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## COVID-19: Epidemic notice and Orders

Information on the Epidemic notice and Orders issued by the Government to manage specific matters during the COVID-19 pandemic.

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## COVID-19 Public Health Response Act 2020

The COVID-19 Public Health Response Act 2020 was passed as standalone legislation to provide a different legal framework for responding to COVID-19. The Act allows the Minister of Health (or the Director-General of Health in specified circumstances) to make orders under section 11 to give effect to the public health response to COVID-19 in New Zealand.

- [COVID-19 Public Health Response Act 2020](#)

(<http://www.legislation.govt.nz/act/public/2020/0012/latest/LMS344134.html>)

## **COVID-19 Public Health Response (Alert Level Requirements) Order 2020**

The COVID-19 Public Health Response (Alert Level Requirements) Order 2020 came into force at 11.59 pm on 30 August 2020 and was amended at 11.59pm on 21 September 2020. The Order outlines the Alert Level 2 restrictions in place in Auckland and requirements for people travelling on public transport into and out of Auckland to wear a face covering for the duration of the journey.

- [COVID-19 Public Health Response \(Alert Level Requirements\) Order 2020](#)

(<http://www.legislation.govt.nz/regulation/public/2020/0231/latest/LMS400475.html>)

## **COVID-19 Public Health Response (Election and Referendums) Order 2020**

The COVID-19 Public Health Response (Election and Referendums) Order 2020 came into force at 11.59 pm on 2 October 2020. The Order sets out the public health requirements for delivering the General Election and referendums in a COVID-19 environment.

- [COVID-19 Public Health Response \(Election and Referendums\) Order 2020](#)

(<http://www.legislation.govt.nz/regulation/public/2020/0267/latest/LMS412606.html>)

## **Authorisations of Enforcement Officers under the COVID-19 Public Health Response Act 2020**

The Director-General may authorise suitably qualified and trained individuals to carry out any functions and powers as enforcement officers under section 18 of the COVID-19 Public Health Response Act 2020. The Director-General has currently authorised three classes of persons as enforcement officers. Those classes of people are:

1. WorkSafe inspectors
2. Aviation Security officers
3. Customs officers
4. members of the Armed Forces
5. COVID-19 Enforcement Officers (Maritime Border).

The authorisations describe the class of people that are authorised as enforcement officers, the powers (available under the COVID-19 Public Health Response Act) that they may exercise, and the functions which they may carry out:

- [Authorisation of Customs officers – 27 August 2020 \(Word, 443 KB\)](#)  
(/system/files/documents/pages/customs-authorisation-no-2.docx)
- [Authorisation of Customs officers – 27 August 2020 \(PDF, 100 KB\)](#)  
(/system/files/documents/pages/customs-authorisation-no-2.pdf)
- [Authorisation of members of the Armed Forces \(at the Maritime Border\) – 27 August 2020 \(Word, 443 KB\)](#) (/system/files/documents/pages/nzdf-authorisation-maritime.docx)
- [Authorisation of members of the Armed Forces \(at the Maritime Border\) – 27 August 2020 \(PDF, 98 KB\)](#) (/system/files/documents/pages/nzdf-authorisation-maritime.pdf)
- [Authorisation of COVID-19 Enforcement Officers \(Maritime Border\) – 27 August 2020 \(Word, 443 KB\)](#) (/system/files/documents/pages/covid-19-officers-authorisation.docx)
- [Authorisation of COVID-19 Enforcement Officers \(Maritime Border\) – 27 August 2020 \(PDF, 98 KB\)](#) (/system/files/documents/pages/covid-19-officers-authorisation.pdf)
- [Authorisation of member of the Armed Forces for support at MIQF – 25 August 2020 \(Word, 440 KB\)](#) (/system/files/documents/pages/nzdf\_authorisation.docx)
- [Authorisation of member of the Armed Forces for support at MIQF – 25 August 2020 \(PDF, 125 KB\)](#) (/system/files/documents/pages/nzdf\_authorisation.pdf)
- [Authorisation of WorkSafe inspectors – 12 August 2020 \(Word, 439 KB\)](#)  
(/system/files/documents/pages/work-safe-authorisation-renewal-12aug2020.docx)
- [Authorisation of WorkSafe inspectors – 12 August 2020 \(PDF, 142 KB\)](#)  
(/system/files/documents/pages/work-safe-authorisation-renewal-12aug2020.pdf)
- [Authorisation of Aviation Security officers – 13 July 2020 \(Word, 440 KB\)](#)  
(/system/files/documents/pages/avsec-authorisation.docx),
- [Authorisation of Aviation Security officers – 13 July 2020 \(PDF, 142 KB\)](#)  
(/system/files/documents/pages/avsec-authorisation.pdf)

## Epidemic Notice

On Monday 23 March, the Prime Minister issued an Epidemic Notice under section 5 of the Epidemic Preparedness Act 2006. This was based on advice received from the Director-General of Health in response to the increasingly complex and far-reaching response to COVID-19.

On 16 September 2020, the Prime Minister renewed the Epidemic Notice pursuant to section 7 of the Epidemic Preparedness Act 2006.

## What is an Epidemic Notice?

This Government has chosen to go hard and go early in the response to COVID-19 for public health reasons. The package of measures introduced since 14 March have helped New Zealand take a precautionary approach to managing COVID-19.

An Epidemic Notice is a public policy tool to help Government agencies respond swiftly and effectively in a rapidly evolving situation. An epidemic notice enables the use of a number of 'special powers' in legislation.

In particular, it will allow for the extension of people currently in New Zealand on temporary visas that will expire between 1 April 2020 and the end of the Epidemic Notice. See the [section below for more details](#).

More special powers may be used as the situation progresses and this page will be updated when they are.

- [Gazette Notice pursuant to section 5 of the Epidemic Preparedness Act 2006](#)  
(<https://gazette.govt.nz/notice/id/2020-go1368>)
- [Gazette Notice pursuant to section 8 of the Epidemic Preparedness Act 2006](#)  
(<https://gazette.govt.nz/notice/id/2020-go1369>)
- [Gazette Notice pursuant to section 7 of the Epidemic Preparedness Act 2006](#)  
(<https://gazette.govt.nz/notice/id/2020-go4143>)

## Duration of the Epidemic Notice

The Notice lasts for three months from 23 September 2020 unless the Government chooses to lift it earlier.

The Notice can be extended again if required.

## Border Orders

### COVID-19 Public Health Response (COVID-19 Testing) Order 2020

A new health order came into force at 11.59 pm 14 August requiring those who work at Managed Isolation and Quarantine Facilities, at Ports of Auckland and Port of Tauranga, to be tested for COVID-19 by Monday 11.59 pm 17 August.

An amendment to the Order was put in place on 17 August, to:

- specify more precisely that only higher-risk workers at Ports of Auckland and Port of Tauranga are required to be tested
- extend the deadline for testing affected workers by three days, to Thursday 11.59 pm, 20 August
- extend the time period of exemption from further testing if a test has already been done from 12 pm 12 August to 12 am 12 August 2020.

Testing is part of our rapid response to detect any cases and contain the outbreak of COVID-19, and to protect the health of workers, their families and whānau and the broader community.

This amendment means that we focus testing those at ports who are considered to be higher risk first, and by doing so quickly detect any cases.

It's important that we use legal measures such as this with discretion and in proportion to the risk level. This Order applies to those people where it is considered there is greater risk, but noting that it is still important that all those who work at the border and who are not affected by this order get a test and this remains voluntary.

- [COVID-19 Public Health Response \(COVID-19 Testing\) Order 2020](http://www.legislation.govt.nz/regulation/public/2020/0208/latest/LMS391269.html)  
(<http://www.legislation.govt.nz/regulation/public/2020/0208/latest/LMS391269.html>)
- [COVID-19 Public Health Response \(COVID-19 Testing\) Order 2020 Amendment](http://www.legislation.govt.nz/regulation/public/2020/0210/latest/LMS393521.html)  
(<http://www.legislation.govt.nz/regulation/public/2020/0210/latest/LMS393521.html>)

## **COVID-19 Public Health Response (Required Testing) Order 2020**

The COVID-19 Public Health Response (Required Testing) Amendment Order 2020 requires workers at Managed Isolation and Quarantine Facilities, and certain higher-risk workers at Ports of Auckland, the Port of Tauranga and Auckland International Airport to receive routine ongoing tests for COVID-19. Most workers who are required to receive ongoing tests were required to receive a one-off test by 11:59pm on Sunday 6 September.

Workers who transport people to and from affected ships at the Ports of Auckland and Port of Tauranga are now required to receive ongoing tests as well. Affected ships are ships with a person or people onboard who are required to be in isolation or quarantine under a COVID-19 Order.

All testing requirements are in addition to tests that took place prior to 11:59pm 6 September 2020.

From 11:59 pm 6 September 2020, those who work in the following roles will need to begin routine mandatory testing:

## Managed Quarantine Facilities

Weekly tests until further notice for:

- Workers at managed quarantine facilities
- Workers who transport persons required to be in quarantine to or from the facility.

## Managed Isolation Facilities

Fortnightly tests until further notice for:

- Workers at managed isolation facilities
- Workers who transport persons required to be in isolation to or from the facility.

## Ports of Auckland, Port of Tauranga

Fortnightly tests until further notice for:

- pilots and stevedores carrying out work on or around an affected ship (other than excluded port persons), at the Ports of Auckland or Port of Tauranga.
- any person (other than excluded port persons) who boards, or has boarded, an affected ship at the Ports of Auckland or Port of Tauranga
- any worker who transports persons to or from affected ships.

## Auckland International Airport

Fortnightly tests until further notice for:

- Airside government officials (other than excluded airside persons), including (without limitation) personnel from Immigration New Zealand, New Zealand Customs Service, Aviation Security Service, or Ministry for Primary Industries
- Airside district health board workers (other than excluded airside persons)
- Airside retail, food, and beverage workers (other than excluded airside persons)
- Airside workers (other than excluded airside persons) handling baggage trolleys used by international arriving or international transiting passengers
- Airside airline workers (other than excluded airside persons) who interact with passengers
- Airside airport workers (other than excluded airside persons) who interact with passengers
- Airside cleaning workers (other than excluded airside persons)

Excluded airside persons are:

- members of an international aircrew, or aircrew that is based in New Zealand;
- workers who interact only with international departing passengers (other than international transiting passengers);
- workers who work on the airside of the affected airport only in areas that are inaccessible to international arriving or international transiting passengers

Airside means any part of the affected airport that is inaccessible to the general public but that is accessible to international arriving or international transiting passengers.

Any person who has symptoms should not go to work and should contact their doctor or Healthline for advice. This testing of border workers is part of our precautionary approach.

- [COVID-19 Public Health Response \(Required Testing\) Order 2020](http://legislation.govt.nz/regulation/public/2020/0242/latest/whole.html)  
(<http://legislation.govt.nz/regulation/public/2020/0242/latest/whole.html>)

## **COVID-19 Public Health Response (Required Testing) Amendment Order (No 2)**

The COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 extends the requirement for mandatory testing of certain higher-risk workers to all airports and ports in New Zealand that receive international arrivals.

From 17 September 2020, those who work in the following roles will need to begin routine mandatory testing.

## All maritime ports that receive a ship from a location outside of New Zealand

Fortnightly tests until further notice for:

- pilots carrying out work on or around an affected ship
- stevedores carrying out work on or around an affected ship
- persons who board, or have boarded, an affected ship
- workers who transport persons to or from an affected ship.

## All airports that receive aircraft from overseas into New Zealand

Fortnightly tests until further notice for:

- airside government officials (other than excluded airside persons), including (without limitation) personnel from Immigration New Zealand, New Zealand Customs Service, Aviation Security Service, or Ministry for Primary Industries
- airside district health board workers (other than excluded airside persons)
- airside retail, food, and beverage workers (other than excluded airside persons)
- airside workers (other than excluded airside persons) handling baggage trolleys used by international arriving or international transiting passengers
- airside airline workers (other than excluded airside persons) who interact with passengers
- airside airport workers (other than excluded airside persons) who interact with passengers
- airside cleaning workers (other than excluded airside persons).

Excluded airside persons are:

- members of an international aircrew, or aircrew that is based in New Zealand
- workers who interact only with international departing passengers (other than international transiting passengers)
- workers who work on the airside of the affected airport only in areas that are inaccessible to international arriving or international transiting passengers.

**Airside** means any part of the affected airport that is inaccessible to the general public but that is accessible to international arriving or international transiting passengers.

Testing will not be required at ports and airports if a ship or aircraft has not arrived from a location outside New Zealand for a period of at least 14 consecutive days. Testing will resume when a ship or aircraft arrives from a location outside New Zealand.

This testing of border workers is part of our precautionary approach.

- [COVID-19 Public Health Response \(Required Testing\) Amendment Order \(No 2\) 2020](http://www.legislation.govt.nz/regulation/public/2020/0246/latest/LMS406546.html)  
(<http://www.legislation.govt.nz/regulation/public/2020/0246/latest/LMS406546.html>)

## Maritime Border Order

The original Maritime Border Order 2020 came into effect at 11.59 pm on Tuesday 30 June 2020.

The COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 is in effect from 11.59pm on Sunday 6 September. This replaces the previous Order, that governs persons who arrive in New Zealand by sea.

The Order continues the prohibition on foreign ships in New Zealand, with a range of exceptions. Exceptions include fishing ships, cargo ships and those that have been granted permission if there is a humanitarian reason or a compelling need for the ship to be delivered to a NZ business.

It requires most arrivals by sea to have quarantined or isolated on board their ship for at least 14 days since the last port of call or since it last took crew, and requires every person on board the ship to meet the low-risk indicators (including a negative COVID-19 test) before any person may enter the New Zealand community.

In addition, if a person wishes to depart a vessel, they require the approval of a Medical Officer of Health, and all other persons on board must also meet the low-risk indicators before the person may disembark. If persons arriving by sea cannot appropriately isolate or quarantine on board their ship, they will be transferred to a MIQ facility. It outlines the rules for safe crew changes and introduces infringement offences under the COVID-19 Act.

- [COVID-19 Public Health Response \(Maritime Border\) Order 2020](http://legislation.govt.nz/regulation/public/2020/0240/latest/LMS403466.html#d10390270e3145)  
(<http://legislation.govt.nz/regulation/public/2020/0240/latest/LMS403466.html#d10390270e3145>)

## Air Border Order

The COVID-19 Public Health Response (Air Border) Order (No 2) 2020 is in effect from 11.59pm on Sunday 6 September and replaces the previous Order.

The Air Border Order (No 2) 2020 still requires all arrivals to New Zealand by air to undergo medical examination and/or testing for COVID-19 on arrival and commence isolation or quarantine as soon as practicable after arrival.

It requires people arriving at the air border to maintain physical distancing and wear PPE as directed in the airport. It contains provision for certain arrivals to be excluded from these requirements. The Minister of Health has the discretion to exempt people or classes of people from any requirements that are imposed by the Air Border order.

- COVID-19 Public Health Response (Air Border) Order 2020  
(<http://legislation.govt.nz/regulation/public/2020/0239/latest/LMS403346.html#LMS403349>)

## Health Act Orders

There have been several orders produced under the Health Act 1956 for New Zealand's COVID-19 response. These have now been revoked or replaced by orders made under COVID-19 Public Health Response Act 2020.

For further information about the previous Orders see Parliamentary Counsel Office COVID-19 legislation (<http://www.pco.govt.nz/covid-19-legislation/>).

## Managed Isolation and Quarantine Order

The COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, is a new Order that governs the legal requirements for people while they are in a managed isolation and quarantine facility (MIQF).

It sets out that all persons in MIQF must be there for at least 14 days and meet the low-risk indicators (e.g. have a negative COVID-19 test) before they can leave.

The Order clearly sets out what is taken into account for a special authorisation to leave isolation or quarantine early. This includes a risk-based approach which the Chief Executive of MBIE can use if authorising early exit for an exceptional reason.

It allows for a caregiver of a vulnerable person to enter a MIQF to provide care.

It incorporates (and revokes) the COVID-19 Public Health Response (Security of Managed Isolation and Quarantine Facilities) Order 2020, which restricts entry to MIQ facilities and sets out a risk assessment for those who do unlawfully enter.

As the Chief Executive of MBIE is now responsible for the operation of MIQ facilities, the amendments provide further clarity around when decisions should be made based on advice from a health professional or Medical Officer of Health versus when decisions may be operational in nature.

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

(<http://legislation.govt.nz/regulation/public/2020/0241/latest/LMS401667.html#d10374790e1370>).

## Temporary visa holders

The New Zealand Government has issued an epidemic management notice and further strengthened travel restrictions, closing our border to almost all travellers from 23:59 on Thursday 19 March 2020 (New Zealand time).

Travellers with a temporary (work, student, visitor, interim and limited) visa expiring before 1 April 2020 who are unable to leave New Zealand must apply online for a new visa. An interim visa will be issued.

Travellers with a temporary visa due to expire between 1 April and 9 July 2020 will have their visas extended to late September. Confirmation of extensions will be emailed to all visa holders.

For further information, please see the New Zealand Immigration website

(<https://www.immigration.govt.nz/about-us/covid-19/coronavirus-update-inz-response>).

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