



## **COVID-19 Public Health Response (Air Border) Order 2020**

This order is made in accordance with sections 9 and 11, and clause 1 of Schedule 1, of the COVID-19 Public Health Response Act 2020 by the Minister of Health.

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### **Order**

#### **1 Title**

This order is the COVID-19 Public Health Response (Air Border) Order 2020.

#### **2 Commencement**

This order comes into force at 11.59 pm on 22 June 2020.

#### **3 Purpose**

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by putting in place quarantine and isolation requirements for persons arriving in New Zealand by air.

#### 4 Interpretation

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

**Director-General** has the same meaning as in section 2(1) of the Health Act 1956

**excluded arrival** means any of the following persons:

- (a) any aircraft pilots or flight crew members:
- (b) any maritime crew members transferring to a ship (within the meaning of the Health Act 1956) immediately after their arrival in New Zealand:
- (c) any medical attendants assisting with medical air transfers:
- (d) any person designated by the Director-General as critical to providing services to assist with the response to COVID-19:
- (e) any 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:
- (f) any person who is a member of the New Zealand Defence Force and returning from service outside of New Zealand

**fellow resident**, of any person (**person A**), means another person who is isolated or quarantined together with person A

**health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**high risk facility** means a facility designated by a medical officer of health for the purposes of detaining people in a way appropriate for people with a high risk of transmitting COVID-19

**low risk facility** means a facility designated by a medical officer of health for the purposes of detaining people in a way appropriate for people with a low risk of transmitting COVID-19

**low risk indicators** has the meaning given in subclause (2)

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

**place of isolation or quarantine**, of a person, means the person's place of isolation or quarantine as determined under clause 7(5)

**security designated aerodrome** has the same meaning as in section 2(1) of the Civil Aviation Act 1990.

- (2) For the purposes of this order, a person meets the **low risk indicators** if—

- (a) the person submits to a medical test for COVID-19 and the result of that test is negative; and
  - (b) any other medical tests or information relating to the person indicate that the person is at low risk of having or transmitting COVID-19.
- (3) Subclause (2)(a) does not apply in relation to a person who has particular physical or other needs that a medical officer of health or health protection officer determines would make it inappropriate for the person to undertake the medical test.

## **5 Transitional, savings, and related provisions**

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

## **6 Application of this order**

This order applies throughout New Zealand.

## **7 Medical examination, testing, and isolation or quarantining requirements**

### *Obligations for arrivals*

- (1) Every person arriving in New Zealand by air (other than excluded arrivals) must—
- (a) report for, and submit to, medical examination and testing, as soon as practicable after their arrival, at the security designated aerodrome at which they arrive; and
  - (b) be isolated or quarantined for the required period—
    - (i) by remaining throughout that period at a place determined to be their place of isolation or quarantine (except as permitted under clause 8); and
    - (ii) by maintaining physical distancing (to the greatest extent practicable) throughout that period from all other persons in or outside the place (including all other persons who are isolated or quarantined at the place, but not including fellow residents); and
  - (c) further report for, and submit to, medical examination and testing, as directed by a medical officer of health or a health protection officer, at any time during their required period of isolation or quarantine; and
  - (d) wear personal protective equipment as directed by a medical officer of health or a health protection officer.

### *What medical examination and testing involves*

- (2) Medical examination and testing under this clause may only involve testing for temperatures, seeking information on symptoms, carrying out chest auscultation, and taking mouth or nose swabs (or both), as required to test for COVID-19.

*Required period of isolation or quarantine*

- (3) The **required period of isolation or quarantine** of a person under this clause is—
- (a) the period ending 14 days after the start date if the Director-General is satisfied (as close as is reasonably practicable to the end of that period and on the advice of a suitably qualified health practitioner) that the person meets the low risk indicators; or
  - (b) any longer period needed to satisfy the Director-General that the person meets the low risk indicators (but no longer than the period ending 28 days after the start date).
- (4) The **start date** is the latest of the following:
- (a) the date on which the person arrives in New Zealand;
  - (b) the date on which a fellow resident of the person joins the person at that person's place of isolation or quarantine.

*Determining place of isolation or quarantine*

- (5) A person's **place of isolation or quarantine** under this clause is to be one of the following, as determined by a medical officer of health or a health protection officer:
- (a) a high risk facility;
  - (b) a low risk facility;
  - (c) a place other than a high risk facility or low risk facility if necessary due to the particular physical or other needs of the person.

**8 Permission to leave place of isolation or quarantine for purposes of clause 7(1)(b)(i)**

- (1) For the purposes of clause 7(1)(b)(i), a person is permitted to leave their place of isolation or quarantine—
- (a) for the purposes of engaging in outdoor exercise of a class, and in accordance with any conditions, authorised by the Director-General; or
  - (b) if it is necessary to do so, as a matter of emergency, to preserve their own or any other person's life or safety; or
  - (c) if it is necessary to do so to access any court or tribunal; or
  - (d) if a medical officer of health or a health protection officer is satisfied it is necessary to do so to access medical services; or
  - (e) if required by a medical officer of health or a health protection officer to move to another place of isolation or quarantine; or
  - (f) if required to do so under Part 4 of the Health Act 1956; or

- (g) if required by a medical officer of health or a health protection officer to move to another temporary or emergency place of isolation or quarantine (for example, if necessary for care while sick); or
- (h) if required to move to another place of isolation or quarantine in compliance with—
  - (i) a court order; or
  - (ii) any other obligations imposed by or under any enactment that are related to the detention of the person (for example, a direction of the New Zealand Parole Board or a probation officer); or
- (i) to assist or accompany a child or other person to travel to or from a place under any of paragraphs (b) to (h), with the consent of a medical health officer or a health protection officer.

*Exceptional reasons*

- (2) For the purposes of clause 7(1)(b)(i), a person is also permitted to leave their place of isolation or quarantine for any exceptional reason, as authorised by the Director-General (with or without conditions).
- (3) Before authorising a person to leave under subclause (2), the Director-General must,—
  - (a) if the Director-General has all the functions of a medical officer of health (or otherwise on the advice of a medical officer of health), take into account any impact that the person's leaving the place might have on the risk of an outbreak or the spread of COVID-19; and
  - (b) be satisfied, on the basis of the advice of a suitably qualified health practitioner, that the person meets the low risk indicators; and
  - (c) be satisfied that the person will comply with any conditions of the authorisation.

## **9 Caregivers of children**

- (1) A caregiver of a child may, with the authorisation of the Director-General, enter the child's place of isolation or quarantine to care for the child.
- (2) If a caregiver enters the child's place of isolation or quarantine to care for the child,—
  - (a) the caregiver must be isolated or quarantined together with the child (and is therefore a fellow resident of the child); and
  - (b) the provisions of this order (except for clause 7(1)(a)) apply in relation to the caregiver in the same way as they apply in relation to any other person who is required to be isolated or quarantined under this order.

## **10 Revocations**

The following orders are revoked:

- (a) the order made on 9 April 2020 under section 70(1)(e), (ea), and (f) of the Health Act 1956; and
- (b) the order made on 8 May 2020 under section 70 of the Health Act 1956 amending and extending that order.

## **Schedule 1**

### **Transitional, savings, and related provisions**

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#### **Part 1**

#### **Provisions relating to this order as made**

##### **1 Definition of former order**

In this Part, **former order** means the order made on 9 April 2020 under section 70(1)(e), (ea), and (f) of the Health Act 1956, as amended and extended by the order made on 8 May 2020 under section 70 of that Act.

##### **2 High risk facilities and low risk facilities**

- (1) A facility that, immediately before 11.59 pm on 22 June 2020, was designated as a high risk facility under the former order is taken to have been designated as a high risk facility under this order.
- (2) A facility that, immediately before 11.59 pm on 22 June 2020, was designated as a low risk facility under the former order is taken to be have been designated as a low risk facility under this order.

##### **3 Application to persons isolated or quarantined under former order**

- (1) This clause applies to a person if, immediately before 11.59 pm on 22 June 2020, that person—
  - (a) was in isolation or quarantine under the former order; or
  - (b) had arrived in New Zealand by air and would have been required to be, but had not yet been, isolated or quarantined under the former order and is not an excluded arrival (as defined in this order).
- (2) The requirements of this order apply in place of the former order.
- (3) To avoid doubt, the period for which the person is to remain in isolation or quarantine must be determined in accordance with clause 7(3) and (4) of this order.

Dated at Dunedin this 20th day of June 2020.

Hon Dr David Clark,  
Minister of Health.

### Explanatory note

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

This order is the COVID-19 Public Health Response (Air Border) Order 2020. It comes into force at 11.59 pm on 22 June 2020.

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by putting in place quarantine and isolation requirements for persons arriving in New Zealand by air.

This order replaces the order made on 9 April 2020 under section 70(1)(e), (ea), and (f) of the Health Act 1956, as amended and extended by an order made on 8 May 2020 under section 70 of that Act. This order generally has a similar effect to the order it replaces. In addition, it provides for the following matters:

- members of the New Zealand Defence Force returning from service outside New Zealand are not required to submit to the medical examination and testing, and isolation or quarantining, requirements imposed by this order (*clause 4(1), definition of excluded arrival*):
- every person arriving in New Zealand by air is required to submit to medical examination and testing, not only as soon as practicable after their arrival (which is currently the case) but also, as directed by a medical officer of health or a health protection officer, at any time during their isolation or quarantine period (*clause 7(1)(c)*):
- a person required to be in isolation or quarantine is expressly required to wear personal protective equipment as directed by a medical officer of health or a health protection officer (*clause 7(1)(d)*):
- for a person to meet the low risk indicators for having or transmitting COVID-19 (which a person must meet if their required period of isolation or quarantine is to end 14 days after the period starts and not last longer), the person is expressly required to submit to medical testing for COVID-19 and that testing must return a negative result (unless the person has particular physical or other needs that would make that testing inappropriate) (*clauses 4(2) and (3), and 7(3)*):
- if a person joins another person in isolation or quarantine, the start date to be used in determining when the required 14-day period of isolation or quarantine ends for both of them is the date when the later of the 2 starts their isolation or quarantine (*clause 7(3) and (4)*):

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- a person can leave their place of isolation or quarantine for exercise (as currently), but only if it is of a class, and is accordance with any conditions, authorised by the Director-General (*clause 8(1)(a)*):
- a person can also leave their place of isolation or quarantine (as currently) for exceptional reasons, as authorised by the Director-General, but only if the person meets the low risk indicators and the Director-General is satisfied that the person will comply with any conditions of the authorisation (*clause 8(2) and (3)*):
- a child’s caregiver who enters the child’s place of isolation or quarantine to care for the child may only do so with the authorisation of the Director-General and must be isolated or quarantined together with the child (*clause 9*).

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 20 June 2020.  
This order is administered by the Ministry of Health.