

Version  
as at 20 October 2022



## COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 (SL 2022/75)

COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022: revoked, at 12.01 am on 20 October 2022, pursuant to clause 3 of the COVID-19 Public Health Response (Air Border) Order Revocation Order 2022 (SL 2022/275).

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 (Air Border) Amendment Order (No 2) 2022.

**2 Commencement**

This order comes into force at 11.59 pm on 18 March 2022.

**Part 1  
Amendments to COVID-19 Public Health Response (Air Border)  
Order 2021**

**3 Principal order**

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

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

(1) Replace clause 7(2)(b) with:

(b) the provisions in subpart 2 are conditions that may have to be satisfied before, on, or after a person’s arrival in New Zealand (for example, they may have to be vaccinated before they arrive); and

(2) Replace clause 7(2)(c) with:

(c) the provisions in subpart 3 set out some consequences of breaching a provision in subpart 1 or 2.

(3) In clause 7(5)(h), replace “other persons” with “general travellers”.

**5 Clause 41 revoked (Failure to produce evidence of being vaccinated)**

Revoke clause 41.

## 6 Schedule 7 amended

- (1) In Schedule 7, clause 1(1)(b), after “arrives in New Zealand”, insert “by air”.
- (2) In Schedule 7, Part 2, item relating to clause 8, delete the item in the third column.
- (3) In Schedule 7, Part 2, revoke the items relating to clauses 10 and 21.
- (4) In Schedule 7, Part 3, item relating to clause 8, replace the item in the third column with:

After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
- (5) In Schedule 7, Part 3, revoke the items relating to clauses 10 and 21.
- (6) In Schedule 7, Part 5, item relating to clause 8, replace paragraphs (1) and (2) with:

After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
- (7) In Schedule 7, Part 5, revoke the items relating to clauses 10 and 21.

## 7 Schedule 11 amended

- (1) In Schedule 11, Part 2, item relating to clause 8, third column, insert:

The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
- (2) In Schedule 11, Part 2, revoke the item relating to clause 34.
- (3) In Schedule 11, Part 3, item relating to clause 8, third column, insert:

The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
- (4) In Schedule 11, Part 3, revoke the item relating to clause 34.

## 8 Schedule 12 amended

- (1) In Schedule 12, Part 2, item relating to clause 8, replace paragraphs (1) and (2) with:

After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
- (2) In Schedule 12, Part 2, revoke the items relating to clauses 10 and 21.
- (3) In Schedule 12, Part 3, item relating to clause 8, replace paragraphs (1) and (2) with:

After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
- (4) In Schedule 12, Part 3, revoke the items relating to clauses 10 and 21.

## 9 Schedule 14 amended

- (1) In Schedule 14, Part 2, item relating to clause 8, replace paragraphs (1) and (2) with:
  - (1) After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
  - (2) The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order, in which case paragraph (1) does not apply to them during their period of isolation or quarantine.
- (2) In Schedule 14, Part 2, revoke the items relating to clauses 10 and 21.
- (3) In Schedule 14, Part 3, item relating to clause 8, replace paragraphs (1) and (2) with:
  - (1) After the person arrives in New Zealand, they must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.
  - (2) The chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or someone acting on their behalf, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order, in which case paragraph (1) does not apply to them during their period of isolation or quarantine.
- (4) In Schedule 14, Part 3, revoke the items relating to clauses 10 and 21.

## Part 2

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

#### 10 Principal order

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

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

After clause 11(5), insert:

*Exception for certain arrivals by air*

- (6) Subclause (7) applies to a person who is isolated or quarantined at an MIQF pursuant to a request made by or on behalf of that person to the chief executive under the COVID-19 Public Health Response (Air Border) Order 2021.
- (7) Their **period of isolation or quarantine** ends when they choose to leave the MIQF.

#### 12 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in the Schedule of this order as the last Part; and
- (b) make all necessary consequential amendments.

**Schedule****New Part 8 inserted into Schedule 1 of COVID-19 Public Health  
Response (Isolation and Quarantine) Order 2020**

cl 12

**Part 8****Provisions relating to COVID-19 Public Health Response (Air  
Border) Amendment Order (No 2) 2022**

- 19 Part 1 ceases to apply to certain people in managed isolation or quarantine at 11.59 pm on 18 March 2022**
- (1) This clause applies to a person if—
- (a) the person is subject to Part 1 of this order immediately before 11.59 pm on 18 March 2022; but
  - (b) Part 1 of this order would not have applied to the person if they had arrived in New Zealand immediately at or after that time.
- (2) Part 1 of this order ceases to apply to the person at 11.59 pm on 18 March 2022 unless the person is in an MIQF immediately before that time and the chief executive requires the person to remain in the MIQF under subclause (3).
- (3) The chief executive—
- (a) may require the person to remain in an MIQF after 11.59 pm on 18 March 2022 for as long as the chief executive is satisfied that it is reasonably necessary to enable a co-ordinated, orderly, and proportionate departure from the MIQF; but
  - (b) must not require the person to remain in an MIQF for longer than—
    - (i) 24 hours after 11.59 pm on 18 March 2022; or
    - (ii) the period of isolation or quarantine that would otherwise have applied to the person under Part 1.
- (4) A person who is required to remain in an MIQF under subclause (3) remains subject to Part 1 of this order until the earlier of the following:
- (a) the time when the chief executive directs that they are no longer required to remain in the MIQF;
  - (b) 11.59 pm on 19 March 2022.

Dated at Wellington this 18th day of March 2022.

Hon Dr Ayesha Verrall,  
Associate 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 (Air Border) Order 2021 (the **Air Border Order**) and 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 18 March 2022.

### *Amendments to Air Border Order*

*Part 1* amends the Air Border Order to—

- remove the requirement for travellers who are not vaccinated to enter a managed isolation and quarantine facility (an **MIQF**) on arrival (by amending Schedules 7, 12, and 14, and revoking clause 41);
- remove the requirement for general travellers who have been in a group 1 country to be considered at low risk of having or transmitting COVID-19 on arrival in New Zealand (by amending Schedule 11);
- enable certain travellers to enter an MIQF on request, despite not being required to do so, when authorised by the chief executive of the Ministry of Business, Innovation, and Employment.

### *Amendments to Isolation and Quarantine Order*

*Part 2* amends the Isolation and Quarantine Order to—

- allow persons who have entered an MIQF on request under the Air Border Order to leave that MIQF when they choose to;
- provide for transitional provisions to allow the chief executive of the Ministry of Business, Innovation, and Employment to require persons in an MIQF at the time this order comes into force to remain in that MIQF for up to 24 hours in order to enable a co-ordinated, orderly, and proportionate departure from that MIQF.

### *Approval by resolution required*

This order must be approved by resolution of the House of Representatives before the expiry of the period described in section 16(2) of the COVID-19 Public Health Response Act 2020. If this does not happen, the order is revoked on the expiry of that period.





## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Amendment Order (No 2) 2022 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 Revocation Order 2022 (SL 2022/275): clause 3