

**Reprint  
as at 20 December 2020**



**COVID-19 Public Health Response (Air Border) Order  
(No 2) 2020  
(LI 2020/239)**

This order is made by the Minister of Health 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**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry of Health.**

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**Part 3**  
**Exemptions**

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*Airside conditions*

*[Revoked]*

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*[Revoked]*

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**Order**

**1 Title**

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

**2 Commencement**

This order comes into force at 11.59 pm on 6 September 2020.

## Part 1

### Preliminary provisions

#### 3 Purpose

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by imposing certain requirements on persons arriving in New Zealand by air (including medical examination and testing for COVID-19, and commencement of isolation or quarantining, as soon as practicable after arriving in New Zealand).

#### 4 Interpretation

(1) In this order, unless the context otherwise requires,—

**Act** means the COVID-19 Public Health Response Act 2020

**air carrier**, in relation to an aircraft (but not a foreign military aircraft),—

- (a) means the owner or charterer of the aircraft; and
- (b) if the owner or charterer is not in New Zealand, includes the agent in New Zealand of the owner or charterer; and
- (c) if there is no agent in New Zealand, includes the person in charge of the aircraft

**aircrew member** means any person who—

- (a) is identified as a crew member on the crew manifest for the aircraft on which they arrive in New Zealand; or
- (b) is not identified as a crew member on that manifest but is on the aircraft at the direction of an airline for which they work as a pilot, co-pilot, or flight attendant

**airport** has the meaning given by subclause (2)

**confirmed allocation** means a confirmed allocation in the managed isolation allocation system to enter an MIQF in New Zealand

**evidence of a confirmed allocation** means—

- (a) written evidence of a confirmed allocation (for example, a voucher); or
- (b) evidence of a confirmed allocation by any other means, as long as the evidence is supplied by the New Zealand Government

**fellow traveller**, of any person arriving in New Zealand, means,—

- (a) if the person is an aircrew member, an aircrew member arriving in New Zealand on the same aircraft; or
- (b) in any other case, anyone who accompanied the person on the journey to New Zealand

**health protection officer** has the meaning given by section 2(1) of the Health Act 1956

**higher-risk route** means a route of travel that is designated in accordance with clause 9

**Isolation and Quarantine Order** means the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

**managed isolation allocation system** means a Web-based managed isolation allocation system operated by or on behalf of the New Zealand Government

**medical examination and testing** means examination or testing that involves only 1 or more of the following:

- (a) taking temperatures:
- (b) seeking and obtaining information about symptoms:
- (c) carrying out chest auscultation:
- (d) taking nose swabs or mouth swabs (or both)

**MIQF** means a managed isolation or quarantine facility as defined by section 5(1) of the COVID-19 Public Health Response Act 2020

**physical distancing**, from other persons, means remaining at least 2 metres away from them

**place of isolation or quarantine**,—

- (a) for a person to whom Part 1 of the Isolation and Quarantine Order applies, has the meaning given by clause 12 of that order; or
- (b) for a person to whom Part 1A of the Isolation and Quarantine Order applies, means the accommodation notified to the Ministry of Health under that Part as the person's place of self-isolation

**specified aircrew member** has the meaning given by clause 19(1).

- (2) A reference in this order to an **airport** that is in New Zealand is a reference to a security designated aerodrome within the meaning of section 2(1) of the Civil Aviation Act 1990.

Clause 4(1) **air carrier**: inserted, on 3 November 2020, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 4(1) **aircrew member**: replaced, at 11.59 pm on 20 December 2020, by clause 4(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **airport**: inserted, at 11.59 pm on 4 October 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **airside**: revoked, at 11.59 pm on 20 December 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **airside condition**: revoked, at 11.59 pm on 20 December 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **confirmed allocation**: inserted, on 3 November 2020, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 4(1) **confirmed allocation**: amended, at 11.59 pm on 20 December 2020, by clause 4(3) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **evidence of a confirmed allocation**: inserted, on 3 November 2020, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 4(1) **exempt person**: revoked, at 11.59 pm on 20 December 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **fellow traveller**: replaced, at 11.59 pm on 4 October 2020, by clause 4(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **higher-risk route**: inserted, at 11.59 pm on 4 October 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **higher-risk route**: amended, at 11.59 pm on 20 December 2020, by clause 4(4) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **managed isolation allocation system**: inserted, on 3 November 2020, by clause 4 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 4(1) **MIQF**: inserted, at 11.59 pm on 20 December 2020, by clause 4(5) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **overseas airside condition**: revoked, at 11.59 pm on 20 December 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **place of isolation or quarantine**: replaced, at 11.59 pm on 20 December 2020, by clause 4(6) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(1) **security designated aerodrome**: revoked, at 11.59 pm on 4 October 2020, by clause 4(4) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **specified aircrew member**: inserted, at 11.59 pm on 20 December 2020, by clause 4(5) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 4(2): inserted, at 11.59 pm on 4 October 2020, by clause 4(5) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

## 5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

## 6 Application of order

This order applies to the whole of New Zealand.

**7 Immunities of foreign military aircraft and crew unaffected**

Nothing in this order limits or affects the immunities of any foreign military aircraft or its crew.

**Part 1A  
Obligation on air carriers**

Part 1A: inserted, on 3 November 2020, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

**7A Air carrier must not cause aircraft to arrive in New Zealand without complying with requirement**

- (1) An air carrier must not cause an aircraft to arrive in New Zealand unless it has taken reasonable steps to ensure that each person on board the aircraft (other than an exempt person) has evidence of a confirmed allocation.
- (2) In this clause, **exempt person** means a person who is exempt from clause 8(2A) by or under this order.

Clause 7A: inserted, on 3 November 2020, by clause 5 of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 7A(2): inserted, at 11.59 pm on 20 December 2020, by clause 5 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**Part 2  
Obligations on air arrivals**

**8 Obligations on persons arriving in New Zealand by air**

- (1) A person who arrives in New Zealand by air must comply with this clause.
- (2) The person must report for and undergo medical examination and testing for COVID-19, as soon as practicable after their arrival, at the airport at which they arrive.
- (2A) The person must—
  - (a) have a confirmed allocation; and
  - (b) produce evidence of a confirmed allocation when requested by—
    - (i) a health protection officer or a medical officer of health; or
    - (ii) a staff member or representative of the relevant air carrier; or
    - (iii) an immigration officer (as that term is defined in section 4 of the Immigration Act 2009).
- (3) The person must be isolated or quarantined (commencing as soon as practicable after arriving in New Zealand) in accordance with the Isolation and Quarantine Order, subject to any IQ exemption applying in relation to the person.

- (3A) If the person's place of isolation or quarantine is an MIQF, the person must travel from the airport to the MIQF in accordance with directions of the chief executive of MBIE.
- (4) Throughout the period while the person is at the airport and travelling from the airport to their place of isolation or quarantine, they must,—
- (a) to the greatest extent practicable, maintain physical distancing from all other persons (other than fellow travellers); and
  - (b) wear personal protective equipment as directed by a medical officer of health or a health protection officer.
- (4A) A failure to comply with subclause (2A) is an infringement offence (*see* section 26(3) and (4) of the Act).
- (5) In this clause, **IQ exemption** means an exemption under the Isolation and Quarantine Order.

Clause 8(2): amended, at 11.59 pm on 4 October 2020, by clause 5(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 8(2A): inserted, on 3 November 2020, by clause 6(1) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 8(2A): amended, at 11.59 pm on 20 December 2020, by clause 6(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 8(3): amended, at 11.59 pm on 20 September 2020, by clause 4(1) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254).

Clause 8(3A): inserted, at 11.59 pm on 20 December 2020, by clause 6(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

Clause 8(4): amended, at 11.59 pm on 4 October 2020, by clause 5(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 8(4A): inserted, on 3 November 2020, by clause 6(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280).

Clause 8(5): inserted, at 11.59 pm on 20 September 2020, by clause 4(2) of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254).



## Part 3 Exemptions

Part 3: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

### Subpart 1—Designation of higher-risk routes

Subpart 1: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### 9 Designation of higher-risk routes

- (1) For the purposes of this Part, the Director-General may designate a route of travel between a place outside New Zealand and another place (in or outside New Zealand) as a higher-risk route.
- (2) The notice must—
  - (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
  - (b) be notified in the *Gazette*.

Clause 9: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

### Subpart 2—Arrivals generally

Subpart 2: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### *Exemptions from whole of clause 8*

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### 10 Arrivals remaining airside until departure from New Zealand

- (1) A person arriving in New Zealand is exempt from clause 8 if, until they depart from New Zealand, they remain on the airside of—
  - (a) the airport at which they arrive in New Zealand; and
  - (b) any other airport through which they transit.
- (2) Without limiting subclause (1), any transit passenger is exempt from clause 8.
- (3) However, a transit passenger who is given permission to enter New Zealand in accordance with section 89(2) or 91 of the Immigration Act 2009 is not exempt from clause 8.
- (4) In this clause,—

**airside**, of an airport, means any part of the airport that is inaccessible to the general public but that is accessible to international arriving or international transiting passengers

**transit passenger** has the meaning given by section 4 of the Immigration Act 2009.

Clause 10: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 11 Diplomatic and consular officials, and New Zealand Defence Force

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

- (a) a person who is entitled to any immunity from jurisdiction by or under—
  - (i) the Diplomatic Privileges and Immunities Act 1968 (other than a person referred to in section 10D(2)(d) of that Act) or the Consular Privileges and Immunities Act 1971; or
  - (ii) any order under either of those Acts:
- (b) a person who is a member of the New Zealand Defence Force and returning from service outside New Zealand.

Clause 11: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 12 Crew of ship

- (1) A person arriving by air in New Zealand who is a member of the crew of a ship is exempt from clause 8, subject to the following conditions:
  - (a) immediately after leaving the airport at which the person arrives in New Zealand, the person must travel (whether by air or by any other form or forms of transport) to and then board the ship; and
  - (b) the ship must be scheduled to depart from New Zealand as soon as is reasonably practicable after the person boards the ship.
- (2) In this clause, **crew**, **depart from New Zealand**, and **ship** have the meanings given to them by the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

Clause 12: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 13 Arrivals from Antarctica

- (1) A person arriving in New Zealand by air from Antarctica is exempt from clause 8 if the person is—
  - (a) a member of, or associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960); or
  - (b) a person to whom section 5 of the Antarctica Act 1960 applies.
- (2) However, the person is not exempt from clause 8(2), (3), or (4) if a medical officer of health has assessed that there is a more than negligible risk that the

group of arrivals from Antarctica to which the person belongs has been exposed to COVID-19 within 14 days before that arrival.

- (3) An assessment made before the person's arrival does not have effect for the purposes of subclause (2) unless it is made no earlier than 7 days before that arrival.

Clause 13: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **14 Aircraft turned back to New Zealand**

- (1) A person arriving by air in New Zealand is exempt from clause 8 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) However, this clause does not exempt the person from clause 8 if the person was in New Zealand for less than 14 days immediately before the aircraft's most recent departure from New Zealand.

Clause 14: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **15 Designated persons**

A person arriving by air in New Zealand who, immediately before the commencement of this order, was designated by the Director-General as critical to providing services to assist with the response to COVID-19 is exempt from clause 8.

Clause 15: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### *Exemptions relating to confirmed allocation only*

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **16 Exemption under Isolation and Quarantine Order**

- (1) A person who arrives in New Zealand by air is exempt from clause 8(2A) if the person is exempt from any requirement for the person's place of isolation or quarantine to be an MIQF because of an exemption made by or under the Isolation and Quarantine Order.
- (2) Nothing in this clause limits any other exemption from clause 8(2A) that may be provided for by or under this order.

Clause 16: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 17 Medical attendants

The following persons arriving in New Zealand by air are exempt from clause 8(2A):

- (a) any person who is assisting, as a medical attendant, with a medical transfer to New Zealand;
- (b) any person who is arriving in New Zealand to assist, as a medical attendant, with a medical transfer from New Zealand;
- (c) any person who is returning from assisting, as a medical attendant, with a medical transfer from New Zealand and is ordinarily resident in New Zealand.

Clause 17: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 18 Police escorts of extradited or deported persons

A member of the New Zealand Police arriving in New Zealand by air is exempt from clause 8(2A) if the member—

- (a) is escorting a person in connection with that person's extradition to New Zealand; or
- (b) is returning from escorting a person in connection with that person's deportation from New Zealand.

Clause 18: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## Subpart 3—Specified aircrew members

Subpart 3: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

### *Application*

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 19 Application of subpart

- (1) This subpart applies to an aircrew member (a **specified aircrew member**) arriving in New Zealand by air who is ordinarily resident in New Zealand.
- (2) This subpart does not apply to a specified aircrew member to whom clause 10(1) or 13 applies.

Clause 19: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

### *Exemptions*

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **20 Exemption from requirement for confirmed allocation**

A specified aircrew member is exempt from clause 8(2A).

Clause 20: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **21 Exemption from requirement to be isolated or quarantined**

- (1) A specified aircrew member is exempt from clause 8(3) if a suitably qualified health practitioner responsible for the medical examination and testing of the member under clause 8(2) is satisfied that the member is at a low risk of having or transmitting COVID-19.
- (2) The exemption provided for in this clause does not apply in the circumstances set out in clauses 22 to 25.

Clause 21: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

### *Exceptions to exemption from requirement to be isolated or quarantined*

Heading: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **22 Higher-risk route**

A specified aircrew member is not exempt from clause 8(3) if they have travelled on a higher-risk route within the 7 days immediately before arriving in New Zealand by air.

Clause 22: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **23 Pilots returning from flight simulator training**

A specified aircrew member is not exempt from clause 8(3) if they are returning from a period of flight simulator training in a country outside New Zealand.

Clause 23: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **24 Absences of at least 7 days or overseas domestic travel**

- (1) A specified aircrew member is not exempt from clause 8(3) if they—
  - (a) were outside New Zealand for a continuous period of at least 7 days immediately before arriving in New Zealand by air; or
  - (b) have travelled domestically outside New Zealand within the 7 days immediately before arriving in New Zealand by air.
- (2) A specified aircrew member **travels domestically outside New Zealand** if—

- (a) they travel by aircraft on a domestic route in a country outside New Zealand; and
- (b) there are other persons travelling on the aircraft who are not—
  - (i) the pilot or a co-pilot of the aircraft; or
  - (ii) a person who works as a pilot, co-pilot, or flight attendant for the same airline as the aircrew member.

Clause 24: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 25 Failure to meet key safety standards

- (1) A specified aircrew member is not exempt from clause 8(3) if a medical officer of health determines (on the basis of information brought to that officer's attention) that there are reasonable grounds to believe that, within the 7 days immediately before arriving in New Zealand by air and while outside New Zealand, the aircrew member has failed to meet 1 or more of the key safety standards.
- (2) The **key safety standards** are set out in Part 1 of Schedule 2 of the Isolation and Quarantine Order.
- (3) For the purposes of this clause, a reference in that Part to a relevant crew member is to be treated as if it were a reference to a specified aircrew member.

Clause 25: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## Subpart 4—Powers to grant exemptions

Subpart 4: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

## 26 Power for Minister to grant exemptions from this order

- (1) The Minister may exempt any person or class of persons from the requirement to comply with any provision of this order or the application of any provision of this order if the Minister is satisfied that—
  - (a) the exemption is necessary or desirable in order to promote the purposes of the Act or the purposes 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.
- (2) The Minister may impose conditions on the exemption as the Minister considers necessary.
- (3) The Minister must take into account the advice of the Director-General when deciding—
  - (a) whether to grant an exemption; and
  - (b) what (if any) conditions to impose on an exemption.
- (4) An exemption for any specified person must be notified in writing to the applicant and the exempt person.

- (5) An exemption for any class of persons must—
- (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
  - (b) be notified in the *Gazette*.

Clause 26: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**27 Power for Director-General to grant exemptions from this order to emergency workers**

- (1) The Director-General may exempt any person or class of persons arriving in Zealand for the purposes of assisting in the response to an emergency in respect of which a state of emergency is declared.
- (2) The Director-General must be satisfied that—
- (a) the exemption is necessary or desirable in order to promote the purposes of the Act or the purposes 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; and
  - (c) based on the advice of the National Emergency Management Agency, the person or class of persons is critical to assisting in the response to the emergency.
- (3) The Director-General may impose conditions on the exemption as the Director-General considers necessary.
- (4) An exemption for any specified person must be notified in writing to the applicant and the exempt person.
- (5) An exemption for any class of persons must—
- (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
  - (b) be notified in the *Gazette*.
- (6) In this clause,—

**emergency** includes an emergency that may occur

**state of emergency** has the meaning given by the Civil Defence Emergency Management Act 2002.

Clause 27: inserted, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

### Part 3 Exemptions

*[Revoked]*

Part 3: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### *Airside conditions*

*[Revoked]*

Heading: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **8A Airside condition**

*[Revoked]*

Clause 8A: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **8B Overseas airside condition**

*[Revoked]*

Clause 8B: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### *Designation of higher-risk routes*

*[Revoked]*

Heading: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **8C Designation of higher-risk routes**

*[Revoked]*

Clause 8C: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### *Exemptions*

*[Revoked]*

Heading: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **9 Transit passengers**

*[Revoked]*

Clause 9: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

#### **10 Diplomatic and consular officials, and New Zealand Defence Force**

*[Revoked]*

Clause 10: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).



**11 Aircrew members who meet airside condition**

*[Revoked]*

Clause 11: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**11A Aircrew members who do not meet airside condition**

*[Revoked]*

Clause 11A: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**11B Medical attendants who meet airside condition**

*[Revoked]*

Clause 11B: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**12 Crew of ship**

*[Revoked]*

Clause 12: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**13 Designated persons**

*[Revoked]*

Clause 13: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**14 Minister may replace exemptions under clauses 11 to 13**

*[Revoked]*

Clause 14: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**15 Power for Minister to grant exemptions from this order**

*[Revoked]*

Clause 15: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**Part 4**

**Revocation and consequential amendments**

*[Revoked]*

Part 4: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**16 Revocation**

*[Revoked]*

Clause 16: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**17 Consequential amendments to COVID-19 Public Health Response (Alert Level Requirements) Order 2020**

*[Revoked]*

Clause 17: revoked, at 11.59 pm on 20 December 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330).

**Schedule 1  
Transitional, savings, and related provisions**

cl 5

**Part 1  
Provisions relating to this order as made**

There are no transitional, savings, or related provisions relating to this order as made.

Dated at Wellington this 4th day of September 2020.

Hon Chris Hipkins,  
Minister of Health.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 4 September 2020.

## **Reprints notes**

### **1    *General***

This is a reprint of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (LI 2020/330): Part 1

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order 2020 (LI 2020/280)

COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273): Part 1

COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254): Part 1