



NEW ZEALAND  
**CUSTOMS SERVICE**  
TE MANA ĀRAI O AOTEAROA

# MARITIME BORDER ORDER

## IMPLEMENTATION AND CUSTOMS OFFICER AUTHORISATIONS

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## THE MARITIME BORDER ORDER (NO 2) IS NOW IN FORCE

1. The COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020 came into effect at 11.59pm on 6 September 2020. It revokes and replaces the previous Order.
2. You can read a copy [here](#).
3. The purpose of the Order is to prevent, and limit, the risk of an outbreak or spread of COVID-19 by:
  - restricting the ships that may arrive in New Zealand; and
  - continuing isolation/quarantine requirements for people arriving in NZ by sea; and
  - enabling the safe transfer of crew.
4. The Order:
  - replaces the Maritime Order that was made on 30 June 2020 and generally continues the requirements of that Order;
  - does not directly provide any powers for Customs officers.  
Any powers officers can exercise are by authorisation from the Director-General of Health;
  - does not affect or limit any requirements under other enactments.
5. The Director-General of Health has authorised Customs officers to exercise powers to implement and enforce the Order. Authorisations may also be in place for other officers e.g. for NZDF personnel and for officers from other agencies that have been engaged to assist Customs with implementing the Order.
6. This guidance material outlines:
  - the effect of the Order (**PART A**); and
  - the powers Officers are authorised to exercise for the purposes of enforcing the Order (**PART B**).
7. This material contains hyperlinks to relevant provisions of the Order and other relevant legislation. Some of the hyperlinks refer to a legislative interpretation section and you will need to scroll through that section to find the relevant term.
8. The Order is required to be kept under review and is likely to be amended in the future. This implementation guidance will be updated from time to time as required, including when legal advice has been given on specific issues.
9. The Ministry of Health website contains information and guidance for the maritime sector including process maps for isolation/quarantine scenarios:

<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-resources-border-sector/covid-19-maritime-sector#exemption>

## PART A: RESTRICTION ON SHIPS ARRIVING IN NEW ZEALAND

10. The Order prohibits ships from entering **New Zealand** unless an exemption applies.

**“New Zealand”**, for the purposes of the restriction, includes all waters within the outer limits of the territorial sea. This definition is not in the Order itself, but rather is contained in the COVID-19 Public Health Response Act 2020 (the Act under which the Order has been made).

11. The Order categorises ships into New Zealand ships and foreign ships.

Key terms to know:

**“Ship”** includes all types of boat and craft e.g. yachts, cargo ships, fishing ships, warships. The Order defines “ship” as having the same meaning as in [section 2\(1\) of the Maritime Transport Act 1994](#).

**“New Zealand ship”** essentially means a New Zealand owned ship. The Order (at clause 4) defines this term in the same way as [clause 1\(1\) of Schedule 5A of the Customs and Excise Act 2018](#).

**“Foreign ship”** is a ship that is registered in another State or entitled to fly the flag of another State. The Order (at clause 4) defines this term in the same way as [clause 1\(1\) of Schedule 5A of the Customs and Excise Act 2018](#).

12. In respect of restrictions on New Zealand ships (clause 8):

A NZ ship or NZ [warship](#) is not permitted to arrive in NZ unless the master of the ship is reasonably satisfied that every person on board is:

- a [New Zealand citizen](#); or
- a person who holds a visa to travel to and be in NZ (under s [14\(1\) of the Immigration Act 2009](#))

13. In respect of restrictions on foreign ships:

The starting principle is that foreign ships are not permitted to arrive in NZ ([clause 9](#)).

However, there are exemptions ([clause 10](#)).

A foreign ship is permitted to arrive if everyone on board is a NZ citizen.

And, the following foreign ships are permitted to arrive in NZ if every person on board is a NZ citizen or holds a visa to travel to and be in NZ (under s [14\(1\) of the Immigration Act 2009](#)):

- a [cargo ship](#) arriving in NZ to load or unload cargo:
- a [fishing ship](#) unloading catch/reprovisioning or refuelling/embarking or disembarking crew under [Part 4 of the Order](#);
- a [foreign state ship](#) that has been granted diplomatic clearance by MFAT:
- a ship that has been granted permission to arrive in NZ by the Director-General in accordance with clause 11(1) [see next box below].

14. The Director-General Health may permit other foreign ships to arrive in NZ (clause 11).

The Director-General may permit a foreign ship to arrive in NZ if reasonably satisfied that:

- the ship has a **compelling** need to arrive in New Zealand for the purpose of:
  - i. reprovisioning and/or refuelling, or
  - ii. delivering the ship to a business; or
  - iii. carrying out a refit or a refurbishment of, or a repair to, the ship, that is more than minor.

The Director-General may take these factors into account to make a decision ([clause 12\(1\)](#)):

- the nature and type of work required on the ship;
- the monetary value of the work;
- the need to support the economic recovery of NZ marine-related industries
- any other matter he/she considered relevant.

The Director-General may also permit a ship to arrive if there is a compelling need for the ship to arrive in NZ for humanitarian reasons.

The Director-General may take the following into account to come to a decision on this ground ([clause 12\(2\)](#)):

- i. the right of a NZ citizen to enter and be in NZ under the Immigration Act
- ii. the welfare of the persons on board the ship; and
- iii. the impact of not granting permission on the persons on the ship; and
- iv. any other matter that the Director-General considers relevant.

In all cases, the Director-General must consult any relevant agencies before permitting a ship to arrive in NZ, including MBIE, Maritime, MoT and Customs.

If the Director-General gives permission for a ship to arrive in NZ he or she:

- i. may require the ship's master or agent to provide an [isolation or quarantine plan](#) (this term is defined in the Order);
- ii. may require the persons on board the ship to comply with that plan;
- iii. may specify any other conditions considered necessary ([clause 11\(2\)](#)).

15. For all permitted ships that are travelling to New Zealand:

The master must give at least 168 hours' notice of arrival. The notice must be completed and delivered in the form and manner specified by the Director-General ([clause 14](#)).

If this is not practical (for example because the journey is shorter than 168 hours), notice must be given at the time the ship departs from a place outside New Zealand.

The Director-General has specified the form, known as the “**Extended Notice of Arrival**”:

<https://www.health.govt.nz/system/files/documents/pages/hp7458-extended-notice-arrival-form-v2.pdf>

It can be downloaded or completed on line, and is required to be delivered to [apicustodian@customs.govt.nz](mailto:apicustodian@customs.govt.nz) :

16. There are no restrictions on ships if the following applies:

- **The ship is in distress or it is necessary for the ship to arrive in New Zealand to preserve human life.**

**By way of explanation, any New Zealand or foreign flagged ship that is in distress or needs to arrive in NZ to preserve human life is allowed entry under the Order. This reflects international law principles, and these principles are also reflected in the Customs and Excise Act ([s 17\(4\)\(a\)](#)).**

- **Foreign ships that are exercising a right under international law (UNCLOS) of innocent passage through the territorial sea OR transit passage through straits used for international navigation (clause 9).**

17. The Order does not affect other requirements under any other enactments.

18. In all cases border requirements must be complied with, such as ship reporting requirements (e.g. including the advance notice of arrival under the Customs and Excise Act 2018) and obligations on people arriving in New Zealand to present for immigration, customs, and biosecurity processing.

## Isolation or Quarantine Requirements

### Coming to New Zealand

19. A person arriving in New Zealand on board a ship must adhere to the Order's [isolation or quarantine](#) requirements ([clause 17](#)).

20. A ship is considered to have "arrived" in New Zealand when it has entered the territorial sea. The Order defines "**arrive in New Zealand**" in a similar way to the Customs and Excise Act 2018 ([clause 4 interpretation section of the Order](#))

21. Prior to arriving in NZ the Order requires:

The master of a ship intending to arrive in NZ must, before arrival, take reasonable steps to ensure that every person on board the ship is aware of the isolation or quarantine requirements under the Order ([clause 16](#)). In practice, this requirement may be met by providing the new supporting documents (notice to masters and skippers) required as part of the advance notice of arrival under the Customs and Excise Act 2018.

<http://thelongroom/maritime-border/Pages/default.aspx>

### Upon Arriving in New Zealand – Isolation and Quarantine

22. The general rule is that every person who arrives in New Zealand on board a ship must remain in isolation or quarantine on board that ship for 14 days ([clause 17](#)):

The period of 14 days is counted from the time and date of whichever of the following events occurred most recently:

- the ship last departed for New Zealand from a place outside New Zealand;
- if there was contact with another person that was not on board the ship (such as during crew change or at an offshore location), the time when that contact ended. This is referred to in the Order ([clause 17\(2\)\(b\)](#)) as “last contact” (this term is defined in [clause 4](#))
- a “new person joins” the ship (“new person” is defined in [clause 4](#)).

**Note that:**

“Last contact” with another person not on board the ship does not include a person who has boarded to carry out a necessary task OR a new crew member joining the ship if that crew member has completed the required period of isolation or quarantine.

Also, a “new person” is a person who has arrived in New Zealand, and has not yet completed the period of isolation or quarantine. This means that if a new person joins the ship, while people on board are in isolation or quarantine, the 14 day period starts again for everyone on board, including the new person.

23. While in isolation and quarantine for 14 days on a ship the following also applies:

**Medical exam and testing**

- any person on board a ship must report for, and submit to, medical examination and testing if directed by a medical officer of health/health protection officer at any time during their required period of isolation or quarantine ([clause 22\(1\)](#)).

**Remaining on board and physical distancing**

- the requirement to isolate/quarantine on board means that the person must remain on the ship and must (to the greatest extent practicable) maintain physical distancing from every person outside the ship. ([see definition of “isolation or quarantine” in clause 4](#)).

**Transfer from ship to place of isolation or quarantine**

- if satisfied that it is needed, an “authorised officer” may transfer the person to a place of isolation or quarantine to complete their time in isolation or quarantine ([clause 18](#)).
- an “authorised officer” is a medical officer of health/health protection officer AND any other enforcement officer (such as a properly authorised Customs officer) acting **on the direction** of the medical officer of health/health protection officer.
- what this means is that a Customs officer who is acting as an enforcement officer under the Order cannot directly decide to transfer a person to a managed facility. The decision to transfer must first be made by a medical officer of health or a health protection officer, who then directs an enforcement officer to carry out the transfer.

## Disembarking from an Arriving Ship

24. The general starting point is that a person can only disembark from a ship in accordance with the Order and with authorisation to disembark from a medical officer of health/health protection officer if they are satisfied that the person has:
- completed the period of required isolation or quarantine; and
  - the person, and every other person on the ship meets the low-risk indicators and has not experienced any COVID-19 symptoms in the previous 14 days ([clause 19\(1\) and \(2\)](#)).
25. However, specific provisions of the Order **permit a person to disembark the ship** on which they arrived to carry out **essential tasks** and for **other certain purposes** in cases when the required period of isolation or quarantine has not been completed.
26. Disembarking for essential tasks:

A person may disembark the ship on which they arrived to carry out an essential task ([clause 21](#)).

“Essential task” is not defined, and includes (without limitation):

- loading and unloading cargo from the ship on which the person arrived
- maintaining the ship on which the person arrived
- undertaking safety checks
- undertaking necessary preparations of the ship on which the person arrived e.g. rigging gangways
- reporting for and undergoing required testing and medical examination for COVID-19 purposes.

The above is not an exhaustive list. A number of other activities may fall within the general definition of “essential task” and need to be considered on a case by case basis.

As a general approach an [essential task](#) is anything that relates to the business of the ship, its running and maintenance (such as engineering requirements), and operations related to the ship and its activity.

27. Disembarking for certain other purposes:

A person is permitted to disembark the ship on which they arrived for certain other purposes ([clause 20](#)):

- if necessary as a matter of emergency to preserve life or safety
- if necessary to do so to access a court or tribunal **OR** if required by a court order **OR** if required by any enactment relating to the detention of the person e.g. parole reasons
- if a medical officer of health or a health protection officer is satisfied it is necessary for the person to disembark to access medical services **OR** it is required to move the person to a place of isolation or quarantine **OR** it is

required to move the person to a temporary or emergency managed facility e.g. if needed because the person is sick

- if required under Part 4 of the Health Act 1956
- to assist or accompany a child/other person to travel to or from a place for the above requirements (except the first bullet point), if a medical officer of health or health protection officer has consented
- if the person is required by an enforcement officer to move to a temporary or emergency place of isolation or quarantine (for example, if necessary for care while sick)

**Note:**

- the above permissions apply only if the person has, where practicable, advised and complied with any reasonable directions of an enforcement officer ([clause 20\(2\)](#))
- a person is also permitted to leave the ship on which they arrived for any exceptional reason as authorised by the Director-General of Health ([clause 20\(3\)](#))
- a person who has been required or permitted to disembark for an extended period (such as to enter a place of isolation or quarantine) may have to leave their ship unattended for the period they are away. Agencies involved (such as the Ministry of Health and Customs) will not take responsibility for the security and safety of these ships and arrangements for matters such as the anchorage of the craft are the responsibility of the craft's owner or master to arrange.
- legal advice has been given on steps that Customs officers can take to reduce the risk that Government agencies would be held to owe a duty of care to any person in relation to these ships.

28. Other reasons for disembarkation include:

- To transfer to a place of isolation or quarantine by a medical officer of health/health protection officer (if satisfied that it is needed - [clause 18](#)).
- crew disembarking the ship they arrived on, having not completed the required isolation/quarantine period in order to travel to an international airport to leave New Zealand ([clause 26\(2\)](#)).

**Boarding/Approaching ships in isolation or quarantine**

29. No person may board a ship with people on board in isolation or quarantine ([clause 24\(1\)](#)). Also, no person may come within 50 metres of the ship ([clause 24\(4\)](#)) except if an exemption applies e.g. Customs Hawk, a tugboat OR if a person has been authorised to bring a ship within 50 metres.
30. The only exception to the boarding restriction is boarding of a person who is undertaking a 'necessary task' ([clause 24](#)).

31. A “person who undertakes a necessary task” is [defined](#) (in [clause 4](#)) and relates to specific people (other than crew members) who are acting in their normal course of work. These people include:
- an “enforcement officer” (as defined in [section 5](#) of the COVID-19 Public Health Response Act 2020):
  - a Customs officer
  - an immigration officer
  - an inspector appointed under the Biosecurity Act 1993:
  - a fishery officer
  - a person helping with loading/unloading or the essential business of the ship (such as an agent or a stevedore)
32. A person carrying out a necessary task must take steps to minimise the risk or spread of COVID-19 including ([clause 25](#)):
- maintaining physical distancing (to the greatest extent practicable) from any person who is in isolation or quarantine; and
  - wearing personal protective equipment.

### Exemptions

People on board a NZ government ship, a NZ warship, or a foreign State ship are exempt from (under [clause 30](#)):

- the requirement to provide extended notice of arrival under [clause 14](#)
- the requirement for the master to ensure awareness of isolation/quarantine requirements under [clause 16](#)
- isolation/quarantine requirements under [clauses 17 to 23](#)

#### Note:

A foreign State ship can only arrive in NZ if it has been granted diplomatic clearance by MFAT ([clause 10\(2\)\(c\)](#)). While the Order provides exemptions to the requirements listed above, crew on a foreign State ship may be required to carry out isolation/quarantine on board, or be subject to testing, as a condition of MFAT clearance, depending on medical advice received by MFAT.

### Crew transfers/changes

33. Crew departing New Zealand by air or sea ([clause 26](#)):
- crew who wish to disembark the ship on which they have arrived in New Zealand (or leave the place of isolation or quarantine they have been transferred to after arriving in New Zealand) in order to depart New Zealand; **AND**
  - who haven’t completed the required period of isolation or quarantine **MAY**

- disembark the ship (or leave place of isolation or quarantine) to travel to the nearest [security designated aerodrome](#) to board an aircraft scheduled to leave New Zealand on the same day **OR** to board a ship that is scheduled to leave New Zealand as soon as is reasonably practicable.
  - if the flight does not leave the same day that the crew member disembarks **OR** the ship the crew member wishes to board does not depart NZ as soon as is reasonably practicable **THEN**
  - a medical officer of health or health protection officer must transfer the crew member to a place of isolation/quarantine for the purpose of the crew member completing the required period of isolation/quarantine
34. Crew who have arrived in New Zealand at a security designated aerodrome for the purpose of boarding a ship (as crew) that is scheduled to depart New Zealand as soon as is reasonably practicable ([clause 27](#)):
- may travel from the aerodrome to the departing ship **HOWEVER** if the ship does not depart NZ as soon as is reasonably practicable a medical officer of health/health protection officer must transfer the crew member to a place to complete required isolation/quarantine or until the ship departs, whichever occurs first.
35. Crew who have arrived in New Zealand at a security designated aerodrome for the purpose of boarding a ship that is **not** scheduled to depart New Zealand as soon as is reasonably practicable ([clause 28](#)):
- must travel from the aerodrome to a place of isolation or quarantine for the purpose of completing the required period of isolation/quarantine or until the ship departs, whichever happens first.
36. A crew member of a ship who is required to travel from a ship, a security designated aerodrome, a departing ship or another ship, or a place of isolation or quarantine must do so:
- in accordance with the directions of the chief executive of MBIE; and
  - as quickly and directly as is reasonably practicable ([clause 29](#)).
37. Permitted shipping movements:

**NOTE: Part 2 (Ships arriving in NZ) and Part 3 (Isolation or quarantine requirements) of the Order do not apply to permitted shipping movements ([clause 31](#)).**

The provisions of the Order relating to restrictions on ship arrivals and the isolation or quarantine requirements for people arriving into New Zealand on board a ship do not apply to permitted shipping movements if all persons on board (who are required to carry out isolation/quarantine on board) have completed the required period of isolation or quarantine

The permitted shipping movements are:

- arriving in New Zealand, if that ship was previously at a New Zealand port and left New Zealand to support an offshore installation **AND/OR** to support another ship operating offshore

(Note: this is a permitted shipping movement only if the people on the ship have not

interacted with people from another ship or place other than those that the ship is supporting)

- if that ship is a fishing ship entering a New Zealand port **AND** was previously at a New Zealand port **AND** it left New Zealand to operate in the EEZ, the high seas, or the EEZ of another state

(Note: this is a permitted shipping movement only if the people on the ship have not interacted with people from another ship **AND** have not embarked or disembarked any crew member since the ship was previously at a NZ port)

- arriving in another New Zealand port from a port in the Chatham Islands. This applies only if the ship was previously at another New Zealand port and travelled only to the Chatham Islands port

Permitted shipping movements are also subject to compliance with any reasonable directions given by an enforcement officer for the purpose of [clause 31](#).

If the ship is disqualified from this permission, for example if there has been interaction with people from another ship, then the provisions of the Order apply.

## PART B: AUTHORISATIONS TO ENFORCE THE MARITIME BORDER ORDER

38. The Order has been made by the Minister of Health in accordance with the [Covid-19 Public Health Response Act 2020](#).
39. Under section 18 of that Act the Director-General of Health may authorise suitably qualified and trained persons, who are employed by the Crown, to carry out any functions and powers of an enforcement officer under the Act.
40. Customs officers have been authorised as enforcement officers under the Act for certain purposes and for the purposes of exercising certain powers.
41. On 27 August 2020 the Director-General authorised Customs officers to carry out the following functions and powers of an enforcement officer under the Covid-19 Public Health Response Act 2020:
  - the power to enter any land, buildings, craft, vehicle, place, or thing under [section 20](#) of the Act
  - the power to give directions under [section 21](#) of the Act
  - the power to direct persons to provide identifying information under [section 23](#) of the Act.
42. A Customs officer is authorised to exercise these powers in respect of the following actions and **for the purposes of assisting in the implementation and enforcement** of the Maritime Border Order:
  - maintaining the security of entry and exit points in relation to ports and ships that have arrived in New Zealand, as required;
  - provide information and engage with people to ensure they understand the isolation/quarantine rules in relation to the Order;
  - monitor and, if necessary, direct the movement of persons at ports and on ships; and
  - monitor compliance at ports and on ships in relation to people disembarking, physical distancing rules, and rules in relation to wearing personal protection equipment.
43. The authorisation is in effect until **31 May 2021** unless revoked earlier than that date.
44. The authorisation will be renewed as necessary.

## Customs officers' powers as enforcement officers

### 45. Powers of entry:

#### **Section 20 Powers of entry**

Under section 20 an enforcement officer may enter, without warrant, any land, building, craft, vehicle, place, or thing if they have reasonable grounds to believe that a person is failing to comply with any aspect of a section 11 order (the Maritime Border Order is a section 11 order).

However, an enforcement officer is **not permitted** under this provision to enter a private dwelling-house.

You are **not permitted to use reasonable force** to effect entry. Only a Police officer is entitled to use force for these purposes.

If you exercise a warrantless entry power under this section **you must provide a written report** to the Director-General (or an employee designated to receive report of that kind by the Director-General) as soon as practicable after exercising the power.

A report must contain:

- a short summary of the circumstances surrounding the exercise of the power, and the reason or reasons why the power needed to be exercised; and
- a description of any other action undertaken.

### 46. Power to give directions:

#### **Section 21 Power to give directions**

An enforcement officer who has reasonable grounds to believe that a person is contravening or likely to contravene a section 11 order may:

direct that person to stop any activity that is contravening or likely to contravene the order;

direct that person to take any action to prevent or limit the extent of the person's non-compliance

Note:

A direction may be given verbally or in writing ([section 25](#))

**A quick reference table is attached to this material to help officers identify at a glance requirements that may be being contravened. The table is a guide only and officers should familiarise themselves with the requirements of the Order.**

### 47. Power to direct a person to provide identifying information:

#### **Section 23 Power to direct a person to provide identifying information**

For the purpose of exercising powers, an enforcement officer may direct a person to give the person's full name, full address, date of birth, occupation, and telephone number, or any of those particulars that the enforcement officer may specify.

48. When exercising powers an officer must (and subsequently on request) produce evidence of appointment as an enforcement officer and evidence of identity.

#### **Section 19 Evidence of identity**

**Every enforcement officer (other than a constable in Police uniform) exercising any of the powers conferred by or under this Act must, at the time of exercising that power, and subsequently on request, produce-**

- (a) evidence of that person's appointment as an enforcement officer; and**
- (b) evidence of that person's identity.**

49. Evidence of appointment is included as part of the authorisation signed off by the Director-General (**a copy of the authorisation and evidence of appointment is attached to these materials**). Customs ID can be used as evidence of identity.

### **Offences for not complying with requirements under the Order or obstructing an enforcement officer**

50. It is an offence if a person **intentionally** fails to comply with a requirement under the Order ([section 26 of the Act](#)).
51. It is an offence ([under section 27\(1\) of the Act](#)) if a person obstructs or intentionally threatens, assaults, or hinders an enforcement officer in the exercise or performance of powers or functions under sections 20 to 24 (officers have powers under sections 20, 21, and 23).
52. It is an offence ([under section 27\(2\) of the Act](#)) if a person intentionally fails to comply with a direction, prohibition, or restriction given or imposed under any of sections 21 to 24 (officers have powers to direct under sections 21 and 23).
53. A person who commits any of these offences is liable:
- on conviction to imprisonment for a term no greater than 6 months OR a fine of no more than \$4000.
54. As an enforcement officer under the Covid-19 Public Health Response Act 2020 a **Customs officer does not have a power to arrest in relation to these offences, and officers do not have any powers to restrain a person committing an offence.** Officers must contact Police in cases of non-compliance.

### **Infringement Offences**

55. The Order (No 2) brings into effect infringement offences. A breach of certain requirements in the Order is an infringement offence under section 26(3) of the COVID-19 Public Health Response Act 2020.
56. The infringement offences are found:
- under [clause 21\(3\)](#) in respect of certain breaches relating to disembarkation to undertake essential tasks;

- under [clause 24\(5\)](#) in respect of certain breaches relating to isolation or quarantine;
  - under [clause 29\(2\)](#) in respect of requirements relating to crew transfers.
57. A person is liable to an infringement fee of \$300 or a fine not exceeding \$1,000.
58. Customs officers (as authorised enforcement officers for the purposes of the Order) are not currently authorised to issue infringement notices. Any related non-compliance should be referred to Police.

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Previous version	2

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## MARITIME BORDER ORDER (No 2) REQUIREMENTS QUICK REFERENCE GUIDE

CLAUSE	DETAILS
<b>Clause 17 General requirement to remain in isolation or quarantine on board arriving ship</b>	A person arriving in NZ on board a ship must remain in isolation/quarantine for at least 14 days on board (the 14 day period is counted in accordance with cl 17(2)) and may not disembark except if being transferred to an MIF (cl 18(1)) <b>OR</b> if authorised by a medical officer of health or health protection officer (in accordance with cl 19) <b>OR</b> to carry out essential tasks (cl 21(1)) <b>OR</b> for certain other purposes (cl 20(1)) <b>OR</b> if crew departing NZ (cl 26).
<b>Clause 20 A person who has not completed the required period of isolation/quarantine on board a ship may disembark for certain reasons (see box to the right for list of reasons)</b>	<p>If necessary to preserve life/safety <b>OR</b> if there's a need to access a court/tribunal <b>OR</b> if being moved to a temporary/emergency place of isolation or quarantine <b>OR</b> if approved as necessary to access medical services <b>OR</b> if required by a court order or other detention power e.g probation <b>OR</b> if required under Part 4 of the Health Act 1956 <b>OR</b> if approval given to accompany another person for above reasons <b>OR</b> for exceptional reasons authorised by DG Health (cl 20(3))</p> <p>Above permissions (except the one the DG approves) only apply if the person has, where practicable, advised and complied with any reasonable directions of an enforcement officer (cl 20(2))</p>
<b>Clause 21 Person may disembark the ship they arrived on to undertake an essential task on, or immediately adjacent to, that ship. "Essential task" is not defined in the Order and includes tasks such as those listed in the box opposite. The person may not undertake any other tasks or activities while disembarked.</b>	<p>Essential tasks include loading/unloading cargo, maintenance, safety checks, necessary preparations e.g. rigging gangways, reporting for and undergoing testing and medical exam (cl 21(1))</p> <p>Must take reasonable steps to minimise the risk of spreading COVID-19 such as remaining as close as reasonably practicable to the ship, maintaining physical distancing as practicable, wearing PPE if coming into close contact with someone who did not arrive on that ship, following an officer's directions (cl 21(2))</p>
<b>Clause 22 Obligation to undergo testing and medical examination</b>	A person arriving on a ship must, at any time during their required period of isolation/quarantine, report for and undergo testing and a medical exam if directed by a medical officer of health or health protection officer.

## MARITIME BORDER ORDER (No 2) REQUIREMENTS QUICK REFERENCE GUIDE

CLAUSE	DETAILS
Clause 24 Requirements when a ship has people on board in isolation/quarantine.	<p>No person may board the ship except to carry out a necessary task e.g. an enforcement officer, Customs/Immigration/Biosecurity officers, ship's agent, stevedores, port staff, seafarer welfare advocate (cl 24(2) and definition of "person who undertakes a necessary task" at clause 4).</p> <p>No person may disembark, except a person undertaking a necessary task (as described above) <b>OR</b> as per the "Details" box for clause 17 on previous page.</p>
	<p>No person may bring a ship within 50 metres of a ship that has people on board in isolation/quarantine <b>EXCEPT</b> for ships in certain service (e.g. Customs, Police) <b>OR</b> carrying a person who undertakes a necessary task <b>OR</b> a ship necessary for the safe navigation or operation of the ship that has people in isolation/quarantine on board e.g. tugboat <b>OR</b> a person authorised by an enforcement officer to bring a ship within 50 metres.</p>
Clause 25	<p>A person who undertakes a necessary task and who boards a ship under clause 24 must take steps to minimise the risk of outbreak or spread of COVID-19 including by maintaining physical distancing from anyone in isolation/quarantine <b>AND</b> wearing PPE.</p>

### ENFORCEMENT OFFICER POWERS UNDER THE COVID-19 PUBLIC HEALTH RESPONSE ACT 2020:

- Power to enter land, building, vehicle, craft, place, or thing, if reasonable grounds to believe a person is failing to comply with any aspect of the Order (s 20);
- Power to give directions if reasonable grounds to believe a person is contravening or likely to contravene the Order (s 21);
- For the purpose of exercising powers, may direct a person to give full name, full address, date of birth, occupation, and telephone number, or any of those particulars that the enforcement officer may specify (s 23).

**Note:** officers do not have powers to detain, search, arrest, or use force.

# AUTHORISATION AND EVIDENCE OF APPOINTMENT

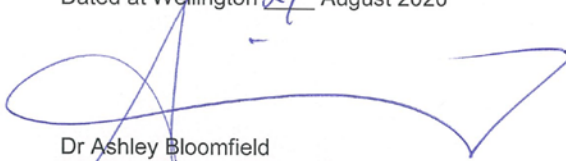


## COVID-19 PUBLIC HEALTH RESPONSE ACT 2020

### SECTION 18 AUTHORISATION

1. In accordance with section 18 of the COVID-19 Public Health Response Act 2020 ("the Act"), I, Dr Ashley Bloomfield as Director-General of the Ministry of Health, authorise Customs Officers (as defined in section 5 of the Customs and Excise Act 2018), who are employed or engaged by the New Zealand Customs Service ("Customs"), to carry out the functions and powers of an enforcement officer as further described in this authorisation.
2. I am satisfied that Customs Officers are suitably qualified and trained persons.
3. Subject to paragraph 4, I authorise Customs Officers to carry out the following functions and powers of an enforcement officer under the Act:
  - a. the power to enter any land, buildings, craft, vehicle, place, or thing under section 20;
  - b. the power to give directions under section 21; and
  - c. the power to direct persons to provide identifying information under section 23.
4. A Customs Officer may carry out powers and functions of an enforcement officer set out in paragraph 3 of this authorisation in respect of the following actions for the purpose of assisting in the implementation and enforcement of the COVID-19 Public Health Response (Maritime Border) Order 2020 (Order) (or any order that modifies, replaces or corresponds to that order):
  - a. maintaining the security of entry and exit points in relation to ports and ships that have arrived in New Zealand, as required;
  - b. provide information and engage with people to ensure they understand the isolation/quarantine rules in relation to the Order;
  - c. monitor and, if necessary, direct the movement of persons at ports and on ships; and
  - d. monitor compliance at ports and on ships in relation to people disembarking, physical distancing rules, and rules in relation to wearing personal protection equipment.
5. This authorisation will take effect from **27 August 2020** and will continue to apply until **31 May 2021**, unless earlier revoked in accordance with section 18(4) of the Act.
6. Any previous authorisations to Customs Officers are herein revoked and superseded by this authorisation.

Dated at Wellington 27<sup>th</sup> August 2020



Dr Ashley Bloomfield  
Director-General of Health



### Evidence of authorisation

*Customs officers, who meet the definition in section 5 of the Customs and Excise Act 2018 and who are employed or engaged by the New Zealand Customs Service (Customs), are authorised under section 18(1) of the COVID-19 Public Health Response Act 2020 (the Act), as an Enforcement Officer to exercise the following functions and powers—*

- *enter, without a warrant, any land, building, craft, vehicle, place, or thing if they have reasonable grounds to believe that a person is failing to comply with any aspect of an order made under section 11 of the COVID-19 Public Health Response Act 2020;*
- *give directions under section 21 of the Act to stop any activity that is contravening or likely to contravene an order issued under section 11 of the Act, or give direction to take any action to prevent or limit the extent of the person's non-compliance;*
- *direct a person to provide identification information under section 23 of the Act including full name, address, date of birth, occupation, and telephone number or any of these particulars.*

*A direction may be given either verbally or in writing.*

*These functions and powers may be carried out in respect of the following actions for the purpose of assisting in the implementation and enforcement of the COVID-19 Public Health Response (Maritime Border) Order 2020 (Order) (or any order that modifies, replaces or corresponds to that order):*

- a. *maintaining the security of entry and exit points in relation to ports and ships that have arrived in New Zealand, as required;*
- b. *provide information and engage with people to ensure they understand the isolation/quarantine rules in relation to the Order;*
- c. *monitor and, if necessary, direct the movement of persons at ports and on ships; and*
- d. *monitor compliance at ports and on ships in relation to people disembarking, physical distancing rules, and rules in relation to wearing personal protection equipment.*

Authorised by the Director General of Health \_\_\_\_\_

Date: 27/8/2020

This authorisation is valid until **31 May 2021**.