

**Version
as at 20 October 2022**



COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 2022

(SL 2022/47)

COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 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.

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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) Order 2021 Amendment Order 2022.

2 Commencement

This order comes into force at 11.58 pm on 27 February 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 4 amended (Interpretation)

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

high risk infringement offence means the high risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

low risk infringement offence means the low risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

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

medium risk infringement offence means the medium risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

scheduled international air service has the meaning given by section 87A of the Civil Aviation Act 1990

- (2) In clause 4, revoke the definitions of **category A person**, **category B person**, **category C person**, **category Z person**, and **landside**.
- (3) In clause 4, definition of **New Zealand-based aircrew member**, replace paragraph (b) with:

- (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); or
 - (iii) for the purpose of returning to New Zealand after having left New Zealand to complete 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

- (4) In clause 4, definition of **overseas-based aircrew member**, revoke paragraph (c).
- (5) In clause 4, replace the definition of **overseas-qualified health practitioner** with:

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

5 **Clause 9 amended (Must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place)**

Revoke clause 9(5) and the heading above clause 9(5).

6 **Clause 12 amended (Must have traveller pass)**

After clause 12(2), insert:

- (3) A breach of subclause (1) is a low risk infringement offence for the purposes of section 26(3) of the Act.

7 Clause 13 replaced (Must be vaccinated or excused by certificate)

Replace clause 13 with:

13 Must be vaccinated or excused by certificate (unless under 17 years of age)

- (1) A person who is aged 17 years or over must, before they arrive in New Zealand,—
- (a) be vaccinated; or
 - (b) have—
 - (i) 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
 - (ii) if the certificate is not in English, a translation of the certificate into English.
- (2) The following persons may arrive in New Zealand without complying with subclause (1):
- (a) a person who is a New Zealand citizen, but only if this clause is applied to them by 1 of the following COVID-19 border requirements schedules:
 - (i) Schedule 7 (relevant workers); or
 - (ii) Schedule 9 (ship crew members arriving to join ship); or
 - (iii) any of Schedules 11 to 14 (which apply to general travellers):
 - (b) a person who travels to New Zealand for the first time as the holder of a residence class visa granted to them under any of the following immigration instructions:
 - (i) S3.22 (Requirements for grant of a permanent resident visa (mandated refugee));
 - (ii) S4.10 (Refugee Family Support Category);
 - (iii) S4.20 (Refugee Quota Family Reunification Category);
 - (iv) S4.25 (Community Organisation Refugee Sponsorship Category):
 - (c) a person who is a citizen of Afghanistan and who arrives in New Zealand on or before 12 December 2022.
- (3) A breach of subclause (1) is a high risk infringement offence for the purposes of section 26(3) of the Act, unless an active COVID-19 border requirements schedule applies clause 10 to the person on their entry into New Zealand (which means they must enter managed isolation or quarantine under Part 1 of the Isolation and Quarantine Order).

8 Clause 14 amended (Must have pre-departure test for COVID-19 or be excused by certificate)

- (1) In the heading to clause 14, after “certificate”, insert “(unless under 2 years of age)”.
- (2) In clause 14(1), replace “A person must” with “A person who is aged 2 years or over must, before they arrive in New Zealand,”.
- (3) In clause 14(1)(a), replace “undergo” with “have undergone”.
- (4) After clause 14(2), insert:
 - (2A) A breach of this clause is a medium risk infringement offence for the purposes of section 26(3) of the Act.
- (5) In clause 14(3), definition of **qualified person**, replace “overseas-qualified health practitioner” with “overseas-qualified medical practitioner”.

9 Clause 15 amended (Must have negative result from pre-departure test for COVID-19 (or certificate))

- (1) After clause 15(1), insert:
 - (1A) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.
- (2) In clause 15(2), replace “overseas-qualified health practitioner” with “overseas-qualified medical practitioner”.

10 Clause 16 amended (Must not be waiting for test results)

In clause 16, after “must not”, insert “, when they board their direct flight or first connecting flight to New Zealand,”.

11 New clause 16A inserted (Must not exhibit COVID-19 symptoms (or must have certificate))

After clause 16, insert:

16A Must not exhibit COVID-19 symptoms (or must have certificate)

- (1) When a person boards their direct flight or first connecting flight to New Zealand,—
 - (a) they must not exhibit any of the symptoms of COVID-19 that are specified by a Director-General notice; or
 - (b) if they do exhibit any of those symptoms, they must have a certificate to verify that a qualified person has—
 - (i) examined the person within the period of 48 hours before the person boards the flight; and
 - (ii) determined that the symptoms are likely to be caused by something other than COVID-19.

- (2) In this clause, **qualified person** means a health practitioner, an overseas-qualified medical practitioner, a health protection officer, or a medical officer of health.

12 Clause 17 amended (Must not be subject to public health direction in another country)

In clause 17(1), after “must not”, insert “, when they board their direct flight or first connecting flight to New Zealand,”.

13 Clause 20 amended (Must travel on regularly scheduled air service)

- (1) In the heading to clause 20, replace “**regularly scheduled air service**” with “**scheduled international air service**”.

- (2) In clause 20, replace “regularly scheduled air service” with “scheduled international air service”.

14 Clause 21 amended (Must have confirmed allocation for managed isolation or quarantine)

In clause 21, insert as subclause (2):

- (2) A breach of this clause is a medium risk infringement offence for the purposes of section 26(3) of the Act.

15 Clause 23 amended (Must make traveller declaration at certain times)

After clause 23(3), insert:

- (4) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.

16 Clause 24 amended (Must provide, at certain times, information necessary to support public health response to COVID-19)

- (1) In clause 24(2)(a), replace “telephone number or email address” with “telephone number and email address”.

- (2) After clause 24(4), insert:

- (5) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.

17 Clause 25 amended (Must provide self-isolation information at certain times)

After clause 25(2), insert:

- (3) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act.

18 Clause 26 revoked (Must not exhibit COVID-19 symptoms at certain times)

Revoke clause 26.

19 Clause 28 amended (Must wear face covering in certain places or circumstances)

After clause 28(3), insert:

- (3A) A breach of this clause is a medium risk infringement offence for the purposes of section 26(3) of the Act.

20 Clause 30 amended (Must produce evidence of compliance with COVID-19 provisions)

After clause 30(4), insert:

- (5) A breach of this clause is a low risk infringement offence for the purposes of section 26(3) of the Act if it relates to evidence of compliance with—
- (a) clause 13 (must be vaccinated or excused by certificate (unless under 17 years of age)); or
 - (b) clause 15 (must have negative result from pre-departure test for COVID-19 (or certificate)); or
 - (c) clause 21 (must have confirmed allocation for managed isolation or quarantine).

21 Clause 36 amended (Must maintain physical distancing)

In clause 36(1), replace “2 metres” with “1 metre”.

22 Clause 37 amended (Must wear personal protective equipment as directed)

After clause (1), insert:

- (1A) Without limiting subclause (1), a direction may—
- (a) specify the type of personal protective equipment that a person must wear;
 - (b) require a person to replace an item of personal protective equipment that they are wearing (including, for example, a face covering) with one that has not been worn.

23 Clause 39 amended (Subpart 3 applies if person breaches COVID-19 provision that applies to them)

After clause 39(2), insert:

- (3) To the extent that a COVID-19 provision requires a person to satisfy specified criteria from a place outside New Zealand before they arrive in New Zealand, they breach the provision only if they arrive in New Zealand without having satisfied those criteria.
- (4) *See—*
- (a) section 26 of the Act for offences and infringement offences; and

(b) regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for the penalties for the classes of infringement offences.

24 Clause 41 amended (Failure to produce evidence of being vaccinated)

In clause 41(1)(a), after “certificate”, insert “(unless under 17 years of age)”.

25 Clause 42 revoked (Failure to produce evidence of pre-departure test or negative result)

Revoke clause 42.

26 Clause 44 revoked (Failure to provide details of qualifying place to self-isolate)

Revoke clause 44.

27 Clause 45 revoked (Exhibiting symptoms of COVID-19 on arrival)

Revoke clause 45.

28 Clause 54 amended (Carrier must check compliance with COVID-19 provisions)

In clause 54, insert as subclauses (2) to (6):

(2) Subclauses (3) to (6) apply to a carrier only in relation to a flight that is not part of a scheduled international air service.

(3) The carrier must not cause an aircraft to arrive in New Zealand unless the carrier provides to the New Zealand Customs Service—

(a) a declaration that it has complied with subclause (1); and

(b) the following details about each person on board:

(i) passport or official travel document number:

(ii) citizenship, as identified in the passport or official travel document:

(iii) surname:

(iv) given names:

(v) date of birth:

(vi) sex, as identified in the passport or official travel document:

(vii) port of arrival:

(viii) date of arrival:

(ix) estimated time of arrival.

(4) The declaration must be provided before the flight departs, and the details must be provided at least 3 hours before the flight departs.

- (5) However, if the aircraft carries any person on more than 1 of their connecting flights to New Zealand,—
- (a) the carrier’s declaration in relation to that person must be provided before the first of those flights departs; and
 - (b) the details for that person must be provided by the carrier 3 hours before the first of those flights departs.
- (6) The declaration and the details must be provided in the manner approved by the chief executive of the New Zealand Customs Service for the purpose of this clause.

29 Clause 58 amended (Director-General may grant exemptions)

- (1) Before clause 58(1)(a), insert:
- (aaa) exempt a person or class of persons from clause 11 (must not arrive in New Zealand) for humanitarian reasons:
- (2) In clause 58(1)(a), after “certificate”, insert “(unless under 17 years of age)”.
- (3) In clause 58(1)(b), delete “person or”.
- (4) In clause 58(1)(b)(i), after “certificate”, insert “(unless under 2 years of age)”.
- (5) Replace clause 58(1)(e) with:
- (e) exempt a person or class of persons, or a carrier or class of carriers, from any provision of this order to assist with the response to an emergency.

30 Part 4 revoked

Revoke Part 4.

31 Schedule 2 amended

- (1) In Schedule 2, group 1, insert in their appropriate alphabetical order:

American Samoa
Nauru
Tuvalu

- (2) In Schedule 2, group 1, revoke the item relating to Tonga.
- (3) In Schedule 2, group 2, insert:

Australia
Tonga

32 Schedule 3 amended

- (1) In Schedule 3, revoke the item relating to diplomatic or consular officials.
- (2) In Schedule 3, item relating to persons with permission to arrive for humanitarian reasons, third column, item relating to clause 14, after “certificate”, insert “(unless under 2 years of age)”.
- (3) In Schedule 3, item relating to refugees,—
- (a) first column, after “Refugees”, insert “and related persons”; and

- (b) third column, revoke the item relating to clause 13; and
 - (c) third column, item relating to clause 14, after “certificate”, insert “(unless under 2 years of age)”.
- (4) In Schedule 3, item relating to citizens of Afghanistan,—
- (a) third column, revoke the item relating to clause 13; and
 - (b) third column, item relating to clause 14, after “certificate”, insert “(unless under 2 years of age)”.

33 Schedule 4 amended

- (1) In Schedule 4, clause 1, insert as subclauses (2) and (3):
- (2) However, this schedule applies to them only if—
- (a) their arrival in New Zealand occurs as soon as is reasonably practicable after they left New Zealand on a flight; and
 - (b) since they most recently left New Zealand on a flight, they have travelled by air—
 - (i) to no more than 2 ports that are outside New Zealand, whether or not those ports are in the same country; and
 - (ii) on no more than 1 return flight between those 2 ports.

Example

Each of the following combinations of flights, including the flight on which the person left New Zealand, would satisfy subclause (2)(b):

- (a) Auckland to Sydney, and Sydney to Auckland (visiting 1 fewer ports outside New Zealand than subclause (2)(b) permits):
 - (b) Auckland to Sydney, Sydney to Los Angeles, Los Angeles to Sydney, and Sydney to Auckland (and no other flights between Sydney and Los Angeles or to or from those ports or any other port that is outside New Zealand):
 - (c) Auckland to Sydney, Sydney to Brisbane, and Brisbane to Wellington (and no other flights to or from Sydney, Brisbane, or any other port that is outside New Zealand).
- (3) This schedule does not apply to a New Zealand-based aircrew member if Schedule 10 (arrivals on aircraft turned back to New Zealand) applies to them.
- (2) In Schedule 4, Part 2, item relating to clause 13,—
- (a) second column, after “certificate”, insert “(unless under 17 years of age)”; and
 - (b) third column, replace “Clause 13(b)” with “Clause 13(1)(b)”.
- (3) In Schedule 4, Part 2, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (4) In Schedule 4, Part 2, after the item relating to clause 14, insert:

cl 16A Must not exhibit COVID-19 symptoms (or must have certificate)

- (5) In Schedule 4, Part 2, item relating to clause 23, third column, replace “Clause 23(2)(b)” with “Clause 23(3)(b)”.
- (6) In Schedule 4, Part 2, revoke the item relating to clause 26.

34 Schedule 5 amended

- (1) In Schedule 5, clause 1, insert as subclauses (2) and (3):
- (2) However, this schedule applies to them only if they are scheduled to depart from 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 of New Zealand or an equivalent international regulator for safety and well-being purposes).
- (3) This schedule does not apply to an overseas-based aircrew member if Schedule 10 (arrivals on aircraft turned back to New Zealand) applies to them.
- (2) In Schedule 5, Part 2, item relating to clause 8, third column, insert:

However, the chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or the carrier for whom they work, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
- (3) In Schedule 5, Part 2, item relating to clause 13,—
 - (a) second column, after “certificate”, insert “(unless under 17 years of age)”; and
 - (b) third column, replace “Clause 13(b)” with “Clause 13(1)(b)”.
- (4) In Schedule 5, Part 2, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (5) In Schedule 5, Part 2, after the item relating to clause 15, insert:

cl 16A Must not exhibit COVID-19 symptoms (or must have certificate)
- (6) In Schedule 5, Part 2, item relating to clause 23, third column, replace “Clause 23(2)(b)” with “Clause 23(3)(b)”.
- (7) In Schedule 5, Part 2, revoke the items relating to clauses 26 and 33.
- (8) In Schedule 5, Part 3, item relating to clause 8, third column, insert:

However, the chief executive of the Ministry of Business, Innovation, and Employment may, at the request of the person or the carrier for whom they work, authorise that the person be isolated or quarantined in accordance with Part 1 of the Isolation and Quarantine Order.
- (9) In Schedule 5, Part 3, item relating to clause 13,—
 - (a) second column, after “certificate”, insert “(unless under 17 years of age)”; and
 - (b) third column, replace “Clause 13(b)” with “Clause 13(1)(b)”.

- (10) In Schedule 5, Part 3, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (11) In Schedule 5, Part 3, after the item relating to cl 15, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (12) In Schedule 5, Part 3, revoke the items relating to clauses 26 and 33.

35 Schedule 6 amended

- (1) In Schedule 6, after clause 1(2), insert:

Guidance note

A person who enters New Zealand ceases to be a transit-only arrival. They become subject to whichever of the other COVID-19 border requirements schedules applies to them. This may depend on the countries the person has been in during the specified 14-day period.

- (2) In Schedule 6, after clause 1(2)(b), insert:
- | | |
|-----|--|
| (c) | Schedule 10 (arrivals on aircraft turned back to New Zealand). |
|-----|--|
- (3) In Schedule 6, Part 2, replace the item relating to clause 13 with:
- | | |
|-------|--|
| cl 13 | Must be vaccinated or be excused by certificate (unless under 17 years of age) |
|-------|--|
- (4) In Schedule 6, Part 2, revoke the items relating to clauses 14 to 16.
- (5) In Schedule 6, Part 2, after the item relating to clause 16, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (6) In Schedule 6, Part 2, revoke the item relating to clause 26.

36 Schedule 7 amended

- (1) In Schedule 7, heading to clause 2, delete “(category A)”.
- (2) In Schedule 7, heading to clause 3, delete “(category B)”.
- (3) In Schedule 7, heading to clause 4, delete “(category C)”.
- (4) In Schedule 7, heading to clause 5, delete “(category Z)”.
- (5) In Schedule 7, Part 2 heading, replace “Relevant workers (category A)” with “Relevant workers—A”.
- (6) In Schedule 7, Part 2, replace the item relating to clause 13 with:
- | | | | |
|-------|--|-----|---|
| cl 13 | Must be vaccinated or be excused by certificate (unless under 17 years of age) | (1) | Clause 13(1)(b) does not apply to the person (option of being excused from vaccination requirement by certificate). |
| | | (2) | The person may arrive in New Zealand without being vaccinated if they are a person specified in |

- clause 13(2) (which applies to certain New Zealand citizens, refugees and their family members, and citizens of Afghanistan), but in that case—
- (a) clause 10 applies to them (must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order) instead of clause 8; and
- (b) clause 21 applies to them (must have confirmed allocation for managed isolation or quarantine).
- (7) In Schedule 7, Part 2, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (8) In Schedule 7, Part 2, after the item relating to clause 14, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (9) In Schedule 7, Part 2, revoke the item relating to clause 26.
- (10) In Schedule 7, Part 3 heading, replace “**Relevant workers (category B)**” with “**Relevant workers—B**”.
- (11) In Schedule 7, Part 3, replace the item relating to clause 9 with:
- | | |
|------|-------------------------------------|
| cl 8 | No isolation or quarantine required |
|------|-------------------------------------|
- (12) In Schedule 7, Part 3, replace the item relating to clause 13 with:
- | | | | |
|-------|--|-----|---|
| cl 13 | Must be vaccinated or be excused by certificate (unless under 17 years of age) | (1) | Clause 13(1)(b) does not apply to the person (option of being excused from vaccination requirement by certificate). |
| | | (2) | The person may arrive in New Zealand without being vaccinated if they are a person specified in clause 13(2) (which applies to certain New Zealand citizens, refugees and their family members, and citizens of Afghanistan), but in that case— |
| | | (a) | clause 10 applies to them (must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order) instead of clause 8; and |
| | | (b) | clause 21 applies to them (must have confirmed allocation for managed isolation or quarantine). |

- (13) In Schedule 7, Part 3, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (14) In Schedule 7, Part 3, after the item relating to clause 14, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (15) In Schedule 7, Part 3, revoke the items relating to clauses 26 and 33.
- (16) In Schedule 7, Part 4 heading, replace “**Relevant workers (category C)**” with “**Relevant workers—C**”.
- (17) In Schedule 7, Part 4, item relating to clause 11, replace the items in the third column with:
- | | |
|-----|--|
| (1) | Clause 11 does not apply to the person if they are a New Zealand citizen. |
| (2) | However,— |
| (a) | clause 48 (must report for and undergo assessment and comply with decision of assessing officer) applies to them as if they had breached a COVID-19 provision that applies to them; and |
| (b) | for the purposes of that clause, they must be treated as if clause 9 already applies to them (must self-isolate under specified Part of Isolation and Quarantine Order and in qualifying place) and as if the specified Part of the Isolation and Quarantine Order is Part 1A. |
- (18) In Schedule 7, Part 5 heading, replace “**Relevant workers (category Z)**” with “**Relevant workers—Z**”.
- (19) In Schedule 7, Part 5, replace the item relating to clause 13 with:
- | | | |
|-------|--|---|
| cl 13 | Must be vaccinated or be excused by certificate (unless under 17 years of age) | The person may arrive in New Zealand without being vaccinated if they are a person specified in clause 13(2) (which applies to certain New Zealand citizens, refugees and their family members, and citizens of Afghanistan), but in that case— |
| | | (a) clause 10 applies to them (must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order) instead of clause 9; and |
| | | (b) clause 21 applies to them (must have confirmed allocation for managed isolation or quarantine). |
- (20) In Schedule 7, Part 5, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (21) In Schedule 7, Part 5, after the item relating to clause 14, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (22) In Schedule 7, Part 5, revoke the items relating to clauses 26 and 33.

37 Schedule 8 amended

- (1) In Schedule 8, Part 2, after the item relating to clause 16, insert:

cl 16A Must not exhibit COVID-19 symptoms (or must have certificate)

- (2) In Schedule 8, Part 2, revoke the item relating to clause 26.

38 Schedule 9 amended

- (1) In Schedule 9, clause 1(2), replace “other persons—category A” with “general travellers—A”.
- (2) In Schedule 9, Part 2, replace the item relating to clause 13 with:

cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	The person may arrive in New Zealand without being vaccinated if they are a person specified in clause 13(2) (which applies to certain New Zealand citizens, refugees and their family members, and citizens of Afghanistan). In that case, clause 8 continues to apply to them.
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- (3) In Schedule 9, Part 2, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (4) In Schedule 9, Part 2, after the item relating to clause 16, insert:

cl 16A Must not exhibit COVID-19 symptoms (or must have certificate)

- (5) In Schedule 9, Part 2, revoke the items relating to clauses 26 and 33.

39 Schedule 10 amended

In Schedule 10, Part 2, revoke the item relating to clause 26.

40 Schedule 11 amended

- (1) In the Schedule 11 heading, replace “Other persons—category A” with “General travellers—A”.
- (2) In Schedule 11, replace clause 1 with:

1 Application of this schedule

This schedule applies to a person if—

- (a) they arrive in New Zealand by air; and
- (b) during the specified 14-day period, the only countries they have been in are group 1 countries; and
- (c) they have not been a transit passenger in relation to any other countries; and
- (d) none of the following applies to them:
 - (i) Schedule 4 (New Zealand-based aircrew members):
 - (ii) Schedule 5 (overseas-based aircrew members):
 - (iii) Schedule 6 (transit-only arrivals):
 - (iv) Schedule 7 (relevant workers):

- (v) Schedule 8 (arrivals from Antarctica):
 - (vi) Schedule 9 (ship crew members arriving to join ship) (but *see* clause 1(2) of that schedule):
 - (vii) Schedule 10 (arrivals on aircraft turned back to New Zealand).
- (3) In Schedule 11, Part 2 heading, delete “**category**”.
- (4) In Schedule 11, Part 2, after the item relating to clause 16, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (5) In Schedule 11, Part 2, revoke the items relating to clauses 26 and 32.
- (6) In Schedule 11, Part 3 heading, delete “**category**”.
- (7) In Schedule 11, Part 3, replace the item relating to clause 13 with:
- | | | |
|-------|--|---|
| cl 13 | Must be vaccinated or be excused by certificate (unless under 17 years of age) | The person may arrive in New Zealand without being vaccinated if they are a person specified in clause 13(2)(b) or (c) (which applies to certain refugees and their family members and citizens of Afghanistan). In that case, clause 8 continues to apply to them. |
|-------|--|---|
- (8) In Schedule 11, Part 3, after the item relating to clause 16, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (9) In Schedule 11, Part 3, revoke the items relating to clause 26 and 32.
- 41 Schedule 12 amended**
- (1) In the Schedule 12 heading, replace “**Other persons—category B**” with “**General travellers—B**”.
- (2) In Schedule 12, replace clause 1(1) and (2) with:
- | |
|---|
| (1) This schedule applies to a person if— |
| (a) they arrive in New Zealand by air; and |
| (b) during the specified 14-day period,— |
| (i) they have been in a group 2 country; and |
| (ii) the only countries they have been in are group 1 countries or group 2 countries; and |
| (c) none of the following applies to them: |
| (i) Schedule 4 (New Zealand-based aircrew members): |
| (ii) Schedule 5 (overseas-based aircrew members): |
| (iii) Schedule 6 (transit-only arrivals): |
| (iv) Schedule 7 (relevant workers): |
| (v) Schedule 8 (arrivals from Antarctica): |

- (vi) Schedule 9 (ship crew members arriving to join ship):
- (vii) Schedule 10 (arrivals on aircraft turned back to New Zealand).
- (3) In Schedule 12, Part 2 heading, delete “**category**”.
- (4) In Schedule 12, Part 2, item relating to clause 9, replace the item in the third column with:
- (1) For the purpose of clause 9, the person must self-isolate under Part 1D of the Isolation and Quarantine Order.
- (2) However,—
- (a) 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 the person to instead be isolated or quarantined in accordance with Part 1 of that order (for example, if an individual or a group is unable to self-isolate in accordance with Part 1D); but
- (b) the person’s period of isolation or quarantine under Part 1 of that order ends when their period of self-isolation would have ended, unless it is extended in accordance with that Part.
- (5) In Schedule 12, Part 2, replace the item relating to clause 13 with:
- | | | | |
|-------|--|-----|--|
| cl 13 | Must be vaccinated or be excused by certificate (unless under 17 years of age) | (1) | Paragraphs (2) and (3) (below) apply to the person only if they arrive in New Zealand— |
| | | (a) | with a certificate that satisfies the requirements of clause 13(1)(b) instead of being vaccinated; or |
| | | (b) | without being vaccinated or excused by certificate, as permitted by clause 13(2)(a) (which applies to New Zealand citizens). |
| | | (2) | Clause 10 applies to the person (must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order) instead of clause 9. |
| | | (3) | Clause 21 applies to the person (must have confirmed allocation for managed isolation or quarantine). |
- (6) In Schedule 12, Part 2, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.
- (7) In Schedule 12, Part 2, after the item relating to clause 16, insert:
- | | |
|--------|---|
| cl 16A | Must not exhibit COVID-19 symptoms (or must have certificate) |
|--------|---|
- (8) In Schedule 12, Part 2, revoke the items relating to clauses 20, 26, 32, and 33.
- (9) In Schedule 12, Part 2, after the item relating to clause 34, insert:

cl 35 Must comply with directions while travelling to place of isolation or quarantine or self-isolation

- (10) In Schedule 12, Part 3 heading, delete “**category**”.
- (11) In Schedule 12, Part 3, item relating to clause 9, replace the item in the third column with:

(1) For the purpose of clause 9, the person must self-isolate under Part 1D of the Isolation and Quarantine Order.

(2) However,—

(a) 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 the person to instead be isolated or quarantined in accordance with Part 1 of that order (for example, if an individual or a group is unable to self-isolate in accordance with Part 1D); but

(b) the person’s period of isolation or quarantine under Part 1 of that order ends when their period of self-isolation would have ended, unless it is extended in accordance with that Part.

- (12) In Schedule 12, Part 3, replace the item relating to clause 13 with:

cl 13	Must be vaccinated or be excused by certificate (unless under 17 years of age)	(1)	Paragraphs (2) and (3) (below) apply to the person only if they arrive in New Zealand—
		(a)	with a certificate that satisfies the requirements of clause 13(1)(b) instead of being vaccinated; or
		(b)	without being vaccinated or excused by certificate, as permitted by clause 13(2)(b) or (c) (which applies to certain refugees and their family members and citizens of Afghanistan).
		(2)	Clause 10 applies to the person (must enter managed isolation or quarantine under Part 1 of Isolation and Quarantine Order) instead of clause 9.
		(3)	Clause 21 applies to the person (must have confirmed allocation for managed isolation or quarantine).

- (13) In Schedule 12, Part 3, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.

- (14) In Schedule 12, Part 3, after the item relating to clause 16, insert:

cl 16A Must not exhibit COVID-19 symptoms (or must have certificate)

- (15) In Schedule 12, Part 3, revoke the items relating to clauses 20, 26, 32, and 33.

- (16) In Schedule 12, Part 3, after the item relating to clause 34, insert:

cl 35 Must comply with directions while
travelling to place of isolation or
quarantine or self-isolation

42 Schedule 13 amended

- (1) In the Schedule 13 heading, replace “**Other persons—category C**” with “**General travellers—C**”.

- (2) In Schedule 13, replace clause 1(1) and (2) with:

- (1) This schedule applies to a person if—
- (a) they arrive in New Zealand by air; and
 - (b) during the specified 14-day period, they have been in a group 3 country; and
 - (c) none of the following applies to them:
 - (i) Schedule 4 (New Zealand-based aircrew members):
 - (ii) Schedule 5 (overseas-based aircrew members):
 - (iii) Schedule 6 (transit-only arrivals):
 - (iv) Schedule 7 (relevant workers):
 - (v) Schedule 8 (arrivals from Antarctica):
 - (vi) Schedule 9 (ship crew members arriving to join ship):
 - (vii) Schedule 10 (arrivals on aircraft turned back to New Zealand).

- (3) In Schedule 13, Part 2 heading, delete “**category**”.

- (4) In Schedule 13, Part 2, item relating to clause 10, third column, insert:

Clause 10 does not apply to the person if they are under the age of 17 years and arrive in New Zealand unaccompanied by a relevant family member. Instead, clause 9 applies to them and they must self-isolate under Part 1D of the Isolation and Quarantine Order.

- (5) In Schedule 13, Part 2, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.

- (6) In Schedule 13, Part 2, after the item relating to clause 16, insert:

cl 16A Must not exhibit COVID-19
symptoms (or must have certificate)

- (7) In Schedule 13, Part 2, after the item relating to clause 18, insert:

cl 21 Must have confirmed allocation for
managed isolation or quarantine

- (8) In Schedule 13, Part 2, revoke the items relating to clauses 26, 33, and 34.

- (9) In Schedule 13, Part 2, after the item relating to clause 32, insert:

cl 35 Must comply with directions while
travelling to place of isolation or
quarantine or self-isolation

- (10) In Schedule 13, Part 3 heading, delete “**category**”.

43 Schedule 14 amended

- (1) In the Schedule 14 heading, replace “**Other persons—category Z**” with “**General travellers—Z**”.

- (2) In Schedule 14, clause 1, delete “(a **category Z person**)”.

- (3) In Schedule 14, Part 2, item relating to clause 10, third column, insert:

Clause 10 does not apply to the person if they are under the age of 17 years and arrive in New Zealand unaccompanied by a relevant family member. Instead, clause 9 applies to them and they must self-isolate under Part 1D of the Isolation and Quarantine Order.

- (4) In Schedule 14, Part 2, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.

- (5) In Schedule 14, Part 2, after the item relating to clause 16, insert:

cl 16A Must not exhibit COVID-19
 symptoms (or must have certificate)

- (6) In Schedule 14, Part 2 heading, delete “**category**”.

- (7) In Schedule 14, Part 2, revoke the items relating to clauses 26 and 33.

- (8) In Schedule 14, Part 2, after the item relating to clause 32, insert:

cl 35 Must comply with directions while
 travelling to place of isolation or
 quarantine or self-isolation

- (9) In Schedule 14, Part 3 heading, delete “**category**”.

- (10) In Schedule 14, Part 3, item relating to clause 10, third column, insert:

Clause 10 does not apply to the person if they are under the age of 17 years and arrive in New Zealand unaccompanied by a relevant family member. Instead, clause 9 applies to them and they must self-isolate under Part 1D of the Isolation and Quarantine Order.

- (11) In Schedule 14, Part 3, item relating to clause 14, second column, after “certificate”, insert “(unless under 2 years of age)”.

- (12) In Schedule 14, Part 3, after the item relating to clause 16, insert:

cl 16A Must not exhibit COVID-19
 symptoms (or must have certificate)

- (13) In Schedule 14, Part 3, revoke the items relating to clauses 26 and 33.

- (14) In Schedule 14, Part 3, after the item relating to clause 32, insert:

cl 35 Must comply with directions while
 travelling to place of isolation or
 quarantine or self-isolation

Part 2

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

44 Principal order

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

45 Clause 4 amended (Interpretation)

In clause 4(1), replace the definition of **exempt crew member** with:

exempt crew member means a person to whom Schedule 9 of the COVID-19 Public Health Response (Air Border) Order 2021 applies

Dated at Wellington this 25th day of February 2022.

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 (Air Border) Order 2021 (the **Air Border Order 2021**) and the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 (the **Maritime Border Order**). It comes into force at 11.58 pm on 27 February 2022.

Amendments relating to Reconnecting New Zealand

Part 1 amends the Air Border Order 2021 to do the following:

- add American Samoa, Nauru, and Tuvalu to the list of group 1 countries, so general travellers entering from these countries are not required to enter into a managed quarantine and isolation facility (an **MIQF**) or self-isolate, and remove Tonga from that list (*see clause 31*);
- add Australia and Tonga to the list of group 2 countries, so general travellers entering from these countries are not required to enter into an MIQF but must self-isolate in accordance with the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (*see clause 31*).

Amendments relating to arrival and entry into New Zealand

Part 1 further amends the Air Border Order 2021 to do the following:

- allow passengers who have been in group 2 countries to arrive on private or charter flights, but require the carriers to declare, before a flight departs, that they have taken reasonable steps to ensure that each person on board satisfies the applicable requirements of the Air Border Order 2021 and provided passenger details to the New Zealand Customs Service (*see clause 28*):
- remove the requirement that a person must not exhibit COVID-19 symptoms on arrival in New Zealand. The requirement will continue to apply when the person boards their flight to New Zealand, but with a new option for them to have a certificate issued by a qualified person to verify that any symptoms they have are likely to be caused by something other than COVID-19 (*see clauses 11 and 18*):
- provide that breaching the requirement to make a traveller declaration is a low-risk infringement offence (*see clause 15*):
- reduce the physical distancing requirement from 2 metres to 1 metre while a traveller is at a port of arrival or travelling to a place of isolation or quarantine (*see clause 21*):
- clarify that the Director-General of Health's power to direct persons to wear personal protective equipment includes a power to require a person to replace an item of personal protective equipment they are wearing with a fresh item (*see clause 22*):
- remove clauses of the Air Border Order 2021 that require a person who fails to provide evidence of a negative pre-departure test result or self-isolation information to be assessed on arrival and possibly diverted into self-isolation or an MIQF. Breaches of those requirements will continue to be infringement offences (*see clauses 25 and 26*):
- remove the requirement for persons who have been in a group 2 country, and who arrive in New Zealand as a medical attendant or police escort, to self-isolate on arrival (*see clause 36(11)*):
- exempt persons who are under 17 years of age from the requirement to be vaccinated before they arrive in New Zealand and exempt children under 2 years of age from the requirement to have a pre-departure test. This aligns the Air Border Order 2021 with current exemptions under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order 2020**) (*see clauses 7 and 8*):
- allow certain New Zealand citizens, refugees and their families, and citizens of Afghanistan to arrive in New Zealand despite being unvaccinated (or excused by certificate), but require them to enter an MIQF on their entry to New Zealand (*see clauses 7, 36, 38, 40, and 41*):
- allow other general travellers who have been in a group 2 country and who carry a certificate from a medical practitioner excusing them from vaccination to arrive in New Zealand, but require them to enter an MIQF on their entry to New Zealand (*see clauses 41(5) and 41(12)*):

- enable overseas-based aircrew members to enter an MIQF, despite not being subject to an obligation to be isolated or quarantined, when authorised by the chief executive of the Ministry of Business, Innovation, and Employment (*see clauses 34(2) and (3)*):
- require general travellers who have been in a group 3 country to have a confirmed allocation for a MIQF (*see clause 42(7)*):
- remove the requirement for transit-only passengers to have had a pre-departure test before they arrive in New Zealand. This is consistent with the Air Border Order 2020 (*see clause 35*):
- remove the class exemptions for diplomatic and consular officials. They will be subject instead to whichever of the general traveller schedules (Schedules 11 to 14) applies to them depending on where they have been in the 14-day period before they travel to New Zealand (*see clause 32*):
- amend the definitions of New Zealand-based aircrew member and overseas-based aircrew member to make a minor clarification and relocate some elements to the application provisions of Schedules 4 and 5 of the Air Border Order 2021 (*see clauses 4(3) and (4), 33, and 34*):
- limit the number and combinations of flights that a New Zealand-based aircrew member may travel on while outside New Zealand in order for Schedule 4 of the Air Border Order 2021 to apply to them on their arrival in New Zealand (*see clause 33*):
- modify the power of the Director-General of Health to exempt persons from the Air Border Order 2021 on humanitarian grounds, so that the Director-General may only grant an exemption from the requirement not to arrive in New Zealand. This is consistent with the equivalent exemption power as drafted in the Air Border Order 2020 (*see clause 29*).

Minor and technical amendments

Part 1 also makes minor and technical amendments to the Air Border Order 2021, including to do the following:

- simplify terminology, including by—
 - removing references to categories of persons (such as “category A person”) throughout and using simpler labels instead (such as “A”) (*see clause 4(2)*):
 - replacing references to “other persons” with references to “general travellers” throughout (*see, for example, clause 38(1)*):
- make it clearer which breaches of provisions in the Air Border Order 2021 are infringement offences. Infringement offences and their corresponding classes (low, medium, or high) are now provided for in each relevant clause, rather than in a separate Part dedicated to infringement offences. These changes align

the Air Border Order 2021 with the approach to infringement offences in the COVID-19 Public Health Response (Protection Framework) Order 2021.

Part 2 makes consequential amendments to the Maritime Border Order to update a cross reference.

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*: 25 February 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Order 2021 Amendment Order 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