

**Version
as at 20 October 2022**



**COVID-19 Public Health Response (Air Border)
Amendment Order (No 3) 2022
(SL 2022/76)**

COVID-19 Public Health Response (Air Border) Amendment Order (No 3) 2022: revoked, at 12.01 am on 20 October 2022, pursuant to clause 3 of the COVID-19 Public Health Response (Air Border) Order Revocation Order 2022 (SL 2022/275).

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	2
4 Clause 4 amended (Interpretation)	2
5 Clause 12 amended (Must have traveller pass)	2
6 Clause 13 amended (Must be vaccinated or excused by certificate (unless under 17 years of age))	2
7 Clause 23 amended (Must make traveller declaration at certain times)	3
8 New Part 4 inserted	3
Part 4	
New Zealand traveller declaration system	
60 New Zealand traveller declaration system	3
9 Schedule 3 amended	4
10 Schedule 4 amended	5
11 Schedule 5 amended	5
12 Schedule 6 amended	5

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.

13	Schedule 7 amended	5
14	Schedule 13 amended	6

Order

1 Title

This order is the COVID-19 Public Health Response (Air Border) Amendment Order (No 3) 2022.

2 Commencement

This order comes into force at 11.00 am on 25 March 2022, except as follows:

- (a) clauses 6 and 9(3) come into force at 11.59 pm on 23 March 2022:
- (b) clauses 9(1) and (2) and 10 to 14 come into force at 11.59 pm on 31 March 2022.

3 Principal order

This order amends the COVID-19 Public Health Response (Air Border) Order 2021.

4 Clause 4 amended (Interpretation)

In clause 4, insert in their appropriate alphabetical order:

NZTD system has the meaning given in clause 60

NZTD traveller pass has the meaning given in clause 12(2B)

5 Clause 12 amended (Must have traveller pass)

Replace clause 12(2) with:

- (2) The traveller pass must be an NZTD traveller pass.
- (2A) However, in the circumstances specified by a Director-General notice, the traveller pass may be an alternate traveller pass.
- (2B) In this clause,—
 - alternate traveller pass** means a traveller pass in the form that is specified by a Director-General notice
 - NZTD traveller pass** means a traveller pass issued to the person under clause 60 after they make, or someone makes on their behalf, a traveller declaration using the NZTD system.

6 Clause 13 amended (Must be vaccinated or excused by certificate (unless under 17 years of age))

- (1) After clause 13(2)(c), insert:
 - (d) a person who is an arrival from Ukraine.

(2) After clause 13(3), insert:

(4) In this clause and in Schedule 3,—

- (a) a person is an **arrival from Ukraine** if—
 - (i) they travel to New Zealand for the first time as a holder of a visa granted to them under the 2022 Special Ukraine Visa Policy; or
 - (ii) they are, or have been, ordinarily resident in Ukraine at any point on, or after, 1 January 2022; but
- (b) a person is not an **arrival from Ukraine** if they travel to New Zealand as the holder of a work visa or visitor visa granted to them for the purpose of becoming a member of the crew of a fishing vessel in New Zealand waters.

7 Clause 23 amended (Must make traveller declaration at certain times)

Replace clause 23(3) with:

- (3) The declaration must be made using the NZTD system—
 - (a) during the specified period (as specified by a Director-General notice); and
 - (b) when requested by an authorised officer.
- (3A) However, in the circumstances specified by a Director-General notice, the declaration may instead be made using an alternate system—
 - (a) during the period specified by that notice; and
 - (b) when requested by an authorised officer.
- (3B) An **alternate system** for the purposes of subclause (3A) must be an approved system for the purposes of this clause.

8 New Part 4 inserted

After clause 59, insert:

Part 4
New Zealand traveller declaration system

60 New Zealand traveller declaration system

- (1) The New Zealand traveller declaration system (the **NZTD system**) is a system that is established and administered by the chief executive and has the following features:
 - (a) features to enable the chief executive to identify which COVID-19 provisions are likely to apply to a person who travels to New Zealand before, on, and after the person's arrival in New Zealand;
 - (b) features to enable the chief executive to collect evidence of the person's compliance with the COVID-19 provisions that apply to the person;

- (c) features to enable the person to make a traveller declaration for the purposes of clause 23(3):
- (d) features to enable the chief executive to issue NZTD traveller passes for the purposes of clause 12.
- (2) The chief executive must issue an NZTD traveller pass, in the form that is specified by a Director-General notice, to a person who makes a traveller declaration using the NZTD system.
- (3) However, the chief executive may decline to issue an NZTD traveller pass to a person, or cancel a person's NZTD traveller pass before they enter New Zealand, if—
 - (a) the person's traveller declaration does not meet the requirements of clause 23; or
 - (b) the person has not produced satisfactory evidence of compliance with a COVID-19 provision; or
 - (c) the chief executive reasonably believes that the person's traveller declaration includes information, or the person has produced evidence, that is false or misleading in any material particular.
- (4) In subclause (3)(b), evidence is **satisfactory** if it is produced in the form that is specified by a Director-General notice and confirms the details that are specified by a Director-General notice.
- (5) In this clause, **chief executive** means the chief executive of the New Zealand Customs Service.

9 Schedule 3 amended

- (1) In Schedule 3, item relating to New Zealand Defence Force members returning from service, replace the item in the third column with:

All COVID-19 provisions except for—

- (a) cl 12 (must have traveller pass); and
- (b) cl 23 (must make traveller declaration at certain times)

- (2) In Schedule 3, after the item relating to persons with permission to arrive for humanitarian reasons, insert:

Persons arriving for unplanned emergency reasons	Any person who arrives in New Zealand due to an unplanned landing because of an emergency, such as a mechanical fault or a deep sea rescue	cl 12 (Must have traveller pass) cl 23 (Must make traveller declaration at certain times)
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- (3) In Schedule 3, after the item relating to citizens of Afghanistan, insert:

Arrivals from Ukraine	Any person who travels to New Zealand and is an arrival from Ukraine as defined in clause 13(4)	cl 14 (must have pre-departure test for COVID-19 or be excused by certificate (unless under 2 years of age))
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cl 15 (must have negative
result from pre-departure test
for COVID-19 (or
certificate))

10 Schedule 4 amended

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

cl 12 Must have traveller pass

- (2) In Schedule 4, Part 2, item relating to clause 23, revoke the item in the third column.

11 Schedule 5 amended

- (1) In Schedule 5, Part 2, before the item relating to clause 13, insert:

cl 12 Must have traveller pass

- (2) In Schedule 5, Part 2, item relating to clause 23, revoke the item in the third column.

- (3) In Schedule 5, Part 3, before the item relating to clause 13, insert:

cl 12 Must have traveller pass

- (4) In Schedule 5, Part 3, item relating to clause 23, revoke the item in the third column.

12 Schedule 6 amended

- (1) In Schedule 6, Part 2, before the item relating to clause 13, insert:

cl 12 Must have traveller pass

- (2) In Schedule 6, Part 2, before the item relating to clause 28, insert:

cl 23 Must make traveller declaration at
certain times

13 Schedule 7 amended

- (1) In Schedule 7, Part 2, item relating to clause 12, revoke the item in the third column.

- (2) In Schedule 7, Part 2, item relating to clause 23, revoke the item in the third column.

- (3) In Schedule 7, Part 3, before the item relating to clause 13, insert:

cl 12 Must have traveller pass

- (4) In Schedule 7, Part 4, before the item relating to clause 39, insert:

*Conditions to satisfy before, on, or
after arrival*
cl 23 Must make traveller declaration at certain times Clause 23(3)(a) and (3A) does not apply.

- (5) In Schedule 7, Part 5, before the item relating to clause 13, insert:

cl 12	Must have traveller pass
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- (6) In Schedule 7, Part 5, before the item relating to clause 28, insert:

cl 23	Must make traveller declaration at certain times
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14 Schedule 13 amended

- (1) In Schedule 13, Part 2, before the item relating to clause 14, insert:

cl 12	Must have traveller pass
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- (2) In Schedule 13, Part 2, before the item relating to clause 28, insert:

cl 23	Must make traveller declaration at certain times
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- (3) In Schedule 13, Part 3, after the item relating to clause 11, insert:

	<i>Conditions to satisfy before, on, or after arrival</i>	
cl 23	Must make traveller declaration at certain times	Clause 23(3)(a) and (3A) does not apply.

Dated at Wellington this 22nd day of March 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 (Air Border) Order 2021 (the **Air Border Order**).

The main amendments to the Air Border Order are—

- to provide for a New Zealand traveller declaration system (the **NZTD system**) to be established and administered by the New Zealand Customs Service for the purpose of issuing NZTD traveller passes:
- to require people travelling to New Zealand to make a declaration via the NZTD system, unless permitted by a Director-General notice to use an alternate system:
- to require people travelling to New Zealand to have an NZTD traveller pass before they arrive in New Zealand, unless permitted by a Director-General notice to have an alternate traveller pass:

- to remove the requirements for arrivals from Ukraine to be vaccinated and to have a pre-departure test.

The amendments come into force as follows:

- the amendments to remove the requirements for arrivals from Ukraine to be vaccinated and to have a pre-departure test come into force at 11.59 pm on 23 March 2022:
- the amendments relating to the NZTD system come into force at 11.00 am on 25 March 2022:
- the amendments imposing new requirements on certain people to have traveller passes and make traveller declarations come into force at 11.59 pm on 31 March 2022.

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*: 23 March 2022.

Notes**1 *General***

This is a consolidation of the COVID-19 Public Health Response (Air Border) Amendment Order (No 3) 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 (Air Border) Order Revocation Order 2022 (SL 2022/275): clause 3