

Version  
as at 12 September 2022



## COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021

(LI 2021/313)

COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 2021: revoked, at 11.59 pm on 12 September 2022, pursuant to clause 3(1)(a) of the COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254).

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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#### 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 (Isolation and Quarantine) Amendment Order (No 3) 2021.

### 2 Commencement

This order comes into force at 11.59 pm on 29 October 2021.

### 3 Principal order

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

### 4 Clause 7 amended (Part applies to relevant persons)

Replace clause 7(2) with:

(2) However, this Part applies to—

- (a) a relevant worker only to the extent provided in clauses 15DA and 15DB:
- (b) a participant under Part 1B only to the extent provided in clause 15GI.

### 5 New Part 1B inserted

After clause 15G, insert:

## Part 1B

### Self-isolation by participants in programme

#### 15GA Interpretation

In this Part, unless the context otherwise requires,—

**chief executive** means the chief executive of MBIE

**fellow traveller participant**, in relation to a participant (**participant A**), means another person who has been approved by the chief executive as a participant who must self-isolate at the same place of self-isolation as participant A after arriving in New Zealand with participant A

**participant** means a person who—

- (a) is a New Zealand citizen or permanent resident, or a resident who must be granted entry permission, as those terms are defined by section 4 of the Immigration Act 2009; and
- (b) is vaccinated; and
- (c) on application, and at the chief executive’s discretion, has been approved by the chief executive as a participant in the self-isolation programme; and
- (d) has agreed to the conditions of the self-isolation programme as set by the chief executive

**period of self-isolation**, for a participant, has the meaning given by clause 15GG

**place of self-isolation**, for a participant, means a property or unit that includes a residence or other accommodation and at which they must self-isolate, as approved by the chief executive—

- (a) when the person was approved as a participant; or
- (b) if the person is moved under clause 15GH(1)(c)(ii)

**requirements of the self-isolation programme** has the meaning given by clause 15GB(2)

**self-isolation programme** means a self-isolation pilot programme operated by the chief executive for the purposes of this Part

**vaccinated**, in relation to a person, means that the person has received 2 doses of the Pfizer/BioNTech COVID-19 vaccine in New Zealand.

### Subpart 1—Requirements for self-isolation by participants

#### **15GB Subpart applies to participants**

- (1) This subpart applies to a participant who is required by the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 to be isolated or quarantined in accordance with this order.
- (2) The participant must comply with the following (the **requirements of the self-isolation programme**):
  - (a) the requirements of this subpart; and
  - (b) any condition of the self-isolation programme to which they agreed (*see* clause 15GA, paragraph (d) of the definition of participant).
- (3) However, this subpart no longer applies to the participant in the situations described by clause 15GI(1).
- (4) To avoid doubt, a breach of a condition described by subclause (2)(b) is a breach of this order.

**15GC Remaining at place of self-isolation and other restrictions**

- (1) A participant must comply with the requirements of this clause throughout their period of self-isolation.
- (2) They must remain at their place of self-isolation, except as permitted by this subpart.
- (3) They must maintain physical distancing (to the greatest extent practicable) from all other persons except any fellow traveller participant.
- (4) They must not permit anyone to enter their place of self-isolation except—
  - (a) any fellow traveller participant; or
  - (b) someone who needs to enter—
    - (i) for contactless delivery of goods while wearing a face covering; or
    - (ii) to provide any necessary medical services, including any test for COVID-19; or
    - (iii) to preserve or protect their own or another person’s life, health, safety, or property in an emergency; or
  - (c) someone who—
    - (i) is vaccinated, or is not vaccinated but who the chief executive is satisfied must enter to do something that—
      - (A) is unanticipated, time-critical, and necessary to ensure that the participant can remain in the self-isolation programme or their place of self-isolation; and
      - (B) cannot be done by a person who is vaccinated; and
    - (ii) enters in accordance with the chief executive’s authorisation and any directions or conditions relating to the authorisation.
- (5) They may go outside at their place of self-isolation, including to exercise, if the outside area is—
  - (a) within the boundary of the property or unit that is the place of self-isolation; and
  - (b) used only by those allowed to enter the place of self-isolation throughout the participant’s period of self-isolation.
- (6) They—
  - (a) must wear a face covering at all times when outside at their place of self-isolation, including when exercising; but
  - (b) may remove the face covering to smoke or to vape (as those terms are defined by section 2 of the Smokefree Environments and Regulated Products Act 1990).

- (7) They must wear personal protective equipment, in the manner directed (to the greatest extent practicable),—
- (a) at all times if they leave their place of self-isolation; and
  - (b) at any other times that they are directed to do so.
- (8) In this clause,—
- contactless delivery** means delivery while maintaining physical distancing from all other persons
- directed** means directed by—
- (a) a medical officer of health or a health protection officer; or
  - (b) the chief executive, based on the advice of the Director-General
- face covering** means a covering of any type that covers the nose and mouth of a person.

#### **15GD Medical examination and testing**

A participant must report for, and undergo, medical examination and testing for COVID-19 at any time throughout their period of self-isolation, as directed by—

- (a) a medical officer of health or a health protection officer; or
- (b) the chief executive, based on the advice of the Director-General.

#### **15GE Monitoring of compliance**

To avoid doubt, a participant must comply with any condition of the self-isolation programme to which they agreed that requires monitoring to ensure that they remain at their place of self-isolation.

#### **15GF Notice must be displayed at place of self-isolation**

- (1) A participant must ensure that a notice is clearly displayed at every entry point to—
- (a) their residence or other accommodation at their place of self-isolation; and
  - (b) their place of self-isolation, if the boundary of the property or unit extends beyond the residence or other accommodation.
- (2) The notice must—
- (a) be provided to the participant by the chief executive; and
  - (b) include statements that—
    - (i) the location is a place of self-isolation under this order; and
    - (ii) it is an offence to intentionally enter the place of self-isolation without being permitted to do so by this order.

**15GG Period of self-isolation**

- (1) A participant's **period of self-isolation** is the period—
  - (a) commencing as soon as practicable after they arrive in New Zealand; and
  - (b) ending at the same time of day as, but on the 14th day after, they arrived in New Zealand if the chief executive is satisfied that the participant meets the low-risk indicators, as determined—
    - (i) as close as is reasonably practicable to the end of that period; and
    - (ii) based on the advice of a suitably qualified health practitioner.
- (2) However, their **period of self-isolation** ends—
  - (a) later after any longer period that—
    - (i) is needed to satisfy the chief executive, based on the advice of a suitably qualified health practitioner, that the participant meets the low-risk indicators; but
    - (ii) ends no later than the same time of day as, but on the 28th day after, they arrived in New Zealand; or
  - (b) immediately if clause 15GI applies (and Part 1 applies instead of this subpart).

**15GH Leaving place of self-isolation**

- (1) A participant is permitted to leave their place of self-isolation—
  - (a) if they need to leave to preserve or protect their own or another person's life, health, or safety in an emergency; or
  - (b) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required to attend by that institution; or
  - (c) if the chief executive is satisfied, based on the advice of a suitably qualified health practitioner, that the person needs to leave—
    - (i) to access medical services; or
    - (ii) to move to another place of self-isolation; or
    - (iii) to move to a place of isolation or quarantine (for example, for temporary or emergency care while the person is sick); or
    - (iv) for any exceptional reason; or
  - (d) if required by the chief executive, based on the advice of the Director-General, to leave to undergo a test for COVID-19; or
  - (e) if they are required to leave under Part 4 of the Health Act 1956.
- (2) However, a participant leaving their place of self-isolation under this clause must comply with any directions of, or conditions imposed by, the chief executive.

**15GI Isolation or quarantine may replace self-isolation**

- (1) This clause applies if a participant—
  - (a) breaches any requirement of the self-isolation programme; or
  - (b) is moved to a place of isolation or quarantine under clause 15GH(1)(c)(iii).
- (2) The participant becomes subject to Part 1 instead of this subpart, and must be isolated or quarantined in accordance with that Part.
- (3) To avoid doubt, the person's **start time** is defined by clause 10(2) (so that their period of self-isolation is counted towards their period of isolation or quarantine under that clause).

Subpart 2—Requirements for employers and people entering place of  
self-isolation

**15GJ Requirement for employers**

The employer of a participant must take all reasonable steps to ensure that the participant complies with the requirements of the self-isolation programme.

**15GK Requirement for people entering place of self-isolation**

A person must not enter the place of self-isolation of any participant unless their entry is permitted by clause 15GC(4).

Dated at Wellington this 14th day of October 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 amends the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the **Isolation and Quarantine Order**). It comes into force at 11.59 pm on 29 October 2021.

The amendments relate to participants in a self-isolation pilot programme operated by the chief executive of the Ministry of Business, Innovation, and Employment (the **programme**). A participant must be fully vaccinated in New Zealand, be approved for the programme, and agree to the conditions of the programme, amongst other things.

### *Requirements for self-isolation by participants*

A participant must comply with *subpart 1 of new Part 1B* of the Isolation and Quarantine Order, and with the conditions of the programme. Those apply instead of the requirements of Part 1 of that order, which generally require a person to be isolated or quarantined at a managed isolation or quarantine facility (an **MIQF**).

A participant must remain at their place of self-isolation (an approved property or unit that includes a residence or other accommodation). They must maintain physical distancing and exclude others from entering their place of self-isolation. There are certain exceptions.

A participant must report for, and undergo, medical examination and testing for COVID-19, as directed. They must ensure that a warning notice is displayed at certain locations at their place of self-isolation.

A participant's period of self-isolation is essentially the same as if they were isolated or quarantined in an MIQF.

### *Requirements for employers and people entering place of self-isolation*

Under *subpart 2 of new Part 1B* of the Isolation and Quarantine Order, a participant's employer must take all reasonable steps to ensure that the participant complies with the programme's requirements. And a person must not enter a participant's place of self-isolation unless their entry is permitted by certain exceptions.

### *Offences*

A person who intentionally fails to comply with the Isolation and Quarantine Order commits an offence against section 26 of the COVID-19 Public Health Response Act 2020 (the **Act**). This applies to a participant who intentionally fails to comply with *subpart 1 of new Part 1B*, including any condition of the programme. Under *subpart 2 of new Part 1B*, it may also apply to a participant's employer or to a person who enters a participant's place of self-isolation.

### *Approval by resolution required*

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



## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Isolation and Quarantine) Amendment Order (No 3) 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 (Revocations) Order 2022 (SL 2022/254): clause 3(1)(a)