

Version
as at 27 February 2022



**COVID-19 Public Health Response (Exemptions and
Conditions for Quarantine-free Travel) Amendment
Notice (No 5) 2021**
(LI 2021/148)

COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 5) 2021: revoked, at 11.59 pm on 27 February 2022, pursuant to clause 61(1)(b) of the COVID-19 Public Health Response (Air Border) Order 2021 (SL 2021/427).

Pursuant to clause 26 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, the Minister for COVID-19 Response gives the following notice after complying with that clause.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal notice	2
4	Clause 3 amended (Interpretation)	2
5	Cross-heading above clause 6 replaced	2
<i>Exemptions for arrivals on QFT flights</i>		
6	Cross-heading above clause 7 replaced	2
<i>Conditions of general application for arrivals on QFT flights</i>		
7	Clause 8 amended (Person must meet QFT prerequisites on arrival)	3
8	Cross-heading above clause 10 replaced	3
<i>Conditions for arrivals on QFT flights relating to State of Victoria, Australia</i>		

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 notice is administered by the Ministry of Health.

9	Clauses 10B replaced (Aircrew members: evidence of qualifying pre-departure test)	3
	10B Aircrew members: pre-departure test	3
	<i>Exemption relating to State of Victoria, Australia for air carrier of QFT flights</i>	
	10C Exemption from step generally required to be carried out by air carrier for QFT flight from Australia	4
10	Schedule 1 amended	4
	Schedule	5
	New Part 3 inserted into Schedule 1	

Notice

1 Title

This notice is the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 5) 2021.

2 Commencement

This notice comes into force at 11.59 pm on 11 June 2021.

3 Principal notice

This notice amends the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021.

4 Clause 3 amended (Interpretation)

- (1) In clause 3, insert in its appropriate alphabetical order:

RT-PCR test means a test for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) viral ribonucleic acid using reverse transcription polymerase chain reaction (RT-PCR)

- (2) In clause 3, insert as subclause (2):

- (2) For the purposes of the definition of **qualifying pre-departure test** in subclause (1), a reference in clause 8(2B)(a) of the Air Border Order to a COVID-19 test is to be treated as a reference to an RT-PCR test.

5 Cross-heading above clause 6 replaced

Replace the cross-heading above clause 6 with:

Exemptions for arrivals on QFT flights

6 Cross-heading above clause 7 replaced

Replace the cross-heading above clause 7 with:

Conditions of general application for arrivals on QFT flights

7 Clause 8 amended (Person must meet QFT prerequisites on arrival)

Replace clause 8(2) with:

- (2) The condition is that, on the person's arrival in New Zealand, they meet all of the applicable QFT prerequisites except—
- (a) the prerequisite in clause 9 of Schedule 2 of the Air Border Order (which relates to contact tracing); and
 - (b) the prerequisite in clause 5(2) of Schedule 2 of that order (which relates to the results of tests for COVID-19), but only if—
 - (i) the person is an aircrew member to whom the condition in clause 10B applies; and
 - (ii) the QFT flight is from Australia.

8 Cross-heading above clause 10 replaced

Replace the cross-heading above clause 10 with:

Conditions for arrivals on QFT flights relating to State of Victoria, Australia

9 Clauses 10B replaced (Aircrew members: evidence of qualifying pre-departure test)

Replace clause 10B with:

10B Aircrew members: pre-departure test

- (1) An exemption under clause 6(1) is subject to the condition set out in this clause if the person—
- (a) is an aircrew member; and
 - (b) has been in the relevant State at or after 7.59 pm on 25 May 2021 (New Zealand time).
- (2) The condition is that, before the aircrew member boarded the aircraft, a statement was made by, or on behalf of, the aircrew member that, no more than 7 days immediately before the scheduled departure of the QFT flight and at the direction of their employer, they have had mouth swabs or nose swabs (or both) taken for an RT-PCR test.
- (3) The condition does not apply to an aircrew member who has already complied with the condition (or the predecessor condition) in connection with other relevant flights but only if, after the most recent of those flights, they—
- (a) have not returned to the relevant State; or
 - (b) have returned to the relevant State by aircraft and, until departing from that State, remained on the airside of the airport at which that aircraft landed in that State.

- (4) The condition applies only in relation to a flight that departs on or after the commencement of this clause.
- (5) In this clause,—
- employer**, in relation to an aircrew member, means an air carrier for which the aircrew member works (whether or not as an employee)
- predecessor condition** means the condition set out in clause 10B, as in force immediately before the commencement of this clause
- relevant flight** means a flight that departed on or after 11.59 pm on 4 June 2021 (which is when the predecessor condition commenced)
- relevant State** has the meaning given by clause 10A.

Exemption relating to State of Victoria, Australia for air carrier of QFT flights

10C Exemption from step generally required to be carried out by air carrier for QFT flight from Australia

- (1) An air carrier is exempt from the requirement to comply with clause 7D(1)(b)(i) of the Air Border Order, but—
- (a) only in relation to a QFT flight from Australia; and
- (b) only to the extent that that provision of the Air Border Order requires the air carrier to take reasonable steps to minimise the risk that a relevant aircrew member on the aircraft did not meet the QFT prerequisite set out in clause 5(2) of Schedule 2 of that order (which relates to the results of tests for COVID-19).
- (2) The exemption applies only in relation to a QFT flight that departs on or after the commencement of this clause.
- (3) In this clause, **relevant aircrew member** means an aircrew member to whom the condition set out in clause 10B applies.

10 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.

Schedule
New Part 3 inserted into Schedule 1

cl 10

Part 3
Provisions relating to COVID-19 Public Health Response
(Exemptions and Conditions for Quarantine-free Travel)
Amendment Notice (No 5) 2021

4 Meaning of Amendment Notice

In this Part, **Amendment Notice** means the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 5) 2021.

5 Qualifying pre-departure test

Clauses 7(2)(b)(ii) and 10A(2) continue to apply, in relation to a QFT flight that departed for New Zealand before the commencement of the Amendment Notice, as they did immediately before clause 3(2) of this notice was inserted by that notice.

6 QFT prerequisites

Clause 8(2), as in force immediately before the commencement of the Amendment Notice, continues to apply in relation to a QFT flight that departed for New Zealand before that commencement.

7 Aircrew of QFT flights: evidence of qualifying pre-departure test

Clause 10B, as in force immediately before the commencement of the Amendment Notice, continues to apply in relation to a QFT flight that departed for New Zealand before that commencement.

Dated at Wellington this 11th day of June 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice amends the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Notice 2021 (the **principal notice**). It comes into force at 11.59 pm on 11 June 2021 and applies only in relation to a flight that departs at or after that time.

The principal notice exempts a person who arrives in New Zealand on a quarantine-free travel flight (or QFT flight) from the requirement in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order**) for isolation or quarantine after arrival in New Zealand. The exemption is subject to conditions. These include conditions generally requiring that, before the person boarded the aircraft, a statement was made by the person, or on their behalf, that they have evidence of a qualifying pre-departure test (including test results), administered no more than 72 hours before their journey to New Zealand began, if—

- they are a close contact of a confirmed or probable case of COVID-19; or
- they have been in the State of Victoria, Australia at or after 7.59 pm on 25 May 2021.

This notice ensures—

- that the evidence of a qualifying pre-departure test is from a test using reverse transcription polymerase chain reaction (an **RT-PCR test**); and
- that the statement that must be made by, or on behalf of, an aircrew member (a **relevant aircrew member**) who has been in the State of Victoria at or after that time is that, no more than 7 days immediately before the scheduled departure of the QFT flight and at the direction of their employer, they have had mouth swabs or nose swabs (or both) taken for an RT-PCR test; and
- that, if the relevant aircrew member is awaiting the results of that test on arrival in New Zealand and the QFT flight is from Australia, they are not disqualified from the exemption; and
- that, if the QFT flight is from Australia, the air carrier is exempt from a requirement in the Air Border Order to take reasonable steps to minimise the risk that the relevant aircrew member was awaiting the results of that test on arrival in New Zealand.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Exemptions and Conditions for Quarantine-free Travel) Amendment Notice (No 5) 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)(b)