

**Version
as at 12 September 2022**



**COVID-19 Public Health Response (Maritime Border)
Order (No 2) Amendment Order (No 2) 2021
(LI 2021/158)**

COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 2) 2021:
revoked, at 11.59 pm on 12 September 2022, pursuant to clause 3(1)(b) of the COVID-19 Public
Health Response (Revocations) Order 2022 (SL 2022/254).

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) Order (No 2) Amendment Order (No 2) 2021.

2 Commencement

This order comes into force at 11.59 pm on 21 June 2021.

3 Principal order

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

4 Clause 4 amended (Interpretation)

- (1) In clause 4, definition of **isolation or quarantine**, paragraph (b), replace “outside the ship” with “who did not arrive in New Zealand on the ship”.
- (2) In clause 4, replace the definition of **last contact** with:

last contact—

- (a) means the most recent physical contact between a person who arrives in New Zealand on board a ship (**person A**) and any other person not on board the ship when it arrives in New Zealand (**person B**); and
- (b) includes person A’s most recent physical contact with person B—
 - (i) during a change to the ship’s crew; or
 - (ii) at an offshore location; but
- (c) excludes—
 - (i) physical contact between person A and person B during a change to the ship’s crew, if person B is a new crew member coming on board the ship and has completed the period of isolation or quarantine required by New Zealand law as in force at the time person A arrives in New Zealand; and
 - (ii) physical contact that person A has with person B while person B is a person who undertakes a necessary task

- (3) In clause 4, insert as subclause (2):
- (2) For the purposes of the definition of last contact in subclause (1), person A is treated as having physical contact with person B once person B boards the ship

while person A is on board, whether or not they have actual physical contact on board.

5 Clause 12 amended (Matters relevant to Director-General giving permission under clause 11)

In clause 12(2), replace “clause 11(1)(b)” with “clause 11(1)(c)”.

6 Clause 15 amended (Form and content of notice of arrival)

Replace clause 15(2)(b)(v) with:

- (v) whether any person boarded the ship after it departed from that port or other place, whether or not they are on board when the ship arrives in New Zealand; and

7 Clause 17 amended (General requirement to remain in isolation or quarantine)

- (1) In clause 17(1)(b), replace “clause 19(2)” with “this order”.
- (2) In clause 17(2), after “until”, insert “a medical officer of health or health protection officer verifies that”.
- (3) In clause 17(2), replace “indictors” with “indicators”.
- (4) After clause 17(4), insert:
 - (4A) However, subclause (1) does not apply to a person who arrives in New Zealand on board a ship that, since it last departed from a port or place in New Zealand, travelled only within New Zealand’s exclusive economic zone, if—
 - (a) no person on board the ship is otherwise required by a COVID-19 order to be isolated or quarantined on their arrival in New Zealand; and
 - (b) no person on board the ship came into contact with any person who was not part of the voyage, unless the contact was approved in advance (with or without conditions) by the Director-General; and
 - (c) the alert level status for the port or place of the ship’s last departure from a port or place in New Zealand, at the time of departure, was alert level 1.

8 Clause 19 amended (Arrivals must meet low-risk indicators to end period of isolation or quarantine)

- (1) Replace the heading to clause 19 with “**Requirements for disembarking**”.
- (2) Replace clause 19(1) with:
 - (1) A person who arrives in New Zealand on board a ship ends their period of isolation or quarantine only if a medical officer of health or a health protection officer is satisfied that—
 - (a) the person has met the requirements of clause 17(1); and

- (b) no person on board the ship has, in the previous 14 days, experienced any symptoms that suggest the presence of COVID-19.
- (1A) The person need not disembark in order to end their period of isolation or quarantine.

9 New clause 22A inserted (Testing of crew leaving ship to depart New Zealand by air)

After clause 22, insert:

22A Testing of crew leaving ship to depart New Zealand by air

- (1) A crew member leaving their ship to depart from New Zealand by air must, before departing from New Zealand by air, comply with subclause (2).
- (2) The crew member meets the requirement in subclause (1) by undertaking a COVID-19 test in the manner described in clause 22(3) no earlier than 72 hours before the scheduled departure of their flight.
- (3) The crew member must produce evidence that they have undergone a COVID-19 Test when requested by 1 or more of the following:
 - (a) a health protection officer;
 - (b) a staff member or representative of the relevant air carrier;
 - (c) an immigration officer;
 - (d) an enforcement officer.

10 Clause 23 amended (Transfer to place of isolation or quarantine and start time)

In clause 23(2)(a)(ii), delete “for the purpose of clause 17(2)(b)”.

11 Clause 24 amended (Ships in isolation or quarantine)

Replace clause 24(4A) and (4B) with:

- (4A) The relevant port company must ensure that prescribed isolation and quarantine signage is visible and secure—
 - (a) immediately adjacent to every point of egress between the ship and shore; and
 - (b) in a manner that can be seen easily by anyone intending to use any of those points of egress.
- (4B) However, an enforcement officer may exempt the port company from the requirement specified in subclause (4A).

12 Clause 25 amended (Obligations of persons undertaking necessary tasks)

In clause 25(1)(b), replace “extend” with “extent”.

Dated at Wellington this 19th day of June 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 (Maritime Border) Order (No 2) 2020 (the **principal order**).

This order comes into force at 11.59 pm on 21 June 2021.

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.

Clause 4 amends definitions in clause 4 of the principal order as follows:

- to clarify in the definition of isolation or quarantine that a person on board a ship must maintain physical distancing from any person who did not arrive on the ship;
- to clarify that last contact refers to the most recent physical contact that a person who arrives on a ship had with a person who did not arrive on the ship.

Clauses 5, 10, and 12 contain minor corrections.

Clause 6 amends clause 15 of the principal order to align the information required for a notice of arrival with the new definition of last contact.

Clause 7 amends clause 17 of the principal order to provide that the general obligation to remain in isolation or quarantine does not apply to a person who arrives in New Zealand on board a ship after travelling only within New Zealand's exclusive economic zone.

Clause 8 amends clause 19 of the principal order to clarify that a person on board a ship who completes the prescribed isolation or quarantine requirements is not required to disembark.

Clause 9 inserts into the principal order *new clause 22A*, which relates to the testing of crew who are leaving New Zealand by air. A crew member must undertake a COVID-19 test in the manner described in clause 22(3) of the principal order no earlier than 72 hours before the scheduled departure of their flight. If requested by a specified person, a crew member must provide evidence that they have been tested for COVID-19.

Clause 11 amends clause 24 of the principal order as follows:

- by transferring the obligation to provide prescribed isolation or quarantine signage from the ship's master to the relevant port company;
- by ensuring that the signage is placed immediately adjacent to the points of egress between the ship and the shore.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 23 June 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Maritime Border) Order (No 2) Amendment Order (No 2) 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 (Revocations) Order 2022 (SL 2022/254): clause 3(1)(b)