

Version
as at 27 February 2022



**COVID-19 Public Health Response (Air Border) Order
(No 2) Amendment Order (No 10) 2021**
(LI 2021/209)

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021: revoked, at 11.59 pm on 27 February 2022, pursuant to clause 61(1)(a) of the COVID-19 Public Health Response (Air Border) Order 2021 (SL 2021/427).

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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New Part 7 inserted into Schedule 1

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.

Order

1 Title

This order is the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021.

2 Commencement

This order comes into force at 11.59 pm on 15 August 2021.

3 Principal order

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

4 Clause 18A amended (New Zealand citizens and certain related persons)

After clause 18A(1)(d), insert:

(e) any other dependent child of a parent described in paragraph (d).

5 New clauses 18F and 18G inserted

After clause 18E, insert:

18F Arrivals from Fiji transiting through New Zealand

A person arriving by air in New Zealand from Fiji is exempt from clause 8A if they are in transit to another overseas destination and are not intending to enter or remain in New Zealand.

18G Medical transfers between Fiji and New Zealand

The following persons arriving by air in New Zealand from Fiji are exempt from clause 8A:

- (a) a person who is assisting, as a medical attendant, with a medical transfer from Fiji to New Zealand;
- (b) a person who is arriving to assist, as a medical attendant, with a medical transfer from New Zealand to Fiji;
- (c) a person who is returning from assisting, as a medical attendant, with a medical transfer from New Zealand to Fiji and who is ordinarily resident in New Zealand;
- (d) a patient who is being medically transferred from Fiji to New Zealand;
- (e) a person accompanying a patient described in paragraph (d) for the purpose of providing support to the patient.

6 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.

7 Schedule 2 amended

In Schedule 2, clause 7(3), definition of **low-risk destination**, revoke paragraph (d).

8 Schedule 3 amended

In Schedule 3, insert in their appropriate alphabetical order:

Fiji

Indonesia

Schedule

New Part 7 inserted into Schedule 1

cl 6

Part 7

Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021

6 Flights departing before commencement of Amendment Order

- (1) Clause 18A and Schedule 3 of this order, as in force immediately before the commencement of the Amendment Order, continue to apply to persons arriving in New Zealand on an aircraft that departed before the commencement of the Amendment Order.
- (2) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 2021.

Dated at Wellington this 13th day of August 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 (Air Border) Order (No 2) 2020 (the **principal order**) and comes into force at 11.59 pm on 15 August 2021.

The amendments relate to clause 8A of the principal order, which provides that a person must not arrive in New Zealand if they have been in a very high risk country in the preceding 14-day period. Several classes of persons are, however, exempt from this restriction.

The amendments—

- designate Fiji and Indonesia as very high risk countries (in addition to Brazil, India, Pakistan, and Papua New Guinea, which are currently designated as very high risk countries and listed in Schedule 3 of the principal order);
- extend the existing exemption for New Zealand citizens and related persons to include certain other dependent children:

- provide a new exemption for persons who arrive from Fiji but are transiting through New Zealand to another overseas destination and do not intend to enter or remain in New Zealand:
- provide a new exemption for persons involved in medical transfers between Fiji and New Zealand:
- remove Fiji as a low-risk destination for the purpose of the quarantine-free travel (**QFT**) prerequisite in clause 7 of Schedule 2 of the principal order, so that an aircrew member who has undertaken any flight to or from Fiji in the 14-day period before their arrival in New Zealand on a QFT flight must have had a negative result from a test for COVID-19 in accordance with the requirements of that clause.

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

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 13 August 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 10) 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 (Air Border) Order 2021 (SL 2021/427): clause 61(1)(a)