

Version  
as at 27 February 2022



**COVID-19 Public Health Response (Air Border) Order  
(No 2) Amendment Order (No 12) 2021**  
(SL 2021/345)

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 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.

**Contents**

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
<i>Amendments to principal order</i>	
4 Clause 4 amended (Interpretation)	2
5 Clause 4A amended (Meaning of QFT flight)	2
6 Clause 7E amended (Vaccination requirements for person arriving in New Zealand by air)	3
7 New clauses 9A and 9B and cross-heading inserted	3
<i>Exemptions from vaccination requirements</i>	
9A Aircraft turned back to New Zealand	3
9B Medical transfers	3
8 Schedule 1 amended	4
9 Schedule 2 amended	4

---

**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.**

*Consequential amendments and revocation*

10	Consequential amendments to COVID-19 Public Health Response (Vaccinations) Order 2021	4
11	Consequential amendments to COVID-19 Public Health Response (Required Testing) Order 2020	5
12	Revocation	5
<b>Schedule</b>		6
<b>New Part 9 inserted into Schedule 1</b>		

## Order

### 1 Title

This order is the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021.

### 2 Commencement

- (1) Clause 7 comes into force immediately after this order is notified in the *Gazette*.
- (2) The rest of this order comes into force at 11.59 pm on 7 November 2021.

### 3 Principal order

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

*Amendments to principal order*

### 4 Clause 4 amended (Interpretation)

In clause 4(1), definition of **QFT place**, after paragraph (c), insert:

- (d) Samoa:
- (e) Tokelau:
- (f) Tonga:
- (g) Vanuatu

### 5 Clause 4A amended (Meaning of QFT flight)

- (1) In clause 4A(2), definition of **QFT carrier**, before paragraph (b), insert:
  - (a) New Zealand Air Ambulance Service Limited:
  - (aa) Aeromed Pacific Limited:
- (2) In clause 4A(2), definition of **QFT carrier**, after paragraph (b), insert:
  - (c) if the QFT place concerned is Samoa, Air New Zealand Limited:
  - (d) if the QFT place concerned is Tonga, Air New Zealand Limited:

- (e) if the QFT place concerned is Vanuatu, Air Vanuatu (Operations) Limited

**6 Clause 7E amended (Vaccination requirements for person arriving in New Zealand by air)**

In clause 7E(5),—

- (a) replace “In the clause” with “In this clause”; and
- (b) definition of **exempt person**, after “granted an exemption under clause 7G”, insert “or exempt under clause 9A or 9B”.

**7 New clauses 9A and 9B and cross-heading inserted**

In Part 3, after the subpart 2 heading, insert:

*Exemptions from vaccination requirements*

**9A Aircraft turned back to New Zealand**

- (1) A person arriving in New Zealand by air is exempt from clause 7E if the aircraft on which the person arrives did not land in a place outside New Zealand after it most recently departed from New Zealand (for example, it may have been necessary for the aircraft to return to New Zealand because of a mechanical fault).
- (2) This clause exempts a person from clause 7E only if, immediately before the aircraft’s most recent departure from New Zealand, the person—
  - (a) was in New Zealand for at least 14 days; or
  - (b) was in New Zealand for less than 14 days but was exempt from clause 7E in relation to the person’s most recent arrival in New Zealand.

**9B Medical transfers**

The following persons arriving in New Zealand by air are exempt from clause 7E:

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

## 8 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.

## 9 Schedule 2 amended

- (1) In Schedule 2, after clause 3(1), insert:

*Persons travelling from Tokelau*

- (1A) The QFT prerequisite in the case of a relevant person travelling from Tokelau is that, during the specified 14-day period, the person has not been in any country other than—
- (a) New Zealand; or
  - (b) Samoa; or
  - (c) Tokelau.

- (1B) Subclause (1A) overrides subclause (1).

- (2) In Schedule 2, before clause 5(1), insert:

*General*

- (3) In Schedule 2, after clause 5(2), insert:

*Aircrew members*

- (3) The QFT prerequisite specified in subclause (2) does not apply in relation to an aircrew member for the QFT flight.

- (4) In Schedule 2, after clause 7(1), insert:

- (1A) However, this clause does not apply in relation to an aircrew member who is ordinarily resident in New Zealand.

- (5) In Schedule 2, clause 7(3), definition of **relevant flight**, after paragraph (a), insert:

- (aa) a flight to or from a low-risk destination on an aircraft carrying any passenger who has not been in New Zealand or a low-risk destination for the entire period that—
- (i) starts at the beginning of the 14th day before the day on which the passenger boards the aircraft; and
  - (ii) ends when the passenger boards the aircraft; or

*Consequential amendments and revocation*

## 10 Consequential amendments to COVID-19 Public Health Response (Vaccinations) Order 2021

- (1) This clause amends the COVID-19 Public Health Response (Vaccinations) Order 2021.

- (2) In clause 4, definition of **affected aircraft**, delete “(other than an aircraft undertaking a QFT flight)”.
- (3) In clause 4, definition of **aircrew member**, paragraph (a)(ii), delete “(other than a QFT flight)”.
- (4) In clause 4, definition of **aircrew member**, paragraph (c), delete “(other than QFT persons)”.
- (5) In clause 4, revoke the definitions of **QFT flight** and **QFT person**.
- (6) In Schedule 2, item 3.2, delete “(other than those arriving on QFT flights)”.

#### **11 Consequential amendments to COVID-19 Public Health Response (Required Testing) Order 2020**

- (1) This clause amends the COVID-19 Public Health Response (Required Testing) Order 2020.
- (2) In clause 4, definition of **affected aircraft**, delete “(other than an aircraft undertaking a QFT flight)”.
- (3) In clause 4, definition of **aircrew member**, paragraph (a)(ii), delete “(other than a QFT flight)”.
- (4) In clause 4, definition of **aircrew member**, paragraph (c), delete “(other than QFT persons)”.
- (5) In clause 4, revoke the definitions of **QFT flight** and **QFT person**.
- (6) In Schedule 2, items 3.10 and 3.14, delete “(other than those arriving on QFT flights)”.

#### **12 Revocation**

The COVID-19 Public Health Response (Exemptions and Conditions for Recognised Seasonal Employer Flights) Notice 2021 (LI 2021/296) is revoked.

## Schedule

### New Part 9 inserted into Schedule 1

cl 8

#### Part 9

#### Provision relating to COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021

##### 8 Flights departing before commencement of Amendment Order

- (1) This clause applies to any provision of this order (the **relevant provision**) that is amended by a provision of the Amendment Order (the **amending provision**).
- (2) The relevant provision, as in force immediately before it is amended by the amending provision, continues to apply to persons arriving in New Zealand on an aircraft that departed before the commencement of the amending provision.
- (3) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021.

Dated at Wellington this 3rd day of November 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**). *Clause 7*, which creates exemptions from vaccination requirements, comes into force immediately after the order is notified in the *Gazette*. The rest of the order comes into force at 11.59 pm on 7 November 2021.

The effect of the amendments is to—

- extend the quarantine-free travel exemptions, which currently apply only to the Cook Islands and Niue, to Samoa, Tokelau, Tonga, and Vanuatu (*clauses 4, 5(2), and 9(1)*):
- designate 2 aeromedical providers as QFT carriers (New Zealand Air Ambulance Service Limited and Aeromed Pacific Limited) (*clause 5(1)*):

- create 2 exemptions from the vaccination requirement for persons arriving in Zealand. The exemptions are for persons who arrive on an aircraft that has been turned back to New Zealand (*clause 7, new clause 9A*) and persons involved with medical transfers (*clause 7, new clause 9B*). *Clause 6* makes a related consequential amendment:
- change how QFT prerequisites in Schedule 2 of the principal order (the **QFT schedule**) apply to aircrew members as follows:
  - the QFT prerequisite in *clause 5(2)* of the QFT schedule requires that a person is not awaiting the results of any test for COVID-19 that the person has undergone in the 2 weeks before the person boarded the QFT flight. That prerequisite will not apply to an aircrew member for a QFT flight (*clause 9(3)*):
  - the QFT prerequisite in *clause 7* of the QFT schedule requires an aircrew member who has been on a relevant flight to have had a recent negative result from a COVID-19 test. That prerequisite will not apply to aircrew members who are ordinarily resident in New Zealand (*clause 9(4) and (5)*).

*Clause 8* inserts a new transitional provision into Schedule 1 of the principal order. An amendment made by this order will not apply to persons who arrive in New Zealand on a flight that departed before the amendment came into force.

This order also—

- makes consequential amendments to the COVID-19 Public Health Response (Vaccinations) Order 2021 and the COVID-19 Public Health Response (Required Testing) Order 2020 (*clauses 10 and 11*); and
- consequentially revokes the COVID-19 Public Health Response (Exemptions and Conditions for Recognised Seasonal Employer Flights) Notice 2021 (*clause 12*).

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.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 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)