



COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020

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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Order

1 Title

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

2 Commencement

This order comes into force at 11.59 pm on 20 September 2020.

Part 1

Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020

3 Amendments to COVID-19 Public Health Response (Air Border) Order (No 2) 2020

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

4 Clause 8 amended (Obligations on persons arriving in New Zealand by air)

- (1) In clause 8(3), after “Order”, insert “, subject to any IQ exemption applying in relation to the person”.
- (2) After clause 8(4), insert:
- (5) In this clause, **IQ exemption** means an exemption under the Isolation and Quarantine Order.

5 Clause 15 amended (Power for Minister to grant exemptions from this order)

- (1) In clause 15(1)(b), replace “that gave” with “giving”.
- (2) After clause 15(2), insert:
- (2A) 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.

Part 2

Amendment to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

6 Amendment to COVID-19 Public Health Response (Isolation and Quarantine) Order 2020

This Part amends the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.

7 New clause 15A inserted (Power for Minister to grant exemptions from this Part)

After clause 15, insert:

15A Power for Minister to grant exemptions from this Part

- (1) The Minister may exempt any class of relevant persons from the requirement to comply with any provision of this Part or the application of any provision of this Part if the Minister is satisfied that—
 - (a) the exemption (together with any conditions) is not inconsistent with the purpose of the Act; and
 - (b) the exemption is necessary to facilitate a Government-approved event, or a major Government-approved programme, within the meaning of the relevant immigration instructions; and
 - (c) the extent of the exemption is not broader than is reasonably necessary to facilitate that event or programme.
- (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 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*.
- (5) In this clause, **relevant immigration instructions** means the immigration instructions (as in force from time to time) that—
 - (a) are certified under section 22 of the Immigration Act 2009; and
 - (b) relate to the grant of temporary entry class visas.

Dated at Wellington this 18th day of September 2020.

Hon Chris Hipkins,
Minister of Health.

Explanatory note

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

This order, which comes into force at 11.59 pm on 20 September 2020, makes amendments to the following orders concerning the granting of exemptions by the Minister of Health:

- the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order**):
- the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the **Isolation and Quarantine Order**).

Part 1

Part 1 of this order amends the Air Border Order. The main effect of the amendments is to require the Minister to take into account the advice of the Director-General of Health when deciding whether to grant an exemption and what (if any) conditions to impose on an exemption. (See *new clause 15(2A)*, which is inserted by *clause 5* of this order.)

Clause 4 of this order makes an amendment consequent on the amendment to the Isolation and Quarantine Order by *Part 2* of this order.

Part 2

Part 2 of this order inserts *new clause 15A* into the Isolation and Quarantine Order to enable the Minister to grant exemptions from requirements for isolation or quarantine set out in that order. The new clause requires the Minister, when granting an exemption, to be satisfied that—

- the exemption (together with any conditions) is not inconsistent with the purpose set out in section 4 of the COVID-19 Public Health Response Act 2020; and
- the exemption is necessary to facilitate a Government-approved event or a major Government-approved programme; and
- the extent of the exemption is not broader than is reasonably necessary to facilitate that event or programme.

Order revoked without resolution of House

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.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 18 September 2020.
This order is administered by the Ministry of Health.