

**Version  
as at 15 August 2023**



## **COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022**

(SL 2022/213)

COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order (No 2) 2022: revoked, on 15 August 2023, pursuant to clause 3(b) of the COVID-19 Public Health Response (Revocations) Order 2023 (SL 2023/196).

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 (Maritime Border and Other Matters) Amendment Order (No 2) 2022.

**2 Commencement**

This order comes into force at 11.59 pm on 31 July 2022.

**Part 1**

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

**3 Principal order**

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

**4 Clause 3 replaced (Purpose)**

Replace clause 3 with:

**3 Purpose**

The purpose of this order is to support a public health response to COVID-19 that furthers the purpose of the Act by imposing requirements in relation to persons who arrive in New Zealand by sea.

**5 Clause 4 amended (Interpretation)**

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

**category 1 ship** has the meaning given to it by clause 9(1)

**category 2 ship** has the meaning given to it by clause 9(2)

**cruise line** means a person who is carrying on an international cruise business

**cruise ship** means a ship operated by a cruise line for an international cruise as part of its international cruise business

**Director-General notice** means a notice made under clause 31C

**health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**health protection officer** has the same meaning as in section 2(1) of the Health Act 1956

**international cruise business** means a business that involves operating ships, boats, or other vessels for international cruises, if the places on the cruises are purchased by or for members of the public on the basis of schedules or itineraries that are publicly available or are made available to members of the public on request

**medical practitioner** means a health practitioner who—

- (a) is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine; and
- (b) holds a current practising certificate

**overseas-qualified medical practitioner** means a person who is registered or licensed, in a country other than New Zealand, as a health professional equivalent to a medical practitioner

**passenger** means a person carried on a ship during a voyage who is not crew or a pilot

- (2) In clause 4(1), replace the definition of **compulsory testing** with:

**compulsory COVID-19 testing** has the meaning given to it by clause 10(1)

- (3) In clause 4(1), revoke the following definitions:

- (a) **cargo ship:**
- (b) **territorial sea:**
- (c) **United Nations Convention on the Law of the Sea.**

## 6 Clauses 8 to 13 replaced

Replace clauses 8 to 13 and the cross-headings above clauses 8 and 10 with:

### 8 Overview of Part 2

- (1) This Part sets out requirements that apply to persons who arrive in New Zealand on board a ship.
- (2) Generally, and as a guide only,—

- (a) subpart 1 is about compulsory COVID-19 testing for arrivals on category 1 ships; and
- (b) subpart 2 is about required vaccination for arrivals on category 2 ships; and
- (c) subpart 3 sets out requirements for the master of any ship.

#### **9 Meaning of category 1 ship and category 2 ship**

- (1) Every ship that is not a category 2 ship is a **category 1 ship**.
- (2) The following are **category 2 ships**:
  - (a) a cruise ship;
  - (b) any other ship that is operated primarily for the transportation or pleasure of the person or people on board (whether or not there are paid or unpaid crew who support them on board).

#### Subpart 1—Requirements relating to testing (category 1 ships)

#### **10 Arrivals on category 1 ships must undergo testing for COVID-19**

- (1) A person who arrives in New Zealand on board a category 1 ship must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022 (**compulsory COVID-19 testing**).
- (2) If the person undergoes compulsory COVID-19 testing on board the ship, they must report their test results to the master of the ship.

#### **11 Masters of category 1 ships must notify COVID-19 testing results**

- (1) The master of a category 1 ship must notify a medical officer of health of the result of any compulsory COVID-19 testing a person undergoes on board the ship.
- (2) A breach of this clause is a high risk infringement offence for the purposes of section 26(3) of the Act.

#### Subpart 2—Requirements relating to vaccination (category 2 ships)

#### **12 Arrivals on category 2 ships must be vaccinated (or be excused or exempt)**

- (1) A person must be vaccinated before they arrive in New Zealand on board a category 2 ship, unless they are excused or exempt.
- (2) A person is **excused** if they have—
  - (a) a certificate from a medical practitioner or an overseas-qualified medical practitioner verifying the practitioner's advice that, for medical reasons, the person should not be vaccinated; and
  - (b) if the certificate is not in English, a translation of the certificate into English.

- (3) A person is **exempt** if they—
- (a) are aged 16 years or under;
  - (b) are a New Zealand citizen;
  - (c) hold a residence class visa (as defined in section 4 of the Immigration Act 2009);
  - (d) held a residence class visa that expired no more than 6 months before the person boarded the ship;
  - (e) are a citizen of Australia and ordinarily resident in New Zealand;
  - (f) are a citizen of Afghanistan and arrive in New Zealand on or before 12 December 2022;
  - (g) are an arrival from Ukraine.
- (4) A breach of this subclause (1) is a medium risk infringement offence for the purposes of section 26(3) of the Act.
- (5) In this clause,—
- (a) a person is **an arrival from Ukraine** if—
    - (i) they travel to New Zealand for the first time as a holder of a visa (as defined in section 4 of the Immigration Act 2009) granted to them under the 2022 Special Ukraine Visa Policy; or
    - (ii) they are, or have been, ordinarily resident in Ukraine at any point on, or after, 1 January 2022; but
  - (b) a person is not **an arrival from Ukraine** if they travel to New Zealand as the holder of a temporary visa (within the meaning of the Immigration Act 2009) granted to them for the purpose of becoming a member of the crew of a fishing vessel in New Zealand waters.

### 13 Evidence of being vaccinated

- (1) When a category 2 ship arrives in New Zealand,—
- (a) the master must, on request, produce satisfactory evidence that every person on board has complied with clause 12; and
  - (b) each person on board must, on request, produce satisfactory evidence that they have complied with clause 12.
- (2) A request for evidence may be made only by a health protection officer or an enforcement officer.
- (3) A breach of subclause (1) is a low risk infringement offence for the purposes of section 26(3) of the Act.
- (4) For the purpose of this clause, evidence is **satisfactory** if it is produced in the form that is specified by a Director-General notice and confirms the details that are specified by a Director-General notice.

- (5) See section 34B of the Act (protection of evidence collected or obtained for purpose of determining whether person is vaccinated or has complied with Act or COVID-19 order).

**13A Master must have systems and processes in place**

The master of a category 2 ship that is travelling to New Zealand must have systems and processes in place to enable the master to check whether persons on board have complied with clause 12.

Subpart 3—Other requirements (all ships)

**7 Clause 14 amended (Master to give notice of arrival)**

- (1) Replace clause 14(1) with:

- (1) This clause applies to the master of a ship that is travelling to New Zealand.  
(2) In clause 14(4), replace “the Director-General” with “a Director-General notice”.

**8 Clause 15 replaced (Form and content of notice of arrival)**

Replace clause 15 with:

**15 Form and content of notice of arrival**

A Director-General notice may specify—

- (a) the information to be included and the matters to be confirmed in a notice of arrival; and  
(b) the form of a notice of arrival and the manner in which—  
(i) the form is to be completed; and  
(ii) the notice is to be given.

**9 Cross-heading above section 15A amended**

In the cross-heading above clause 15A, after “*requirement*”, insert “*for master*”.

**10 Clause 15A amended (Master to ensure awareness of COVID-19 testing and self-isolation requirements)**

- (1) In the heading to clause 15A, replace “**and self-isolation requirements**” with “**, vaccination, and self-isolation requirements**”.  
(2) Replace clause 15A(1) with:  
(1) This clause applies to the master of a ship that is travelling to New Zealand.  
(3) In clause 15A(2)(a), replace “under Part 3 of this order” with “in this order (*see* subpart 1 of this Part)”.  
(4) After clause 15A(2)(a), insert:

(ab) the vaccination requirements under subpart 2 of this Part; and

**11 Part 3 heading replaced**

Replace the Part 3 heading with:

**Part 3**  
**Transfers to MIQFs**

**12 Clauses 16 and 17 and cross-heading revoked**

Revoke clauses 16 and 17 and the cross-heading above clause 16.

**13 Cross-heading above clause 18 revoked**

Revoke the cross-heading above clause 18.

**14 Clause 18 amended (Chief executive may authorise person to isolate in MIQF (whether or not self-isolating))**

In clause 18(4)(b), replace “clause 29A(1)(b)” with “clause 29A(1)(b)(i)”.

**15 Part 5 heading replaced**

Replace the Part 5 heading with:

**Part 5**  
**Exemptions, powers, and revocation**

**16 Cross-heading above clause 30 replaced**

Replace the cross-heading above clause 30 with:

*Exemptions*

**17 Clause 30 amended (Exemption from clauses 14 to 17)**

(1) In the heading to clause 30, replace “**clauses 14 to 17**” with “**Part 2**”.

(2) In clause 30, replace “clauses 14 to 17” with “Part 2”.

**18 Clause 31 amended (Exemption from clauses 8 to 17)**

(1) In the heading to clause 31, replace “**clauses 8 to 17**” with “**Part 2**”.

(2) In clause 31(1), replace “Clauses 8 to 17 do” with “Part 2 does”.

**19 New clauses 31B and 31C and cross-headings inserted**

After clause 31A, insert:

**31B Director-General may grant exemptions**

(1) The Director-General may, by notice,—



- (a) exempt a person or class of person from clause 12 (arrivals on category 2 ships must be vaccinated (or be excused or exempt)):
- (b) exempt those on board a ship or a class of ship from any of the requirements in Part 2, but only for the purpose of—
  - (i) facilitating a medical transfer to New Zealand; or
  - (ii) assisting with the response to a ship in distress.
- (2) The Director-General must not grant an exemption under this clause unless they are satisfied that—
  - (a) the exemption is necessary or desirable in order to promote the purpose of the Act or the purpose 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.
- (3) The Director-General may impose conditions on the exemption as they consider necessary.
- (4) An exemption granted under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons or ships.
- (5) An exemption granted under this clause for 1 or more named persons or ships (an **individual exemption**) must be notified in writing to—
  - (a) the applicant; and
  - (b) each named person; and
  - (c) the master of each named ship.
- (6) An exemption, or an amendment to an exemption, may come into force before it is published (for secondary legislation) or notified (for individual exemptions) if the Director-General is satisfied that the exemption or amendment should come into force urgently.
- (7) In that case,—
  - (a) the effect of the exemption (or amendment) must be publicly announced before it comes into force; and
  - (b) the exemption or amendment must be published under the Legislation Act 2019 (for secondary legislation) or notified by the maker (for individual exemptions) as soon as practicable after it comes into force.

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

*Director-General notices***31C Director-General may specify matters by notice**

- (1) The Director-General may, by notice, specify anything that this order says may or must be specified by notice.
- (2) A notice made under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons, places, or things.
- (3) A notice made under this clause for 1 or more named persons (an **individual notice**) must be notified in writing to the applicant and any named person or persons.
- (4) A notice, or an amendment to a notice, must be published (for secondary legislation) or notified (for individual notices) as soon as practicable after it is made.

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

*Revocation***Part 2****Amendments to COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022****20 Principal order**

This Part amends the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022.

**21 Clause 5 amended (Interpretation)**

- (1) In clause 5(1), definition of **authorised person**, after paragraph (p), insert:
  - (q) a health protection officer (as defined in section 2(1) of the Health Act 1956)
- (2) In clause 5(1), insert in their appropriate alphabetical order:
 

**cruise ship** has the meaning given to it by clause 4(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

**passenger** has the meaning given to it by clause 4(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

- (3) In clause 5(1), replace the definition of **fellow resident** with:
- fellow resident**, in relation to a relevant person,—
- (a) means a person who lives at the same place of self-isolation as the relevant person; but
  - (b) to avoid doubt, if that place of self-isolation is a cabin on a cruise ship, means only a person who shares that cabin
- (4) In clause 5(1), replace the definition of **place of self-isolation** with:
- place of self-isolation**,—
- (a) for a relevant person who is self-isolating on board a cruise ship, means only the cabin in which they are self-isolating; and
  - (b) for a relevant person who is self-isolating on board any other ship, means the whole ship; and
  - (c) for any other relevant person, means the residence or other accommodation at which they are self-isolating

**22 Clause 10 amended (Person must not allow anyone to enter place of self-isolation except as permitted)**

- (1) Revoke clause 10(1)(c).
- (2) After clause 10(1), insert:
  - (1A) However, if the relevant person is self-isolating on board a ship that is not a cruise ship,—
    - (a) subclause (1) does not apply; and
    - (b) the master of the ship must not permit anyone to board the ship except—
      - (i) an authorised person; or
      - (ii) a person who is a crew member and who needs to board that ship.

**23 Clause 13A amended (Additional permitted movement if place of self-isolation is ship)**

- (1) In clause 13A(1), after “is a ship”, insert “(other than a cruise ship)”.
- (2) After clause 13A(1), insert:
  - (1A) A relevant person whose place of self-isolation is a cabin on a cruise ship is permitted to leave their place of self-isolation to move to another place of self-isolation that is not a ship.

**Part 3**  
**Amendments to COVID-19 Public Health Response (Air Border)**  
**Order 2021**

**24 Principal order**

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

**25 Clause 13 amended (Must be vaccinated (or be excused or exempt))**

- (1) In clause 13(3)(c), replace “New Zealand residence class visa” with “residence class visa (as defined in section 4 of the Immigration Act 2009)”.
- (2) In clause 13(3)(d), delete “New Zealand”.
- (3) Revoke clause 13(3)(e).
- (4) In clause 13(5)(a)(i), after “visa”, insert “(as defined in section 4 of the Immigration Act 2009)”.
- (5) In clause 13(5)(b), replace “work visa or visitor visa” with “temporary visa (within the meaning of the Immigration Act 2009)”.

Dated at Wellington this 11th day of July 2022.

Hon Dr Ayesha Verrall,  
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 (Maritime Border) Order (No 2) 2020, the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022, and the COVID-19 Public Health Response (Air Border) Order 2021. It comes into force at 11.59 pm on 31 July 2022.

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

The main amendments to the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 are—

- to update the purpose of the order, which is now to support a public health response to COVID-19 that furthers the purpose of the COVID-19 Public

Health Response Act 2020 by imposing requirements in relation to people who arrive in New Zealand by sea:

- to remove the prohibition on foreign ships arriving in New Zealand:
- to create a framework for applying requirements on arrivals to New Zealand by sea that is based on the category of ship they arrive on. The categories are as follows:
  - category 1 ship, meaning any ship that is not a category 2 ship; and
  - category 2 ship, meaning—
    - a cruise ship; and
    - any other ship that is operated primarily for the transportation or pleasure of the person or people on board (whether or not there are paid or unpaid crew that support them on board):
- to require compulsory COVID-19 testing of arrivals on category 1 ships:
- to require vaccination of arrivals on category 2 ships (unless a person is exempt or excused):
- to provide new powers for—
  - a health protection officer or an enforcement officer to request evidence that the vaccination requirement for arrivals on category 2 ships has been met:
  - the Director-General of Health (the **Director-General**) to specify, by notice, the kinds of evidence that will satisfy a request for evidence that the vaccination requirement has been met:
  - the Director-General to exempt, by notice, a person or class of persons from the requirement for arrivals on board a category 2 ship to be vaccinated:
  - the Director-General to exempt, by notice, those on board any ship or class of ship from any requirement in Part 2, but only for the purpose of—
    - facilitating a medical transfer to New Zealand; or
    - assisting with the response to a ship that is in distress.

*Amendments to COVID-19 Public Health Response (Self-isolation  
Requirements and Permitted Work) Order 2022*

The definitions of fellow resident and place of self-isolation in the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022 have been amended so that, on cruise ships, only people sharing a cabin with a COVID-19 case will be subject to self-isolation provisions, rather than everyone on board the cruise ship.

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

This order makes consequential amendments to the COVID-19 Public Health Response (Air Border) Order 2021 to align references to visas with terms used in the Immigration Act 2009.

*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.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 11 July 2022.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Maritime Border and Other Matters) 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 (Revocations) Order 2023 (SL 2023/196): clause 3(b)