



BRIEFING

Delegation of functions and powers under Isolation and Quarantine Order

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|---------------------------------|------------------|-------------------------|-----------|
| Date: | 10 December 2020 | Priority: | High |
| Security classification: | | Tracking number: | 2021-1780 |

| Action sought | | |
|---|---|------------------|
| | Action sought | Deadline |
| Hon Chris Hipkins Minister of COVID-19 Response | Agree to the Secretary of MBIE delegating her functions and powers under the Covid-19 Public Health Response (Isolation and Quarantine) Order to Brigadier Bliss and Group Captain Hunt (being people from outside the Public Service but still within the State Services) | 11 December 2020 |

| Contact for telephone discussion (if required) | | | |
|--|---|----------------------------|-------------|
| Name | Position | Telephone | 1st contact |
| Carolyn Tremain | Secretary for Business, Innovation & Employment and Chief Executive | Privacy of natural persons | ✓ |
| Megan Main | Deputy Secretary, Managed Isolation and Quarantine | | |

| The following departments/agencies have been consulted |
|--|
| |

- Minister's office to complete:**
- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



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Purpose

To seek your approval to the delegation, in accordance with Schedule 6(2) of the Public Service Act 2020, of certain functions and powers under the Covid-19 Public Health Response (Isolation and Quarantine) Order to Brigadier Bliss and his alternate, Group Captain Hunt, from the Secretary of MBIE.

Recommended action

- a. **Agree** that I, as the Secretary of MBIE, delegate my functions and powers under the Covid-19 Public Health Response (Isolation and Quarantine) Order to Brigadier Bliss and his alternate, Group Captain Hunt (being people from outside the Public Service but still within the State Services)

Agree Disagree

Carolyn Tremain
Te Tumu Whakarae mō Hikina Whakatutuki
**Secretary for Business, Innovation &
Employment and Chief Executive**

Hon Chris Hipkins
Minister of COVID-19 Response

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Background

1. At 11.59pm 6 September 2020 the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 ("Isolation and Quarantine Order") came into force.
2. Schedule 6 of the Public Service Act 2020 defines the circumstances in which a Public Service Chief Executive can delegate functions or powers delegated to them under an enactment.
3. Schedule 6(2)(5) provides a Chief Executive can delegate to a person outside of the Public Service, but only after obtaining the appropriate Minister's written approval and satisfying themselves that any potential conflicts of interest will be avoided or managed.
4. Brigadier Bliss replaces Air Commodore Webb, who held delegations approved by the Minister, as Head of Managed Isolation and Quarantine working within MBIE, effective 14/12/2020.
5. On occasion, Brigadier Bliss may be unable to act and will wish to delegate his responsibilities to Group Captain Hunt.

The delegation

6. Brigadier Bliss and Group Captain Hunt are part of the New Zealand Defence Force (NZDF). NZDF is a non-Public Service department within the State Services and therefore individuals within NZDF cannot receive a direct delegation from a Chief Executive without ministerial approval.
7. I propose to delegate the following powers and functions under the Isolation and Quarantine Order to Brigadier Bliss, and Group Captain Hunt (acting as and when required):
 - **Clause 4** – Designation of facilities as high or low risk
 - **Clause 10(1)(a)** - Exit from isolation or quarantine
 - **Clause 10(1)(b)** - Determining a longer period of isolation and quarantine (up to 28 days on the advice of a suitably qualified health practitioner)
 - **Clause 11(4)(a)(ii)** - Exception for people in transit over 72 hours
 - **Clause 11(4C)** - Give directions relating to travel of a scheduled departer
 - **Clause 12** - Place of isolation or quarantine
 - **Clause 13(a)** - Authorising the type of activity (e.g. exercise) and any associated conditions upon which people are permitted to leave their rooms at their place of isolation or quarantine
 - **Clause 13(d)(i)** - Leaving place of isolation or quarantine to access medical services
 - **Clause 13(d)(ii)** - Leaving place of isolation or quarantine to move to another place of isolation or quarantine (e.g. emergency care)
 - **Clause 14(2) and (3)** - Leaving place of isolation or quarantine with special authorisation
 - **Clause 15(1)** - Authorising caregivers of vulnerable people

 - **Clause 16** - Appointment of site managers
8. The full sections of the Isolation and Quarantine Order are set out in Annex One.
9. I consider, that it would be appropriate to delegate these functions and powers to Brigadier Bliss and Group Captain Hunt who are supporting me in accordance with section 9 (1)(a) of the Defence Act 1990 in managing the MIQ system.
10. I am satisfied that any potential conflicts of interest will be avoided or managed in line with the MBIE Declarations of Interest policy.

Next steps

11. Agree for the Secretary of MBIE to delegate her functions and powers under the Isolation and Quarantine Order to Brigadier Bliss and Group Captain Hunt.

Annexes

Annex One: Isolation and Quarantine Order

Annex One – Isolation and Quarantine Order

Reprint
as at 4 October 2020



**COVID-19 Public Health Response (Isolation and
Quarantine) Order 2020**
(LI 2020/241)

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.

Contents

| | Page |
|---|------|
| 1 Title | 2 |
| 2 Commencement | 2 |
| 3 Purpose | 2 |
| 4 Interpretation | 2 |
| 5 Transitional, savings, and related provisions | 4 |
| 6 Application of order | 4 |

Part 1

Requirements for isolation and quarantine generally

| | |
|---|----|
| 7 Part applies to relevant persons | 5 |
| 8 Requirements for isolation or quarantine | 5 |
| 9 Medical examination and testing requirements in isolation or quarantine | 5 |
| 10 Period of isolation or quarantine | 5 |
| 11 Early end to period of isolation or quarantine for certain people | 6 |
| 12 Place of isolation or quarantine | 8 |
| 13 Leaving place of isolation or quarantine | 8 |
| 14 Leaving place of isolation or quarantine with special authorisation | 9 |
| 14A Designation of relevant persons as fellow residents | 10 |
| 15 Caregivers of children and other vulnerable people | 10 |
| 15A Power for Minister to grant exemptions from this Part | 11 |

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Health.

Part 1A**Requirements for self-isolation by relevant workers**

| | | |
|-----|--|----|
| 15B | Part applies to relevant workers | 12 |
| 15C | Requirement to notify Ministry of Health | 13 |
| 15D | Requirements for self-isolation | 13 |
| 15E | Period of self-isolation | 14 |
| 15F | Medical examination and testing | 14 |
| 15G | Leaving place of self-isolation | 14 |

Part 2**Security of managed isolation and quarantine facilities**

| | | |
|----|--|----|
| 16 | Appointment of site managers | 15 |
| 17 | Restriction on entry to MIQF | 15 |
| 18 | Duty to remain at MIQF for risk assessment | 15 |
| 19 | Revocation | 15 |

Schedule 1**Transitional, savings, and related provisions**

16

Order**1 Title**

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

2 Commencement

This order comes into force at 11.59 pm on 6 September 2020.

3 Purpose

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by—

- (a) setting out the requirements for people who must be isolated or quarantined in accordance with this order (for example, on arrival in New Zealand), including risk-based provision for when isolation or quarantine ends; and
- (b) restricting entry to any managed isolation or quarantine facility (MIQF) to persons who are approved, authorised, or required to enter.

4 Interpretation

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

aircrew member—

- (a) means a person who is identified as a crew member on the crew manifest for the aircraft on which they arrive in New Zealand; but

- (b) in clause 11(4B)(a), means a person who is identified as a crew member on the crew manifest for the aircraft on which they are to depart New Zealand

fellow resident, of any person (**person A**),—

- (a) means another person who is isolated or quarantined in the same room as person A at their place of isolation or quarantine; and
- (b) includes another person who is isolated or quarantined at the same MIQF as person A and who—
- (i) is designated by the site manager of the MIQF as a fellow resident of person A under clause 14A; or
- (ii) is a caregiver of person A and, because of clause 15(2)(a), is treated as being a fellow resident of person A

health practitioner has the meaning given by section 5(1) of the Health Practitioners Competence Assurance Act 2003

health protection officer has the meaning given by section 2(1) of the Health Act 1956

high-risk MIQF means an MIQF designated by the chief executive of MBIE, after consulting and considering the advice of the Director-General, for the purposes of isolating or quarantining people in a way appropriate for people with a high risk of transmitting COVID-19

low-risk indicators, for a person, means that—

- (a) the person—
- (i) has undergone the medical examination and testing required to assess whether they have COVID-19, with a negative result; or
- (ii) has been determined by a medical officer of health or health protection officer to have particular physical or other needs that make it inappropriate for them to undergo that medical examination and testing; and
- (b) other medical tests or information relating to the person (if any) indicate that the person is at low risk of having or transmitting COVID-19

low-risk MIQF means an MIQF designated by the chief executive of MBIE, after consulting and considering the advice of the Director-General, for the purposes of isolating or quarantining people in a way appropriate for people with a low risk of transmitting COVID-19

medical examination and testing means examination or testing that involves only 1 or more of the following:

- (a) taking temperatures:
- (b) seeking and obtaining information about symptoms:
- (c) carrying out chest auscultation:

(d) taking nose swabs or mouth swabs (or both)

MIQF means a managed isolation or quarantine facility as defined by section 5(1) of the COVID-19 Public Health Response Act 2020

period of isolation or quarantine, for a person, has the meaning given by clause 10 and, if applicable, clauses 11 and 15(2)(c)

period of self-isolation has the meaning given by clause 15E

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

place of isolation or quarantine, for a person, has the meaning given by clause 12

relevant person has the meaning given by clause 7

relevant worker has the meaning given by clause 15B(1)

site manager, for an MIQF, means a person appointed as a site manager or deputy site manager under clause 16.

- (2) In this order, a reference to a person's **arrival in New Zealand** is a reference to the person's most recent arrival in New Zealand from a country outside New Zealand.

Clause 4(1) **aircrew member**: inserted, at 11.59 pm on 4 October 2020, by clause 12(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **fellow resident**: replaced, at 11.59 pm on 4 October 2020, by clause 12(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **period of self-isolation**: inserted, at 11.59 pm on 4 October 2020, by clause 12(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(1) **relevant worker**: inserted, at 11.59 pm on 4 October 2020, by clause 12(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4(2): inserted, at 11.59 pm on 4 October 2020, by clause 12(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

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 order

This order applies to the whole of New Zealand.

Part 1

Requirements for isolation and quarantine generally

Part 1 heading: amended, at 11.59 pm on 4 October 2020, by clause 13 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

7 Part applies to relevant persons

- (1) This Part applies to a person who is required by or under a COVID-19 order or another enactment to be isolated or quarantined in accordance with this order (a **relevant person**).
- (2) However, this Part does not apply to a relevant worker.

Clause 7(2): inserted, at 11.59 pm on 4 October 2020, by clause 14 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

8 Requirements for isolation or quarantine

- (1) A relevant person must be isolated or quarantined as required by this clause throughout their period of isolation or quarantine.
- (2) They must remain in their room at their place of isolation or quarantine, except as permitted by clause 13 or 14.
- (3) They must maintain physical distancing (to the greatest extent practicable) from every person in or outside their place of isolation or quarantine,—
 - (a) including others isolated or quarantined at the same place; but
 - (b) not including their fellow residents (if any).
- (4) They must wear personal protective equipment as directed by a medical officer of health or a health protection officer.

9 Medical examination and testing requirements in isolation or quarantine

A relevant person must report for, and undergo, medical examination and testing for COVID-19 at any time throughout their period of isolation or quarantine, as directed by a medical officer of health or a health protection officer.

10 Period of isolation or quarantine

- (1) A person's **period of isolation or quarantine** is—
 - (a) the period ending at the same time of day as, but on the 14th day after, their start time if the chief executive of MBIE is satisfied that the person meets the low-risk indicators, as determined—
 - (i) as close as is reasonably practicable to the end of that period; and
 - (ii) based on the advice of a suitably qualified health practitioner; or
 - (b) any longer period needed to satisfy the chief executive of MBIE, based on the advice of a suitably qualified health practitioner, that the person

meets the low-risk indicators, but no longer than the period ending at the same time of day as, but on the 28th day after, their start time.

Start time

- (2) A person's **start time** is—
- (a) the time and date of the person's arrival in New Zealand (for example, 3.30 pm on 15 September 2020), unless paragraph (b) applies; or
 - (b) the start time that applies to the person under the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020.
- (3) However, if another person is designated as their fellow resident, and the fellow resident's start time under subclause (2) is a later start time, the person's **start time** becomes that later start time.
- (3A) *See* clause 15(2)(c) in relation to the start time of caregivers.

Exceptions

- (4) This clause is subject to clause 11, which provides for an early end to the period of isolation or quarantine for certain people.

Clause 10(2)(a): amended, at 11.59 pm on 4 October 2020, by clause 15(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 10(3): replaced, at 11.59 pm on 4 October 2020, by clause 15(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 10(3A): inserted, at 11.59 pm on 4 October 2020, by clause 15(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

11 Early end to period of isolation or quarantine for certain people

- (1) This clause provides for certain people's **period of isolation or quarantine** to end earlier than provided in clause 10(1).

Exception for practical departure time

- (2) If a person is isolated or quarantined at an MIQF, the site manager may end their **period of isolation or quarantine** no more than 3 hours before it would otherwise end under clause 10(1) if satisfied that—
- (a) it is a practical time for the person to leave the MIQF; and
 - (b) the person meets the low-risk indicators, based on the advice of a suitably qualified health practitioner.

Exception for people in transit

- (3) Subclause (4) applies to a person who is scheduled to depart New Zealand during the period under clause 10(1) (a **scheduled departer**), other than—
- (a) an aircrew member; or
 - (b) a person who assisted, or is to assist, as a medical attendant as described by subclause (4A)(b).

- (4) Their **period of isolation or quarantine** ends 12 hours before their scheduled departure as long as—
- (a) they—
 - (i) have been in New Zealand for less than 72 hours; or
 - (ii) have been in New Zealand for 72 hours or more and the chief executive of MBIE is satisfied, based on the advice of a suitably qualified health practitioner, that they meet the low-risk indicators; and
 - (b) they leave their place of isolation or quarantine only to travel to the place of departure and depart accordingly.

Exception for overseas-based aircrew and medical attendants

- (4A) Subclause (4B) applies to a scheduled departer who is not ordinarily resident in New Zealand and who—
- (a) is an aircrew member; or
 - (b) arrived in New Zealand by air—
 - (i) while assisting, as a medical attendant, with a medical air transfer to New Zealand; or
 - (ii) to assist, as a medical attendant, with a medical air transfer from New Zealand.
- (4B) Their **period of isolation or quarantine** ends—
- (a) when they are required to travel in order to carry out their duties as an aircrew member, or a medical attendant, on an aircraft that is scheduled for departure; or
 - (b) if paragraph (a) does not apply, 12 hours before their scheduled departure from New Zealand, as long as they leave their place of isolation or quarantine only to travel to the place of departure and depart accordingly.

- (4C) A scheduled departer whose period of isolation or quarantine ends under subclause (4) or (4B) must comply with any directions of the chief executive of MBIE (given on the advice of a medical officer of health or a health protection officer) relating to the travel of the scheduled departer to the place of departure.

Exception for certain maritime crew

- (5) *See also* the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020, which provides for an early end to the period of isolation or quarantine for certain people.

Clause 11(3): replaced, at 11.59 pm on 4 October 2020, by clause 16(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 11(4A) heading: inserted, at 11.59 pm on 4 October 2020, by clause 16(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 11(4A): inserted, at 11.59 pm on 4 October 2020, by clause 16(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 11(4B): inserted, at 11.59 pm on 4 October 2020, by clause 16(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 11(4C): inserted, at 11.59 pm on 4 October 2020, by clause 16(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

12 Place of isolation or quarantine

- (1) A person's **place of isolation or quarantine** means the high-risk MIQF or low-risk MIQF that is allocated to the person—
 - (a) by the chief executive of MBIE; and
 - (b) after a suitably qualified health practitioner determines, in accordance with any guidelines provided by the Director-General, whether the person should be allocated a high-risk MIQF or low-risk MIQF.
- (2) However, a medical officer of health may instead determine for any reason (for example, for medical evacuation) that a person's **place of isolation or quarantine** is any other facility or place.
- (3) A medical officer of health need not consider making a determination under subclause (2) for a person if the chief executive of MBIE—
 - (a) consults, and considers the advice of, a suitably qualified health practitioner or of a person who is registered or licensed as an equivalent health professional overseas; and
 - (b) determines that the person does not have particular physical or other needs that require another type of facility or place.

13 Leaving place of isolation or quarantine

A person is permitted to leave their room at their place of isolation or quarantine—

- (a) to do any activity (for example, exercise) of a type, and in accordance with any conditions, authorised by the chief executive of MBIE; or
- (aa) to visit the room of a fellow resident; or
- (b) if they need to leave to preserve or protect their own or another person's life, health, or safety in an emergency; or
- (c) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend by that institution; or
- (d) if the chief executive of MBIE is satisfied, based on the advice of a suitably qualified health practitioner, that the person needs to leave—
 - (i) to access medical services; or

- (ii) to move to another place of isolation or quarantine (for example, for temporary or emergency care while the person is sick); or
- (e) if they are required to leave under Part 4 of the Health Act 1956; or
- (f) if they are required to move to another place of isolation or quarantine by—
 - (i) a court order; or
 - (ii) any other obligation imposed by or under an enactment that is related to the detention of the person (for example, a direction of the New Zealand Parole Board or a probation officer).

Clause 13(a): amended, at 11.59 pm on 4 October 2020, by clause 17(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 13(aa): inserted, at 11.59 pm on 4 October 2020, by clause 17(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

14 Leaving place of isolation or quarantine with special authorisation

- (1) A person is also permitted to leave their room at their place of isolation or quarantine—
 - (a) to assist or accompany a fellow resident to travel somewhere under any provision in clause 13(b) to (f); or
 - (b) for any exceptional reason.
- (2) However, the person may leave only—
 - (a) if authorised by the chief executive of MBIE; and
 - (b) in accordance with the conditions (if any) imposed by the chief executive of MBIE.
-) The chief executive of MBIE must not authorise a person to leave under this clause unless—
 - (a) the risk assessment tool indicates that the person's leaving would not create a high risk of the outbreak or spread of COVID-19; and
 - (b) if paragraph (a) is satisfied, the chief executive—
 - (i) consults a medical officer of health, and takes into account their advice, about—
 - (A) the effect that the person's leaving might have on the risk of the outbreak or spread of COVID-19; and
 - (B) any conditions required to minimise that risk; and
 - (ii) is satisfied, based on the advice of a suitably qualified health practitioner, that the person meets the low-risk indicators; and
 - (iii) is satisfied that the person will comply with any conditions of the authorisation.

- (4) In this clause, **risk assessment tool** means a risk matrix that—
- (a) is approved by the Director-General, including as updated at any time; and
 - (b) assesses the risk of the outbreak or spread of COVID-19 by taking into account matters such as the following:
 - (i) the risk caused by any activity for which the person seeks to leave their place of isolation or quarantine;
 - (ii) the results of any medical examination and testing of the person or any other relevant person;
 - (iii) the length of time for which the person has been isolated or quarantined;
 - (iv) the risk profile of the country or countries from which the person arrived;
 - (v) any international airports or ports to which the person has been on the way to New Zealand;
 - (vi) any potential exposure of the person to COVID-19 before arriving in New Zealand (for example, from working in healthcare or being somewhere without controls on community transmission);
 - (vii) the length of time for which the person will leave their place of isolation or quarantine.

14A Designation of relevant persons as fellow residents

- (1) The site manager of an MIQF may designate a relevant person as the fellow resident of another relevant person if—
- (a) they were fellow travellers when they arrived in New Zealand; or
 - (b) the site manager is satisfied that the designation would be appropriate for the purposes of keeping connections with family or whānau or enabling caregiving or support.
- (2) In this clause, **fellow traveller**, of any person arriving in New Zealand, means,—
- (a) if the person is an aircrew member, an aircrew member arriving in New Zealand on the same aircraft; or
 - (b) in any other case, anyone who accompanied the person on the journey to New Zealand.

Clause 14A: inserted, at 11.59 pm on 4 October 2020, by clause 18 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

15 Caregivers of children and other vulnerable people

- (1) A caregiver of a vulnerable person may join them at their place of isolation or quarantine, to care for them, if authorised by the chief executive of MBIE.

- (2) A caregiver who joins a vulnerable person in accordance with the authorisation—
- (a) is to be treated as being a relevant person, and a fellow resident of the vulnerable person, for the purposes of this Part; and
 - (b) *[Revoked]*
 - (c) has the following **start time** for the purposes of clause 10:
 - (i) the same start time as the vulnerable person, but only if the chief executive of MBIE is satisfied, based on the advice of a suitably qualified health practitioner, that the caregiver meets the low-risk indicators when joining the vulnerable person; or
 - (ii) the time and date of their joining the vulnerable person, otherwise.
- (2A) This clause does not apply to a caregiver if they are a relevant person independently of this clause.
- (3) In this clause, **vulnerable person** includes—
- (a) a child, meaning a person who is younger than 18 years of age; and
 - (b) a person who is elderly or has a disability.

Clause 15 heading: amended, at 11.59 pm on 4 October 2020, by clause 19(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 15(1): amended, at 11.59 pm on 4 October 2020, by clause 19(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 15(2)(a): replaced, at 11.59 pm on 4 October 2020, by clause 19(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 15(2)(b): revoked, at 11.59 pm on 4 October 2020, by clause 19(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 15(2)(c): amended, at 11.59 pm on 4 October 2020, by clause 19(4) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 15(2A): inserted, at 11.59 pm on 4 October 2020, by clause 19(5) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

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.

Clause 15A: inserted, at 11.59 pm on 20 September 2020, by clause 7 of the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254).

Part 1A

Requirements for self-isolation by relevant workers

Part 1A: inserted, at 11.59 pm on 4 October 2020, by clause 20 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

15B Part applies to relevant workers

- (1) This Part applies to a person (a **relevant worker**) who—
- (a) is required by the Air Border Order to be isolated or quarantined in accordance with this order; and
 - (b) is ordinarily resident in New Zealand; and
 - (c) is a relevant crew member or a relevant medical attendant.
- (2) In this clause,—

Air Border Order means the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

relevant crew member means an aircrew member who travelled on a higher-risk route (within the meaning of the Air Border Order) within the 7 days immediately before their arrival by air in New Zealand

relevant medical attendant means a person who, on arrival by air in New Zealand,—

- (a) was assisting, as a medical attendant, with a medical air transfer to New Zealand; or
- (b) was returning from assisting, as a medical attendant, with a medical air transfer from New Zealand.

Clause 15B: inserted, at 11.59 pm on 4 October 2020, by clause 20 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

15C Requirement to notify Ministry of Health

- (1) Before departing the security designated aerodrome at which they arrive in New Zealand, a relevant worker must notify the Ministry of Health, in the manner approved by the Director-General, of—
 - (a) the address of the residence or other accommodation that they intend to be their place of self-isolation; and
 - (b) an email address and telephone number at which they may be contacted.
- (2) In this clause, **security designated aerodrome** has the meaning given by section 2(1) of the Civil Aviation Act 1990.

Clause 15C: inserted, at 11.59 pm on 4 October 2020, by clause 20 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

15D Requirements for self-isolation

- (1) A relevant worker must comply with the requirements set out in this clause throughout their period of self-isolation.
- (2) They must remain at the accommodation notified to the Ministry of Health as their place of self-isolation, except as permitted by this Part.
- (3) They must maintain physical distancing (to the greatest extent practicable) from every person in or outside their place of self-isolation.
- (4) They must not permit any other person to enter their accommodation unless—
 - (a) the place is a residence at which the other person lives; or
 - (b) the entry is for the purposes of preserving or protecting the relevant worker's or another person's life, health, or safety in an emergency.
- (5) They must wear personal protective equipment at all times (to the greatest extent practicable) when outside their place of self-isolation.

Clause 15D: inserted, at 11.59 pm on 4 October 2020, by clause 20 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

15E Period of self-isolation

A relevant worker's **period of self-isolation** is the period—

- (a) commencing as soon as practicable after they arrive in New Zealand; and
- (b) ending when they receive a negative result from the medical examination and testing they are required to undergo by this Part (but ending no later than 14 days after the time and date of their arrival in New Zealand).

Clause 15E: inserted, at 11.59 pm on 4 October 2020, by clause 20 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

15F Medical examination and testing

- (1) A relevant worker must report for, and undergo, medical examination and testing for COVID-19 after at least 48 hours have passed since the time and date of their arrival in New Zealand.
- (2) That medical examination and testing must involve taking nose swabs or mouth swabs (or both).

Clause 15F: inserted, at 11.59 pm on 4 October 2020, by clause 20 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

15G Leaving place of self-isolation

A relevant worker is permitted to leave the accommodation notified to the Ministry of Health as their place of self-isolation—

- (a) to report for, and undergo, medical examination required by this Part; or
- (b) if they need to leave to preserve or protect their own or another person's life, health, or safety in an emergency; or
- (c) to access medical services; or
- (d) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend by that institution; or
- (e) if a medical officer of health is satisfied that they need to leave to move to another place for isolation or quarantine (for example, for temporary or emergency care while they are sick); or
- (f) if they are required to move to another place for isolation or quarantine by—
 - (i) a court order; or
 - (ii) any other obligation imposed by or under an enactment.

Clause 15G: inserted, at 11.59 pm on 4 October 2020, by clause 20 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Part 2

Security of managed isolation and quarantine facilities

16 Appointment of site managers

The chief executive of MBIE may appoint a person as the site manager or deputy site manager of an MIQF if—

- (a) the person is employed or engaged by the Crown; and
- (b) the chief executive considers that the person is suitably qualified to manage an MIQF.

17 Restriction on entry to MIQF

(1) A person must not enter an MIQF unless—

- (a) the site manager has approved their entry (subject to any reasonable conditions); or
- (b) they are authorised or required by law to enter the MIQF.

(2) However, a person who is not otherwise authorised or required by law to enter an MIQF may do so without approval if—

- (a) they need to enter to preserve or protect a person's life, health, or safety in an emergency; and
- (b) it is not reasonably practicable to obtain approval.

18 Duty to remain at MIQF for risk assessment

(1) A person who enters an MIQF in breach of clause 17 must remain at the MIQF for as long as is reasonably required by the site manager in order for—

- (a) a suitably qualified health practitioner to assess whether the person is at risk of having been exposed to COVID-19 as a result of their entry; and
- (b) if the health practitioner determines that the person is at risk of having been exposed, a medical officer of health—

- (i) to be advised; and
- (ii) to determine whether to exercise, in relation to the person, a power conferred on the officer by or under an enactment.

(2) To avoid doubt, subclause (1) does not empower the site manager or the health practitioner to require the person to undergo a medical examination or testing of any kind.

19 Revocation

The COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020 (LI 2020/221) is revoked.

Schedule 1
Transitional, savings, and related provisions

cl 5

Part 1
Provisions relating to this order as made

1 Meaning of references to former orders

In this Part,—

former border order means—

- (a) the COVID-19 Public Health Response (Air Border) Order 2020 (the **former air border order**); and
- (b) the COVID-19 Public Health Response (Maritime Border) Order 2020 (the **former maritime border order**)

former security order means the COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020.

Former border orders

2 People isolated or quarantined under former border orders

- (1) This clause applies to a person if, immediately before the commencement of this order, they were still required to be isolated or quarantined—
 - (a) in accordance with clause 7(1)(b) and (c) of the former air border order; or
 - (b) in a managed facility in accordance with clause 20(2) of the former maritime border order.
- (2) The requirements in Part 1 of this order apply in place of the requirements for isolation or quarantine in the former border orders, and—
 - (a) the person is a relevant person under this order; and
 - (b) the period for which the person must be isolated or quarantined is determined by this order; but
 - (c) the person's place of isolation or quarantine determined under the former border order must be treated as if it were their place of isolation or quarantine under this order.

3 High-risk MIQFs and low-risk MIQFs

A facility that, immediately before the commencement of this order,—

- (a) was a high risk facility under a former border order must be treated as if it were a high-risk MIQF under this order:

- (b) was a low risk facility under a former border order must be treated as if it were a low-risk MIQF under this order.

4 Existing authorisations, conditions, and directions

Any authorisation given, condition imposed, or direction made in accordance with a former border order, as it relates to requirements for isolation or quarantine described by clause 2(1) of this schedule, must be treated as if it were given, imposed, or made in accordance with Part 1 of this order.

Former security order

5 Existing appointments, approvals, conditions, and requirements

Any appointment made, approval given, or condition or requirement imposed in accordance with the former security order must be treated as if it were made, given, or imposed in accordance with Part 2 of this order.

Dated at Wellington this 4th day of September 2020.

Hon Chris Hipkins,
Minister of Health.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 4 September 2020.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273): Part 2

COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2020 (LI 2020/254): Part 2