

**Version
as at 15 August 2023**



**COVID-19 Public Health Response (Maritime Border
and Other Matters) Amendment Order 2022**
(SL 2022/125)

COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022:
revoked, on 15 August 2023, pursuant to clause 3(b) of the COVID-19 Public Health Response
(Revocations) Order 2023 (SL 2023/196).

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 and Other Matters) Amendment Order 2022.

2 Commencement

This order comes into force at 11.59 pm on 2 May 2022.

**Part 1
Amendments to COVID-19 Public Health Response (Maritime
Border) Order (No 2) 2020**

3 Principal order

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

4 Clause 3 amended (Purpose)

Replace clause 3(b) with:

- (b) requiring people who arrive in New Zealand by sea to undergo testing for COVID-19; and

5 Clause 4 amended (Interpretation)

- (1) In clause 4(1), revoke the definitions of **aircraft, Customs officer, depart from New Zealand, exempt crew member, health practitioner, Isolation and Quarantine order, isolation or quarantine, isolation or quarantine plan, last contact, low-risk indicators, new person, person who undertakes a necessary task, physical distancing, place of isolation or quarantine, regulator, security designated aerodrome, and specified ship.**
- (2) In clause 4(1), definition of **crew**, paragraph (c), delete “or a person who undertakes a necessary task”.
- (3) In clause 4(1), insert in their appropriate alphabetical order:

compulsory testing has the meaning given to it by clause 16(1)

high risk infringement offence means the high risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021
- (4) Revoke clause 4(2).

6 Clause 10 amended (Exemptions from clause 9)

In clause 10(2)(b)(iii), delete “under Part 4”.

7 Clause 11 amended (Director-General may permit ships to arrive in New Zealand despite clause 9)

Revoke clause 11(2)(a)(i).

8 New clause 15A and cross-heading inserted

After clause 15, insert:

Requirement to ensure awareness of requirements

15A Master to ensure awareness of COVID-19 testing and self-isolation requirements

- (1) This clause applies to the master of a ship that is—
 - (a) permitted to arrive in New Zealand under clause 8, 10(1), or 11(1); and
 - (b) travelling to New Zealand.
- (2) Before the ship arrives in New Zealand, the master must take all reasonable steps to ensure that every person on board the ship is aware of—
 - (a) the testing requirements under Part 3 of this order and the COVID-19 Public Health Response (Testing for COVID-19) Order 2022; and
 - (b) the self-isolation requirements under the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022.

9 Part 3 replaced

Replace Part 3 with:

Part 3
Testing, self-isolation, and isolation

Testing requirements

16 Person who arrives by ship must undergo testing for COVID-19

- (1) A person who arrives in New Zealand on board a ship must undergo testing for COVID-19 in accordance with the COVID-19 Public Health Response (Testing for COVID-19) Order 2022 (**compulsory testing**).
- (2) If the person undergoes compulsory testing on board the ship, they must report their test results to the master of the ship.

17 Master to notify COVID-19 test results

- (1) The master of a ship must notify the medical officer of health of the result of any compulsory testing that is undertaken on board the ship.
- (2) A breach of this clause is a high risk infringement offence for the purposes of section 26(3) of the Act.

Transfers to MIQF

18 Chief executive may authorise person to isolate in MIQF (whether or not self-isolating)

- (1) The chief executive may, on request, authorise any person who arrives in New Zealand on board a ship to be isolated at an MIQF.
- (2) The request may be made by the person or someone acting on their behalf.
- (3) Before granting a request,—
 - (a) the chief executive must be satisfied of the following matters:
 - (i) that there is capacity for the person to be isolated at an MIQF:
 - (ii) that the person consents to be isolated at an MIQF:
 - (b) the chief executive must, after taking into account the health, safety, and well-being of the person and of the workers and other residents at the MIQF, be satisfied that the MIQF has the capability for the person to be isolated at the MIQF.
- (4) If the request is granted,—
 - (a) subpart 3 of Part 3 of the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022 applies as if the authorisation under this clause were an authorisation under clause 29 of that order; but

- (b) if the person does not have an existing duty to self-isolate under that order, clause 29A(1)(b) and (3) of that order does not apply to them.

10 Parts 4 and 4A revoked

Revoke Parts 4 and 4A.

11 Clause 30 amended (Exemption from clauses 14 to 23)

- (1) In the heading to clause 30, replace “**clauses 14 to 23**” with “**clauses 14 to 17**”.
- (2) In clause 30, replace “clauses 14 to 23” with “clauses 14 to 17”.

12 Clause 31 amended (Exemption from Parts 2 and 3)

- (1) In the heading to clause 31, replace “**Parts 2 and 3**” with “**clauses 8 to 17**”.
- (2) Replace clause 31(1) with:
- (1) Clauses 8 to 17 do not apply to a ship during the time that it is carrying out any of the permitted shipping movements specified in subclause (2).

13 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.

Part 2

**Amendment to COVID-19 Public Health Response (Testing for
COVID-19) Order 2022**

14 Principal order

This Part amends the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.

15 Clause 7 amended (Testing for COVID-19)

Replace clause 7(1) with:

- (1) This clause applies to a person or a class of persons required by any COVID-19 order to undergo testing for COVID-19 in accordance with this order.

Part 3

**Amendments to COVID-19 Public Health Response (Self-isolation
Requirements and Permitted Work) Order 2022**

16 Principal order

This Part amends the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022.

17 Clause 5 amended (Interpretation)

In clause 5(1), insert in their appropriate alphabetical order:

authorised person, in relation to a ship, means any of the following who need to board the ship in the normal course of their work:

- (a) an enforcement officer:
- (b) a pilot:
- (c) a Maritime New Zealand employee acting—
 - (i) under delegated authority under section 443 of the Maritime Transport Act 1994; or
 - (ii) in accordance with their appointment as an inspector under section 163 of the Health and Safety at Work Act 2015:
- (d) a health practitioner (as defined in section 5(1) of the Health Practitioners Competence Assurance Act 2003):
- (e) a Customs officer (as defined in section 5(1) of the Customs and Excise Act 2018):
- (f) an immigration officer (as defined in section 4 of the Immigration Act 2009):
- (g) an inspector appointed under section 103 of the Biosecurity Act 1993:
- (h) a fishery officer (as defined in section 2(1) of the Fisheries Act 1996):
- (i) an observer appointed under section 223(2) of the Fisheries Act 1996:
- (j) a warranted officer (as defined in section 2(1) of the Conservation Act 1987):
- (k) a person employed or engaged by the Transport Accident Investigation Commission:
- (l) a person carrying out, or providing support services in relation to, testing for COVID-19:
- (m) a person helping with loading, unloading, or otherwise expediting the movement of freight by ship or the essential business of a ship, including (without limitation)—
 - (i) an agent:
 - (ii) a stevedore:
 - (iii) a foreman:
 - (iv) a member of port or portside staff:
 - (v) a provider of logistics or other cargo-related services:
- (n) a person helping with a task necessary for the safe operation and seaworthiness of a ship, including (without limitation)—
 - (i) a commercial surveyor:

(ii) a flag State inspector;
(iii) a classification society representative;
(iv) a service engineer;
(o) an emergency worker;
(p) a person assisting with the provisioning or welfare of a ship's crew, including (without limitation) a chaplain or a seafarer welfare advocate
crew, in relation to a ship, has the meaning given by clause 4(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020
ship has the meaning given by section 2(1) of the Maritime Transport Act 1994

18 Clause 9 amended (Person must remain at place of self-isolation except when undertaking permitted activities)

In clause 9(5), replace “clause 13 and 14, or both” with “any of clauses 13 to 14”.

19 Clause 10 amended (Person must not permit anyone to enter place of self-isolation except as permitted)

After clause 10(1)(b), insert:

- (c) if the place of self-isolation is a ship,—
- (i) an authorised person; or
 - (ii) a person who is a crew member and who needs to board that ship.

20 New clause 13A inserted (Additional permitted movement if place of self-isolation is ship)

After clause 13, insert:

13A Additional permitted movement if place of self-isolation is ship

- (1) A relevant person whose place of self-isolation is a ship is permitted to leave their place of self-isolation—
- (a) to move to another place of self-isolation that is not a ship; or
 - (b) to undertake an essential task on, or immediately adjacent to, that ship.
- (2) A relevant person travelling from their place of self-isolation to any other place for the purpose set out in subclause (1)(a) must comply with clause 13(4)(a) and (5) as if the movement were essential permitted movement within the meaning of that clause.
- (3) A relevant person who leaves their place of self-isolation for the purpose set out in subclause (1)(b)—
- (a) may do so only to undertake an essential task and may not undertake any other tasks or activities while undertaking the essential task; and

- (b) must take reasonable steps to minimise the risk of spreading COVID-19, including by—
 - (i) remaining as close as is reasonably practicable to the ship; and
 - (ii) maintaining physical distancing (to the greatest extent practicable) from any person who did not arrive in New Zealand on the same ship; and
 - (iii) wearing personal protective equipment of a type, and in a manner, consistent with guidance provided by the regulator of their industry, if it is necessary for the person to come into physical contact with another person who did not arrive in New Zealand on the same ship; and
 - (iv) following the directions of an enforcement officer.
- (4) In this clause, **essential task**, in relation to a ship, includes (without limitation)—
 - (a) loading and unloading cargo from the ship;
 - (b) maintaining the ship;
 - (c) undertaking safety checks on the ship;
 - (d) undertaking necessary preparations of the ship (for example, rigging gangways).

Compare: LI 2020/240 cl 21

21 Schedule 1 amended

In Schedule 1, Part 2, after the item relating to clause 13, insert:

13A Additional permitted movement if
place of self-isolation is ship

22 Schedule 2 amended

- (1) In Schedule 2, Part 1, clause 1(1), after “a COVID-19 case” insert “, except as provided in subclause (2) or (3)”.
- (2) In Schedule 2, Part 1, clause 1(2), replace “However, a” with “A”.
- (3) In Schedule 2, Part 1, after clause 1(2), insert:
 - (3) A person is not a **household contact** if—
 - (a) the person is a fellow resident of a COVID-19 case whose place of self-isolation is a ship; and
 - (b) the person is a crew member on that ship; and
 - (c) a medical officer of health decides—
 - (i) that there is a low risk that the person has been exposed to the COVID-19 case who is the person’s fellow resident; and

- (ii) for that reason, that it is not necessary for the purpose of limiting the spread of COVID-19 for the person to be treated as a household contact.

- (4) In Schedule 2, Part 2, after the item relating to clause 13, insert:

13A	Additional permitted movement if place of self-isolation is ship
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23 Schedule 3 amended

In Schedule 3, Part 2, after the item relating to clause 13, insert:

13A	Additional permitted movement if place of self-isolation is ship
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Part 4

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

24 Principal order

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

25 Clause 10 amended (Period of isolation or quarantine)

Revoke clause 10(2)(b).

26 Clause 11 amended (Early end to period of isolation or quarantine for certain people)

Revoke clause 11(5) and the heading above clause 11(5).

Part 5

Amendments to COVID-19 Public Health Response (Protection Framework) Order 2021

27 Principal order

This Part amends the COVID-19 Public Health Response (Protection Framework) Order 2021.

28 Clause 5 amended (Interpretation)

In clause 5(1), revoke the definition of **Maritime Border Order**.

29 Clause 87 amended (Category 1 movement within area permitted)

In clause 87(2)(20)(a), delete “, the Maritime Border Order,”.

30 Clause 104 amended (Other exemptions)

Replace clause 104(1)(o) with:

- (o) to managed isolation or quarantine services for COVID-19 or to people while they are required to be in isolation or quarantine in accordance with the Isolation and Quarantine Order:

31 Schedule 3 amended

In Schedule 3, item 20, second column, paragraph (a), delete “, the Maritime Border Order,”.

Part 6
Amendment to COVID-19 Health Response (Vaccinations) Order
2021

32 Principal order

This Part amends the COVID-19 Public Health Response (Vaccinations) Order 2021.

33 Clause 4 amended (Interpretation)

In clause 4, replace the definition of **affected ship** with:

affected ship means a ship that arrives from a location outside New Zealand, unless—

- (a) the ship is a New Zealand Government ship, a New Zealand warship, or a foreign State ship (as those terms are defined in clause 4 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020); or
- (b) the ship’s arrival is a permitted shipping movement within the meaning of clause 31 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.

Schedule**New Part 3 inserted into Schedule 1 of COVID-19 Public Health
Response (Maritime Border) Order (No 2) 2020**

cl 13

Part 3**Provisions relating to COVID-19 Public Health Response (Maritime
Border and Other Matters) Amendment Order 2022****3 Interpretation**

In this Part,—

amendment order means the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022

old clause means any clause of this order as in force immediately before it is revoked by the amendment order.

**4 Requirement to isolate or quarantine ceases to apply to certain people at
11.59 pm on 2 May 2022**

(1) This clause applies to a person if—

(a) the person is, immediately before 11.59 pm on 2 May 2022, subject to a requirement to isolate or quarantine in accordance with an old clause (the **requirement**); but

(b) the requirement would not have applied to the person if they had arrived in New Zealand at or immediately after that time.

(2) The requirement ceases to apply to the person at 11.59 pm on 2 May 2022.

(3) However, the person may request to continue to be isolated in an MIQF under clause 18.

**5 Recognition of pre-commencement actions and processes in relation to
authorisation to stay in MIQF**

Any action or process undertaken before the commencement of the amendment order by the chief executive or any other person may be taken into account by the chief executive in authorising a person to continue to be isolated in an MIQF on or after commencement if the action or process substantially complies with clause 18.

Dated at Wellington this 29th day of April 2022.

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 **Maritime Border Order**) and the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022 (the **Self-isolation Order**). There are related, consequential amendments to the COVID-19 Public Health Response (Testing for COVID-19) Order 2022 (the **Testing Order**), the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the **Isolation and Quarantine Order**), the COVID-19 Public Health Response (Protection Framework) Order 2021 (the **CPF Order**), and the COVID-19 Public Health Response (Vaccinations) Order 2021 (the **Vaccinations Order**). This order comes into force at 11.59 pm on 2 May 2022.

Part 1 of this order amends the Maritime Border Order. The amendments—

- remove the requirement for persons arriving in New Zealand on board a ship to isolate or quarantine. Instead they will be subject to the Self-isolation Order if they test positive for COVID-19 or are a household contact; and
- provide for persons arriving in New Zealand on board a ship to undergo testing for COVID-19, in accordance with the Testing Order, and to notify the master of the ship of their test results if they undergo testing on board the ship; and
- require the master of the ship to notify the medical officer of health of those test results; and
- make it a high risk infringement offence for the master of the ship to fail to notify the medical officer of health of those test results.

Part 2 of this order amends the Testing Order. Previously, the Testing Order applied only to a person or class of persons required by the COVID-19 Public Health Response (Air Border) Order 2021 (the **Air Border Order**) to undergo testing for COVID-19. As amended, the Testing Order will apply whenever it is applied by any other COVID-19 order (currently only the Air Border Order and the Maritime Border Order).

Part 3 of this order amends the Self-isolation Order. The amendments preserve some of the Maritime Border Order isolation requirements. The amendments—

- identify authorised persons who may enter a ship on which a person is self-isolating in order for the authorised person to undertake necessary tasks in relation to the ship; and

- permit a person to leave their place of self-isolation, if it is a ship, to undertake essential tasks in relation to the maintenance or preparations of that ship; and
- permit a person to leave their place of self-isolation, if it is a ship, to move to another place of self-isolation that is not a ship; and
- provide for a medical officer of health to decide whether a fellow resident on board a ship that is a place of self-isolation is a household contact.

Parts 4, 5, and 6 of this order make consequential amendments to the Isolation and Quarantine Order, the CPF Order, and the Vaccinations Order.

Approval by resolution required

This order must be approved by resolution of the House of Representatives before the expiry of the period described in section 16(2) of the COVID-19 Public Health Response Act 2020. If this does not happen, the order is revoked on the expiry of that period.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 29 April 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 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 2023 (SL 2023/196): clause 3(b)