wellington this 14th day of January 2022.

Hon Dr Ayesha Verrall,  
Associate Minister of Health.

**Explanatory note**

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

This order amends the following orders:

- the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order 2020**);
- the COVID-19 Public Health Response (Air Border) Order 2021;
- the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the **Isolation and Quarantine Order**);
- the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 (the **Isolation and Quarantine Amendment Order**).

It comes into force at 11.58 pm on 16 January 2022.

*Part 1—Amendments to COVID-19 Public Health Response (Air Border)  
Order (No 2) 2020*

*Part 1* amends the Air Border Order 2020. The amendments—

- redefine the term aircrew member to mean an overseas-based aircrew member or a New Zealand-based aircrew member (*see clause 4(1)*); and
- related to that, insert new definitions of New Zealand-based aircrew member and overseas-based aircrew member (*see clause 4(2)*); and
- replace all references to an aircrew member who is ordinarily resident in New Zealand (a **specified aircrew member**) with references to New Zealand-based aircrew members (*see clauses 4(3), 5 to 12, and 14(3)*); and

- ensure that a reference in any instrument made under the Air Border Order 2020 to a specified aircrew member is to be treated as a reference to a New Zealand-based aircrew member (*see clause 13*); and
- make other consequential amendments (*see clause 14(1), (2), and (4)*).

The new definitions of aircrew member, New Zealand-based aircrew member, and overseas-based aircrew member are generally the same as the definitions of those or similar terms in the COVID-19 Public Health Response (Air Border) Order 2021, which has not yet come into force (*see explanatory note on Part 2 below*). The main distinction between a New Zealand-based aircrew member and an overseas-based aircrew member is that the former is ordinarily resident in New Zealand and the latter is not.

Under the new definitions, a person is generally only an aircrew member—

- if they arrive in New Zealand—
  - on an aircraft on which they are working as crew; or
  - for repositioning purposes (that is, for the purpose of connecting with another aircraft on which they are working as crew); or
  - (in the case of a New Zealand-based aircrew member only) 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; or
- (in the case of an overseas-based aircrew member only) if they are 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).

Currently, aircrew member, as defined in the Air Border Order 2020, potentially covers a broader range of people. In particular, it refers to any person who—

- is identified as a crew member on the crew manifest for the aircraft on which they arrive in New Zealand (these are generally persons working as crew on that aircraft); or
- is not identified as a crew member on that crew manifest but is on the aircraft at the direction of an airline for which they work as a pilot, co-pilot, or flight attendant.

One of the main effects of the amendments in *Part 1* is that certain exemptions and other provisions in the Air Border Order 2020 that currently apply in relation to specified aircrew members will only apply to the more narrowly defined New Zealand-based aircrew members (*see clauses 5 to 12 and 14(3)*).

#### *Part 2—Amendments to COVID-19 Public Health Response (Air Border) Order 2021*

*Part 2* amends the COVID-19 Public Health Response (Air Border) Order 2021—

- to postpone the commencement of that order from 11.59 pm on 16 January 2022 to 11.59 pm on 27 February 2022 (*see clause 16*); and
- to replace the term international aircrew member with the term overseas-based aircrew member (*see clauses 17, 18(1), 20, 21, 22(1), (2), (4) and (5), 23, and 24*); and
- to make minor drafting corrections (*see clauses 18(2), 19, and 22(3)*).

*Part 3—Amendments to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020*

*Part 3* makes amendments to the Isolation and Quarantine Order that are a consequence of the amendments *Part 1* makes to the Air Border Order 2020.

*Part 4—Amendments to COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021*

*Part 4* amends the Isolation and Quarantine Amendment Order. Those amendments are generally a consequence of the amendments made by *Parts 2 and 3*.

*Clause 31* postpones the commencement of the Isolation and Quarantine Amendment Order from 11.59 pm on 16 January 2022 to 11.59 pm on 27 February 2022, except for one of the amendments made by that order. That amendment enables a person's period of isolation or quarantine at a managed isolation or quarantine facility to be ended sooner than is currently the case (that is, up to 6 hours, instead of up to 3 hours, before the period would otherwise end).

*Approval by resolution required*

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 COVID-19 Public Health Response Act 2020. 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*: 14 January 2022.  
This order is administered by the Ministry of Health.