

# Requirements for aircrew ordinarily resident in New Zealand to reduce the risk of COVID-19 infection and transmission

24 DECEMBER 2020

The COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 (the Amendment Order) came into force at 11:59 on 20 December 2020.<sup>1</sup> The Amendment Order amends the legal requirements for aircrew under the following Orders:

- COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order)  
<https://www.legislation.govt.nz/regulation/public/2020/0239/latest/LMS403346.html>
- COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (the Isolation and Quarantine Order)  
<https://www.legislation.govt.nz/regulation/public/2020/0241/latest/whole.html#LMS401701>

Under the amended Air Border Order, an **aircrew member** means a person identified as a crew member on the crew manifest for the aircraft on which they arrive in New Zealand. This may include cabin crew, pilots, cargo crew and horse grooms. It applies to aircrew on all flights including commercial, cargo/freight, chartered, aeromedical and private flights.

An *aircrew member* also includes a person who is not on the crew manifest, but who is on the aircraft at the direction of an airline for which they work as a pilot, co-pilot, or flight attendant. This will generally include re-positioning crew and an aircrew member returning from a period of flight simulator training in Australia that is not available in New Zealand, but it will not include re-positioning horse grooms.

This guidance is written to assist with understanding the provisions in the Orders. If you need assistance with the interpretation of the amendments or Orders, please seek your own legal advice.

<sup>1</sup> As amended by the COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order (No 2) 2020 Amendment Order 2020

## Most aircrew members are exempt from the requirement to isolate or quarantine in accordance with the Isolation and Quarantine Order

Most aircrew members arriving in New Zealand by air, and who are ordinarily resident in New Zealand<sup>2</sup>, are exempt from the requirement to isolate or quarantine in accordance with the Isolation and Quarantine Order. However, there are some important conditions and exceptions that apply to this exemption.

1. All aircrew returning to New Zealand must undergo the normal health assessment upon arrival. A suitably qualified health practitioner must be satisfied that the aircrew member is at a low risk of transmitting COVID-19. If the health practitioner is not satisfied, the aircrew member be required to enter a managed isolation or quarantine facility. This might be because the aircrew member presents with symptoms of COVID-19, or there is some other reason why they are not considered a low risk for transmitting COVID-19.
2. Aircrew who are returning from flying a *higher-risk route* within the 7 days immediately before arriving in New Zealand, and aircrew returning from flight simulator training in Australia that is not available in New Zealand, are not exempt from the requirement to be isolated or quarantined in accordance with the Isolation and Quarantine Order. In this situation, the default isolation or quarantine requirement is 48 hours at their notified place of self-isolation, before undergoing a test for COVID-19, and then continuing to isolate and quarantine until a negative result is received. More information on this is included below on page 5.

**Higher risk route.** The Director General of Health may designate routes between a place outside New Zealand and another place (in or outside New Zealand) as a '**higher-risk**' route. The routes that are currently designated higher-risk can be found here: <https://gazette.govt.nz/notice/id/2020-go4666>.

Designated higher-risk routes may change in the future and will be updated on this page:

<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-aviation-sector>.

3. Aircrew are also not exempt if they were outside New Zealand for a continuous period of at least 7 days immediately before arriving in New Zealand by air or if they have *travelled domestically outside New Zealand* within the 7 days immediately before arriving in New Zealand by air.

**Travelled domestically outside New Zealand** means they travel by aircraft on a domestic route in a country outside New Zealand and there are other persons travelling on the aircraft who are not the pilot or a co-pilot of the aircraft or a person who works as a pilot, co-pilot, or flight attendant for the same airline as the aircrew member. This will include travelling on commercial passenger service.

The Minister granted an exemption to the requirement to automatically enter a managed isolation or quarantine facility on 21 December 2020. This means that aircrew returning from being outside New Zealand for a continuous period of at least 7 days or who travelled domestically outside New Zealand within the 7 days immediately before arrival in New Zealand may be exempt from the obligation to enter managed isolation and quarantine if:

<sup>2</sup> Aircrew who remain airside or who are returning from Antarctica may also be exempt from the additional requirements in Clause 8 of the Air Border Order. More information about this is provided on page 7.

- a risk assessment has been undertaken by a medical officer of health to determine their risk of exposure to COVID-19 during their most recent absence from New Zealand; and
- the medical officer of health has assessed and determined a type and period of isolation or quarantine (if any) based on the risk of exposure and having or transmitting COVID-19.

The type and period of isolation or quarantine determined can be:

- Self-isolation as described below for aircrew returning from higher risk routes or
- Managed isolation or quarantine for 14 days or
- No period of isolation or quarantine.

If the determination by the medical officer of health is not made before the aircrew member's arrival in New Zealand, the returning air crew member must enter a managed isolation or quarantine facility. Therefore, aircrew members or their airline should contact [COVID-19BorderOps@health.govt.nz](mailto:COVID-19BorderOps@health.govt.nz) at the earliest opportunity to discuss the risk assessment process.

A copy of the exemption notice is available here: <https://www.gazette.govt.nz/notice/id/2020-go5897>

Please note that a determination by a medical officer of health has been made for aircrew who have been in Australia continuously for 7 days or more or who have travelled domestically in Australia within 7 days before arriving in New Zealand. The exemption will generally apply to them and it has been determined they are generally not subject to any isolation or quarantine requirements on their return.

4. Aircrew who fail to meet the *key safety standards* are also not exempt. This is discussed below.

In addition, all aircrew must, after arriving at a New Zealand airport and when travelling from the airport to their place of isolation or quarantine (if relevant), maintain physical distancing to the greatest extent practicable from all other persons (other than *fellow travellers*) and wear personal protective equipment as directed to by a medical officer of health or a health protection officer.

***Fellow travellers*** means an aircrew member arriving in New Zealand on the same aircraft.

As a minimum, the personal protective equipment required is a mask. Individual airports may require additional personal protective equipment while moving through the airport.

## Meeting the key safety standards while outside New Zealand

Aircrew members who are ordinarily resident in New Zealand must meet the *key safety standards* while outside New Zealand to be exempt from the usual isolation and quarantine requirements for people arriving in New Zealand by air.

An aircrew member will be required to isolate or quarantine for 14 days in accordance with the Isolation and Quarantine Order if a medical officer of health determines (on the basis of information brought to that officer's attention) that there are reasonable grounds to believe that, within 7 days immediately before their flight's arrival in New Zealand and while outside New Zealand, the aircrew member failed to meet one or more of the *key safety standards*.

The **key safety standards** are:

## Physical distancing

Aircrew must maintain physical distancing of 2 metres or more from all other persons (to the greatest extent practicable) other than with:

- persons on an aircraft on which the crew member is travelling or
- *fellow workers* of the crew member or
- persons at any place in Australia where the crew member is undertaking flight simulator training that is not available in New Zealand.

## Personal protective equipment

Aircrew must wear personal protective equipment at all times (to the greatest extent practicable) while at any place other than:

- the cockpit of an aircraft
- a place on an aircraft that is set aside for operating crew to rest, or take breaks, away from passengers
- an aircraft on which the only other persons are—
  - the pilot or co-pilot of that aircraft; or
  - *fellow workers* of the crew member
- a *specified place* at any accommodation where they are staying
- a place in Australia where they are undertaking flight simulator training that is not available in New Zealand.

## Travel to accommodation or flight simulator training

After arriving in a country outside New Zealand, aircrew must travel as soon as and as directly as practicable to the accommodation where they are staying or any place where they are undertaking flight simulator training.

In addition, if undertaking flight simulator training in a country outside New Zealand, aircrew must travel as directly as practicable between any accommodation where they are staying and any place where they are required to travel to undertake the training.

## Isolation at accommodation

Aircrew must not leave their allocated room at the accommodation where they are staying in a country outside New Zealand except:

- to preserve or protect their own or another person's life, health, or safety in an emergency or
- to access medical services or
- to collect food from a place at the accommodation or
- to exercise at the accommodation (except at any shared exercise facility at the accommodation, such as a swimming pool or gym) or
- to visit a *specified place* at the accommodation or
- to travel from the accommodation to a place where they are undertaking flight simulator training or
- to travel from the accommodation to an aircraft that is scheduled for departure and that the airline for which they work directs them to travel on.

In addition, while at any accommodation where they are staying in a country outside New Zealand, aircrew must not permit any other person to enter their room except a person entering for medical, emergency, or law enforcement purposes or a *fellow worker* of the crew member.

**Fellow worker** means a person who works as a pilot, co-pilot, or flight attendant for the same airline as the crew member.

**Specified place**, at the accommodation where an aircrew member is staying, means—

- the aircrew member's allocated room; or
- the allocated room of a fellow worker of the aircrew member; or
- a dedicated relaxation area.

**Dedicated relaxation area**, at the accommodation where an aircrew member is staying, means any place that is currently set aside for the exclusive use of pilots, co-pilots, or flight attendants of the airline for which the aircrew member works; but does not include a restaurant, cafe, bar, or shared exercise facility.

### Remaining airside

If an aircrew member is not staying at any accommodation before departing from a country outside New Zealand, or is staying in accommodation on the *airside* of an airport before departing that country, they must remain *airside* of the airport at which they arrive in that country and any other airport through which they transit in that country.

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

## Additional requirements for aircrew who travel internationally on designated 'higher-risk' routes and for pilots undergoing flight simulator training in Australia

There are additional legal requirements that apply to aircrew who are ordinarily resident in New Zealand and who have flown on a higher-risk route within 7 days immediately before their arrival by air in New Zealand or who are returning from a period of flight simulator training in Australia that is not available in New Zealand before their arrival by air in New Zealand. These are:

### 1. Self-isolation on return to New Zealand

Aircrew must undergo a *period of self-isolation* for at least 48 hours before undergoing a COVID-19 test and medical examination. They must then continue their *self-isolation* until they receive a negative result from the COVID-19 test and medical examination (see 3 below for more about what a COVID-19 test and medical examination usually involve).

The *period of self-isolation* commences as soon as practicable after they arrive in New Zealand. This will be when the aircrew member arrives at their place of self-isolation. It ends after they receive a negative result from a COVID-19 test and medical examination.

Aircrew must nominate a *place of self-isolation*.

Aircrew are permitted to travel to their nominated *place of self-isolation* after international duties using domestic flights. However, while travelling, they must wear personal protective equipment. This includes wearing a mask on domestic flights.

### 2. Providing the address of their place of self-isolation and contact details

Aircrew are required to notify the Ministry of Health before they leave the airport of:

- the address of the residence or other accommodation that they intend to be their *place of self-isolation*, and
- an email address and phone number at which they may be contacted.

The method for aircrew to provide these details will be confirmed shortly however, in the interim, aircrew are not required to provide any details other than completing the aircrew arrival card.

### 3. Undergoing a medical examination and test

Aircrew in self-isolation must report for, and undergo, a 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.

In this setting, medical examination and testing for COVID-19 usually refers to a PCR test for COVID-19.

Aircrew should wear a mask and practice physical distancing of at least 2 metres when travelling to the location where they will be tested in accordance with the self-isolation requirements below.

### 4. Self-isolating at their nominated residence or other accommodation

During their period of self-isolation, aircrew must:

- self-isolate at the accommodation notified to the Ministry of Health as their place of self-isolation. This does not have to be at their usual residence and an employer may make special arrangements for this accommodation.
- maintain physical distancing of at least 2 metres (to the greatest extent practicable) from every person in or outside their place of self-isolation
- not permit any other person to enter their accommodation unless that person lives at their accommodation or the person enters for the purposes of preserving or protecting their own or another person's life, health, or safety in an emergency
- wear personal protective equipment at all times (to the greatest extent practicable) when outside their place of self-isolation.

Aircrew are only permitted to leave their place of self-isolation:

- to report for, and undergo, medical examination and testing required under the Isolation and Quarantine Order (see 3. above).
- to do any outdoor exercise (except at any shared exercise facility, such as a swimming pool)
- if they need to leave to preserve or protect their own or another person's life, health, or safety in an emergency
- to access medical services
- to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend
- if a medical officer of health is satisfied that they need to leave to move to a place of isolation or quarantine (for example, for temporary or emergency care while the person is sick)
- if they are required to move to a place of isolation or quarantine by a court order or any other obligation imposed by or under an enactment that is related to the detention of the person.

Aircrew are not permitted to leave their place of self-isolation for anything other than the reasons described above. Anytime aircrew leave their place of self-isolation for these reasons, they must maintain physical distancing and wear PPE at all times.

## Other situations where aircrew returning from high-risk routes or a period of flight simulator training in Australia will not be exempt from 14 days isolation or quarantine

There are several other situations which will result in an aircrew member who has flown from a higher-risk route or is returning from a period of flight simulator training in Australia being subject to 14 days managed isolation or quarantine. These are if:

- they are assessed by a medical officer of health to have had a high risk of exposure to COVID-19 during their most recent absence from New Zealand. This assessment must take place no earlier than 7 days before their arrival.
- they were outside New Zealand for a continuous period of at least 7 days immediately before arriving in New Zealand by air.
- they had travelled by aircraft on a domestic route in a country outside New Zealand with others who were not the pilot or co-pilot of the aircraft within the 7 days immediately before that arrival.
- a suitably qualified health practitioner responsible for the medical examination and testing of the worker under clause 8(2) of the Air Border Order is not satisfied that the worker is at a low risk of having or transmitting COVID-19. This might include if the aircrew member has symptoms consistent with COVID-19.

## Aircrew exempted from the whole of Clause 8 of the Air Border Order

Clause 8 of the Air Border Order includes the requirement to:

- isolate or quarantine under the Isolation and Quarantine Order (8(3)),
- report for a medical examination and testing on arrival (8(2))
- wear PPE and practice physical distancing while at the airport (8(4)).

### Aircrew who arrive from Antarctica

Any person (including aircrew) arriving in New Zealand by air from Antarctica is exempt from clause 8 of the Air Border Order if the person is a member of, or associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960) or a person to whom section 5 of the Antarctica Act 1960 applies.

However, a person arriving from Antarctica is not exempt from clause 8(2), (3), or (4) if a medical officer of health has assessed that there is a more than negligible risk that the group of arrivals from Antarctica to which the person belongs has been exposed to COVID-19 within 14 days before that arrival. This assessment must be made within the 7 day period before the person's arrival in New Zealand.

### Aircrew who remain airside of an airport in New Zealand

A person (including aircrew) who remains *airside* is exempt from clause 8 if, until they depart from New Zealand, they remain on the airside of the airport at which they arrive in New Zealand and any other airport in New Zealand through which they transit. This exemption only applies to aircrew who remain airside in New Zealand. It does not apply to aircrew who remain airside at an overseas airport.

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

### Aircrew on a plane that is turned back to New Zealand

A person (including aircrew) arriving by air in New Zealand is exempt from clause 8 if the aircraft on which they arrive did not land in a place outside New Zealand after it most recently departed from New Zealand. This includes a situation where the aircraft has returned to New Zealand because of a mechanical fault.

However, if an aircrew member was in New Zealand for less than 14 days immediately before the aircraft's most recent departure from New Zealand, they will not be exempt from all of clause 8, and the usual legal obligations on their arrival will apply. This will include if they have worked on an overseas tour of duty in the previous fortnight.

### Aircrew from the New Zealand Defence Force

A person (including aircrew) who is a member of the New Zealand Defence Force and is returning from service outside New Zealand is also exempt from clause 8.

## Additional standards to keep aircrew safe

In addition to the legal requirements listed above, it is strongly recommended that aircrew take additional precautions to reduce the risk of being exposed to or transmitting COVID-19. These precautions include:

- practicing regular and thorough hand hygiene at all times
- remaining vigilant for, and reporting, any possible symptoms of COVID-19 as early as possible,
- staying at home and seeking advice from Healthline (0800 358 5453) if unwell
- moving through a safe corridor at the airport if one is provided to minimise contact with other arrivals
- using dedicated private transport to and from the airport to the layover accommodation

Aircrew should remain vigilant for symptoms of COVID-19 for 14 days after they return to New Zealand. They should immediately contact Healthline on 0800 358 5453 or their GP for further advice if they develop symptoms even if they have received a negative COVID-19 test result in the past.

### Further questions?

You are welcome to send any questions to [COVID-19BorderOps@health.govt.nz](mailto:COVID-19BorderOps@health.govt.nz).