

Version as at 12 September 2022



COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 Amendment Order 2022

(SL 2022/48)

COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 Amendment Order 2022: revoked, at 11.59 pm on 12 September 2022, pursuant to clause 3(1)(a) and (b) of the COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254).

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.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal order	3
4	Clause 5 amended (Clause 4 amended (Interpretation))	3
5	Clause 6 amended (New clauses 6A and 6B inserted)	3
6	New clauses 8A and 8B inserted	4
	8A Clause 8 amended (Requirements for isolation or quarantine)	4
	8B Clause 9 replaced (Medical examination and testing requirements in isolation or quarantine)	4
7	Clause 9 amended (Clause 10 amended (Period of isolation or quarantine))	4
8	Clause 10 amended (Clause 11 amended (Early end to period of isolation or quarantine for certain people))	4

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.

cl 1		
9	New clause 10A inserted (Clause 13A amended (Leaving place of isolation or quarantine for purpose of approved event or programme))	5
	10A Clause 13A amended (Leaving place of isolation or quarantine for purpose of approved event or programme)	5
10	Clause 11 amended (Clause 14A amended (Designation of relevant persons as fellow residents))	5
11	Clause 18 replaced (Clause 15F amended (Medical examination and testing))	5
	18 Clause 15F amended (Medical examination and testing)	5
12	Clause 20 amended (New clause 15GAA inserted (Monitoring and testing after period of self-isolation))	5
13	Clause 23 amended (Clause 15GL amended (Interpretation))	5
14	Clause 24 amended (Clause 15GM amended (Application of this subparagraph))	6
15	New clause 24A inserted (Clause 15GN amended (Period of self-isolation))	6
	24A Clause 15GN amended (Period of self-isolation)	6
16	Clause 26 amended (Clause 15GP amended (Requirements for self-isolation))	6
17	Clause 27 replaced (Clause 15GR amended (Medical examination and testing))	6
	27 Clause 15GR replaced (Medical examination and testing)	6
18	Clause 30 amended (New Part 1D inserted)	6
19	New clauses 30A to 30C inserted	8
	30A Clause 16 revoked (Appointment of site managers)	8
	30B Clause 17 amended (Restriction on entry to MIQF)	8
	30C Clause 18 amended (Duty to remain at MIQF for risk assessment)	8
20	Clause 31 amended (Clause 20 amended (Infringement offences))	8
21	Schedule 1 amended	8

Order

1 Title

This order is the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 Amendment Order 2022.

2 Commencement

This order comes into force at 11.58 pm on 27 February 2022.

3 Principal order

This order amends the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021.

4 Clause 5 amended (Clause 4 amended (Interpretation))

(1) In clause 5(1), after the new definition of **approved sports or cultural group**, insert:

contactless delivery means delivery while maintaining physical distancing from all other persons

(2) In clause 5(1), after the new definition of **Director-General notice**, insert:

face covering means—

(a) a face covering of a type specified in a Director-General notice for the purposes of this definition; or

(b) if no type is specified, a covering of any type that—

(i) covers the nose and mouth of a person; and

(ii) is secured to the person's head by ear loops or a head loop

(3) In clause 5(2), before the new definition of **period of self-isolation**, insert:

overseas-based aircrew member means an overseas-based aircrew member as defined by clause 4 of the Air Border Order and to whom Schedule 5 of that order applies

(4) Replace clause 5(3) with:

(3) In clause 4(1), definition of **fellow resident**,—

(a) after “of any person”, insert “who is isolated or quarantined in accordance with Part 1”; and

(b) in paragraph (b)(i), replace “the site manager of the MIQF” with “the chief executive”.

(4) In clause 4(1), revoke the following definitions:

aircrew member

New Zealand-based aircrew member

site manager.

5 Clause 6 amended (New clauses 6A and 6B inserted)

In clause 6, replace new clause 6A(2) with:

(2) One situation is that—

(a) a medical officer of health or a health protection officer has assessed that—

- (i) the person is at high risk of having COVID-19 or, if the person were to have COVID-19, they would be at high risk of transmitting it; and
- (ii) the risk is not adequately managed by self-isolation under the relevant self-isolation Part; and
- (b) the chief executive has confirmed that there is capacity for the person to be isolated or quarantined.

6 New clauses 8A and 8B inserted

After clause 8, insert:

8A Clause 8 amended (Requirements for isolation or quarantine)

In clause 8(1), after “isolated or quarantined”, insert “in their place of isolation or quarantine”.

8B Clause 9 replaced (Medical examination and testing requirements in isolation or quarantine)

Replace clause 9 with:

9 Medical examination and testing

During their period of isolation or quarantine, a relevant person must do the following as directed by a medical officer of health or a health protection officer:

- (a) undergo medical examination and testing for COVID-19 at the times, and using the methods, directed; and
- (b) report for medical examination and testing if directed; and
- (c) report the results of the testing to the Ministry of Health if directed.

7 Clause 9 amended (Clause 10 amended (Period of isolation or quarantine))

(1) In clause 9, insert as subclause (1):

(1) In clause 10(1)(b), replace “20th day” with “28th day”.

(2) In clause 9, replace new clause 10(5) with:

(5) The chief executive may, at the request of the person or someone acting on their behalf, authorise the person’s period of isolation or quarantine to end up to 7 days later than it would otherwise end under this clause.

8 Clause 10 amended (Clause 11 amended (Early end to period of isolation or quarantine for certain people))

After clause 10(1), insert:

(1A) In clause 11(2), replace “the site manager” with “the chief executive”.

9 New clause 10A inserted (Clause 13A amended (Leaving place of isolation or quarantine for purpose of approved event or programme))

After clause 10, insert:

10A Clause 13A amended (Leaving place of isolation or quarantine for purpose of approved event or programme)

Replace clause 13A(3) with:

(3) Clause 8(3) and (4) does not apply to the person while they have left their room in accordance with subclause (1).

10 Clause 11 amended (Clause 14A amended (Designation of relevant persons as fellow residents))

In clause 11, insert as subclause (1):

(1) In clause 14A(1),—
(a) replace “The site manager of an MIQF” with “The chief executive”; and
(b) in paragraph (b), replace “the site manager” with “the chief executive”.

11 Clause 18 replaced (Clause 15F amended (Medical examination and testing))

Replace clause 18 with:

18 Clause 15F amended (Medical examination and testing)

Replace clause 15F(1) with:

(1) The person must do the following, after at least 48 hours have passed since the time and date of their arrival in New Zealand, as required by a Director-General notice:
(a) undergo medical examination and testing for COVID-19 at the times, and using the methods, specified; and
(b) report for medical examination and testing if required; and
(c) report the results of the testing to the Ministry of Health if required.

12 Clause 20 amended (New clause 15GAA inserted (Monitoring and testing after period of self-isolation))

(1) In the heading to clause 20, replace “clause 15GAA” with “clause 15GA”.
(2) In clause 20, renumber new clause 15GAA as new clause 15GA.

13 Clause 23 amended (Clause 15GL amended (Interpretation))

In clause 23, insert as subclause (1):

(1) In clause 15GL, replace the definition of **day 9** with:
day 5, for a person, means the 5th day after their start time under clause 10

14 Clause 24 amended (Clause 15GM amended (Application of this subpart))

In clause 24, insert as subclause (1):

(1) In clause 15GM,—

- (a) replace “report for, and undergo,” with “undergo, or have undergone,”; and
- (b) replace “day 9” with “day 5”.

15 New clause 24A inserted (Clause 15GN amended (Period of self-isolation))

After clause 24, insert:

24A Clause 15GN amended (Period of self-isolation)

In clause 15GN, replace “day 9” with “day 5”.

16 Clause 26 amended (Clause 15GP amended (Requirements for self-isolation))

In clause 26(2), revoke new clause 15GP(6).

17 Clause 27 replaced (Clause 15GR amended (Medical examination and testing))

Replace clause 27 with:

27 Clause 15GR replaced (Medical examination and testing)

Replace clause 15GR with:

15GR Medical examination and testing

The person must do the following as directed by a medical officer of health or a health protection officer:

- (a) undergo medical examination and testing for COVID-19 using the methods directed—
 - (i) on day 5, unless they have already undergone the medical examination and testing on that day while in an MIQF; and
 - (ii) at any other time during their period of self-isolation that is directed; and
- (b) report for medical examination and testing if directed; and
- (c) report the results of the testing to the Ministry of Health if directed.

18 Clause 30 amended (New Part 1D inserted)

(1) In clause 30, new clause 15HC, insert as new subclauses (2) and (3):

(2) However, if the person is scheduled to depart from New Zealand during the period under subclause (1), their **period of self-isolation** ends 12 hours before

their scheduled departure as long as they leave their place of self-isolation only to travel to the place of departure and depart accordingly.

- (3) If subclause (2) applies, the person must comply with any directions of the chief executive (given on the advice of a medical officer of health or a health protection officer) relating to their travel to the place of departure.
- (2) In clause 30, new clause 15HD(5)(c)(i), delete “(as those terms are defined in clause 15GP(6))”.
- (3) In clause 30, replace new clause 15HE with:

15HE Medical examination and testing

During their period of self-isolation, the person must do the following as required by a Director-General notice:

- (a) undergo medical examination and testing for COVID-19 at the times, and using the methods, specified; and
- (b) report for medical examination and testing if required; and
- (c) report the results of the testing to the Ministry of Health if required.

- (4) In clause 30, replace the heading to new clause 15HG with “**Leaving place of self-isolation for essential movement**”.
- (5) In clause 30, replace new clause 15HG(3) with:
- (3) When travelling from their place of self-isolation to any other place to undertake an activity permitted under subclause (1), the person must—
 - (a) travel—
 - (i) by a private means of transport, either alone or only with a person who lives at the same place of self-isolation; or
 - (ii) by walking alone; or
 - (iii) if it is not practicable to comply with subparagraph (i) or (ii), in a manner specified in a Director-General notice; and
 - (b) return directly to their place of self-isolation afterwards.
- (4) The person must wear a face covering at all times while undertaking an activity permitted under subclause (1), except when exercising (including training or rehearsing with an approved sports or cultural group).
- (6) In clause 30, renumber new clause 15HH as new clause 15HI.
- (7) In clause 30, after new clause 15HG, insert:

15HH Leaving place of self-isolation for permitted work and permitted work travel

- (1) The person is permitted to leave their place of self-isolation to undertake—
 - (a) permitted work in accordance with Part 2 of the Permitted Work Order; or

(b) permitted work travel in accordance with clause 17 of the Permitted Work Order.

(2) For the purposes of this clause, Part 2 of the Permitted Work Order applies to the person, and any business or service, as if the person were an eligible worker under clause 15 of that order.

(3) In this clause,—
permitted work and **permitted work travel** have the meanings given by clause 14 of the Permitted Work Order
Permitted Work Order means the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022.

19 New clauses 30A to 30C inserted

After clause 30, insert:

30A Clause 16 revoked (Appointment of site managers)

Revoke clause 16.

30B Clause 17 amended (Restriction on entry to MIQF)

In clause 17(1)(a), replace “the site manager” with “the chief executive”.

30C Clause 18 amended (Duty to remain at MIQF for risk assessment)

In clause 18(1) and (2), replace “the site manager” with “the chief executive”.

20 Clause 31 amended (Clause 20 amended (Infringement offences))

(1) In clause 31(1), replace “15HE(a) or (b)” with “15HE”.

(2) In clause 31(2), replace “15HE(a)” with “15HE”.

21 Schedule 1 amended

(1) In the Schedule 1 heading, replace “**New Part 4**” with “**New Part 6**”.

(2) In Schedule 1, renumber—
(a) new Part 4 as new Part 6; and
(b) new clause 11 as new clause 14.

(3) In Schedule 1, new clause 14(4) as renumbered by this clause, replace “allow” with “authorise”.

(4) In Schedule 1, new Part 6 as renumbered by this clause, after new clause 14, insert:

15 Potential increase in period of isolation or quarantine does not apply to person already in isolation or quarantine

The amendment to clause 10(1)(b) of this order made by the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment

Order 2021 does not apply to a person who is subject to Part 1 of this order immediately before 11.59 pm on 27 February 2022.

16 Allowing for co-ordinated, orderly, and proportionate departure from MIQF

- (1) This clause applies to a person who, immediately before 11.59 pm on 27 February 2022, is subject to Part 1 of this order and in an MIQF.
- (2) The chief executive may, for the purpose of preventing, and limiting the risk of, the outbreak or spread of COVID-19, require the person to remain in the MIQF after they would otherwise have ceased to be subject to Part 1 of this order, for as long as is reasonably necessary to enable a co-ordinated, orderly, and proportionate departure from the MIQF.
- (3) In that case, the person remains subject to Part 1 of this order, and their period of isolation or quarantine continues, until the earlier of the following:
 - (a) the time when the chief executive directs that they are no longer required to remain in the MIQF;
 - (b) 11.59 pm on 2 March 2022.
- (4) This clause ceases to apply at 11.59 pm on 2 March 2022.

Dated at Wellington this 25th day of February 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 (the **new amendments**) amends the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 (the **existing amendment order**). The existing amendment order amends the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the **principal order**). The new amendments come into force at 11.58 pm on 27 February 2022, so that they are included in the existing amendment order when it comes into force 1 minute later. This note sets out the effects of the new amendments on the principal order by referring to new or amended clauses of that order.

The chief executive replaces the site managers of MIQFs, so that the chief executive can delegate powers as required. *See* the revocation of clause 16 and the amendments to clauses 4, 11(2), 14A, 17(1), and 18.

Where a medical officer of health or a health protection officer makes an assessment of high risk to potentially replace a person's self-isolation with isolation or quarantine, it is for the officer to also assess whether the risk is not adequately managed by self-isolation. *See* clause 6A(2).

Requirements to undergo medical examination and testing for COVID-19 can apply even if the person need not report for it (because they self-administer the test, for example). And the person may need to report the results of the testing. *See* clauses 9, 15F, 15GR, and 15HE.

Self-isolation under Part 1C (after managed isolation or quarantine) ends if the person receives a negative result of testing taken on or after day 5, not day 9, after the isolation or quarantine started. *See* clauses 15GL, 15GM, 15GN, and 15GR.

The maximum period of isolation or quarantine is increased from 20 to 28 days. The increase does not apply to someone already in isolation or quarantine. *See* clause 10(1)(b) and, in Schedule 1, clause 15.

Clause 13A(3) is amended to clarify that the requirement of clause 8(1) (for isolation or quarantine) continues to apply, so that the person must return to isolation or quarantine, for example, after leaving their room for part of a day as permitted.

A person may end their self-isolation under Part 1D 12 hours before their scheduled departure from New Zealand. *See* clause 15HC(2) and (3). This is similar to the arrangement under clause 11 for certain persons in isolation or quarantine.

If a person in self-isolation under Part 1D leaves their place of self-isolation under clause 15HG (for essential movement), they must travel in a specified way and return there directly. They must wear a face covering except when exercising.

A person in self-isolation under Part 1D may undertake permitted work or permitted work travel in accordance with Part 2 of the COVID-19 Public Health Response (Self-isolation Requirements and Permitted Work) Order 2022. *See* clause 15HH.

Someone already in isolation or quarantine in an MIQF may have to remain there for up to 3 extra days if that is reasonably necessary to enable a co-ordinated, orderly, and proportionate departure from the MIQF. *See* clause 16 of Schedule 1.

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*: 25 February 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 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 2022 (SL 2022/254): clause 3(1)(a), (b)