

Reprint
as at 25 November 2020



**COVID-19 Public Health Response (Required Testing)
Order 2020**
(LI 2020/230)

This order is made by the Minister of Health under section 11 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	5
6 Application of order	5
<i>Testing and medical examination requirements</i>	
7 Affected person must undergo testing and medical examination	5
8 Exemptions from testing and medical examination	5
9 Scope of testing and medical examination	6
<i>Further duties relating to testing and medical examination</i>	
10 Duty of relevant PCBU to facilitate compliance with testing and medical examination requirements	7
11 Duty of relevant PCBU to keep record of testing and medical examination	7
<i>Infringement offences</i>	
12 Infringement offences	8
Schedule 1	
Transitional, savings, and related provisions	
	8

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.

Schedule 2 Groups of affected persons and relevant requirements

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Order

1 Title

This order is the COVID-19 Public Health Response (Required Testing) Order 2020.

2 Commencement

This order comes into force at 11.59 pm on 29 August 2020.

3 Purpose

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by requiring testing and medical examination of affected persons for COVID-19.

4 Interpretation

In this order, unless the context otherwise requires,—

affected airport, in relation to a place, means an airport where an aircraft arrives from a location outside New Zealand

affected person, in relation to a place, means a person—

- (a) who belongs to a group; and
- (b) who carries out work in any capacity (whether paid or unpaid) at the place

affected port, in relation to a place, means a port where a ship arrives from a location outside New Zealand

affected ship, in relation to a group, means a ship with any person or persons on board who are required to be isolated or quarantined in accordance with a COVID-19 order

aircraft has the same meaning as in section 2(1) of the Civil Aviation Act 1990

aircrew member means any of the following persons:

- (a) cabin crew who—
 - (i) are ordinarily resident in New Zealand; and
 - (ii) work on an international flight on or after 19 October 2020;
- (b) other persons who—
 - (i) are ordinarily resident in New Zealand; and
 - (ii) are identified as crew members on a crew manifest for an aircraft that has travelled internationally on or after 19 October 2020; and

- (iii) have an international layover (whether airside or landside) during that travel:
- (c) cabin crew who, on or after 19 October 2020, travel on a domestic flight within New Zealand that carries international arriving or international transiting passengers who have not yet completed isolation or quarantine at a managed isolation or quarantine facility

airside, in relation to an affected airport, 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 (for example, a civil aviation security area or a Customs-controlled area)

community testing centre means a centre that the Ministry of Health recognises as a community testing centre for COVID-19

enclosed space,—

- (a) in relation to an aircraft, means an enclosed or a partially enclosed space on board the aircraft in which physical distancing from the aircrew or international arriving or international transiting passengers is not practicable:
- (b) in relation to an affected ship, means an enclosed or partially enclosed space on board the ship in which physical distancing from the ship's crew is not practicable

excluded airport person, in relation to a group, means—

- (a) a person who—
 - (i) works at an affected airport, and interacts only with international departing passengers (other than international transiting passengers); or
 - (ii) works on the airside of the affected airport only in areas that are inaccessible to international arriving or international transiting passengers, and does not interact with international arriving or international transiting passengers on the landside of the affected airport; or
- (b) a person who is an aircrew member

excluded port person, in relation to a group, means a person who is in isolation or quarantine on a ship under a COVID-19 order

group means a group of persons specified in the second column of an item of the table

health practitioner has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

landside, in relation to an affected airport, means any part of the affected airport that is not airside

managed isolation facility, in relation to a place, means a facility that is designated by the New Zealand Government for use as a place of isolation

managed quarantine facility, in relation to a place, means a facility that is designated by the New Zealand Government for use as a place of quarantine

physical distancing, in relation to other persons, means remaining at least 2 metres away from those persons

place, in relation to a group, means a place specified in a Part heading in the table that applies to the group

port has the same meaning as in section 2(1) of the Maritime Transport Act 1994

relevant PCBU, in relation to an affected person, means the PCBU (within the meaning of section 17 of the Health and Safety at Work Act 2015) who employs or engages the affected person to carry out work for the PCBU

ship has the same meaning as in section 2(1) of the Maritime Transport Act 1994

table means the table set out in Schedule 2

testing centre, in relation to a group, means a testing centre for COVID-19 specified in the third column of the item of the table for the group to which the affected person belongs.

Clause 4 **affected airport**: replaced, at 11.59 pm on 16 September 2020, by clause 4(1) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 4 **affected person**: replaced, at 11.59 pm on 16 September 2020, by clause 4(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 4 **affected port**: replaced, at 11.59 pm on 16 September 2020, by clause 4(3) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 4 **aircraft**: inserted, at 11.59 pm on 16 September 2020, by clause 4(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 4 **aircrew member**: inserted, at 11.59 pm on 4 October 2020, by clause 22 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4 **enclosed space**: inserted, at 11.59 pm on 25 November 2020, by clause 4(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

Clause 4 **excluded airport person** (previously **excluded airside person**): replaced, at 11.59 pm on 25 November 2020, by clause 4(1) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

Clause 4 **landside**: inserted, at 11.59 pm on 4 October 2020, by clause 22 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

Clause 4 **physical distancing**: inserted, at 11.59 pm on 25 November 2020, by clause 4(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

Clause 4 **port**: inserted, at 11.59 pm on 16 September 2020, by clause 4(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 4 **Port of Tauranga**: revoked, at 11.59 pm on 16 September 2020, by clause 4(4) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 4 **Ports of Auckland**: revoked, at 11.59 pm on 16 September 2020, by clause 4(4) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 4 **relevant PCBU**: inserted, at 11.59 pm on 25 November 2020, by clause 4(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

Clause 4 **ship**: inserted, at 11.59 pm on 16 September 2020, by clause 4(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

6 Application of order

This order applies to the whole of New Zealand.

Testing and medical examination requirements

Heading: inserted, at 11.59 pm on 25 November 2020, by clause 5 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

7 Affected person must undergo testing and medical examination

- (1) An affected person must report for, and undergo, testing and medical examination for COVID-19—
 - (a) at a testing centre specified in the table for the group to which the affected person belongs; and
 - (b) at least once within each testing period specified in the fourth column of the item of the table for the group to which the affected person belongs.
- (2) If an affected person belongs to 2 or more groups and is subject to 2 or more testing periods, the period that requires the most frequent testing and medical examination applies to the affected person.

Clause 7: replaced, at 11.59 pm on 25 November 2020, by clause 5 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

8 Exemptions from testing and medical examination

- (1) An affected person is not required to undergo testing and medical examination under clause 7 to the extent that the person has particular physical or other needs that a suitably qualified health practitioner (in the course of carrying out work at the testing centre where the person reports for the testing and medical examination) determines would make it inappropriate for the person to undergo that testing and medical examination (or any part of it).

- (2) An affected person who works at an affected airport is not required to undergo testing and medical examination under clause 7 if an aircraft has not arrived at the affected airport from a location outside New Zealand for a period of at least 14 consecutive days.
- (3) An affected person who works at an affected port is not required to undergo testing and medical examination under clause 7 if a ship has not arrived at the affected port from a location outside New Zealand for a period of at least 14 consecutive days.
- (4) To avoid doubt,—
 - (a) the exemption in subclause (2) ceases to apply the moment an aircraft arrives at the affected airport from a location outside New Zealand;
 - (b) the exemption in subclause (3) ceases to apply the moment a ship arrives at the affected port from a location outside New Zealand.
- (5) An aircrew member is not required to undergo testing and medical examination under clause 7 if, during an applicable testing period, the aircrew member is required to be tested and isolated or quarantined under another COVID-19 order during that period.

Clause 8: replaced, at 11.59 pm on 6 September 2020, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order 2020 (LI 2020/242).

Clause 8 heading: amended, at 11.59 pm on 16 September 2020, by clause 5(1) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 8(2): inserted, at 11.59 pm on 16 September 2020, by clause 5(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 8(3): inserted, at 11.59 pm on 16 September 2020, by clause 5(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 8(4): inserted, at 11.59 pm on 16 September 2020, by clause 5(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246).

Clause 8(5): inserted, at 11.59 pm on 4 October 2020, by clause 23 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273).

9 Scope of testing and medical examination

Testing and medical examination under clause 7—

- (a) must involve taking nose swabs or mouth swabs (or both); and
- (b) may involve—
 - (i) taking temperatures;
 - (ii) carrying out chest auscultation;
 - (iii) seeking and obtaining information about symptoms.

Further duties relating to testing and medical examination

Heading: inserted, at 11.59 pm on 25 November 2020, by clause 6 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

10 Duty of relevant PCBU to facilitate compliance with testing and medical examination requirements

For the purposes of facilitating compliance with this order, a relevant PCBU—

- (a) must notify each affected person employed or engaged by the relevant PCBU of—
 - (i) the requirement to undergo testing and medical examination under clause 7; and
 - (ii) the testing period that applies to the affected person; and
- (b) must not prevent the affected person from reporting for, and undergoing, testing and medical examination during their working hours, if testing and medical examination are available during those hours.

Clause 10: replaced, at 11.59 pm on 25 November 2020, by clause 6 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

11 Duty of relevant PCBU to keep record of testing and medical examination

- (1) A relevant PCBU must, for each affected person employed or engaged by the relevant PCBU, keep and maintain a record of the following information:
 - (a) the affected person's full legal name and date of birth;
 - (b) a telephone number by which the affected person may be reached;
 - (c) the testing period that applies to the affected person;
 - (d) the dates on which the affected person has undergone testing and medical examination in accordance with the testing period that applies to the affected person;
 - (e) if the affected person is exempt from testing and medical examination under clause 8, the testing period to which the exemption relates.
- (2) The record must—
 - (a) be in writing or kept in a form or in a manner that allows the information in the record to be easily accessed and converted into written form; and
 - (b) made available as soon as practicable to an enforcement officer who requests access to the record.
- (3) For the purpose of this clause, the affected person must—
 - (a) provide the relevant PCBU with (or give the relevant PCBU access to) the information specified in subclause (1)(a) to (e) as soon as practicable; and
 - (b) ensure that the information is updated as soon as practicable after it changes.

Clause 11: replaced, at 11.59 pm on 25 November 2020, by clause 6 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

Infringement offences

Heading: inserted, at 11.59 pm on 25 November 2020, by clause 6 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

12 Infringement offences

A breach of clause 7, 10, or 11 is an infringement offence for the purposes of section 26(3) of the COVID-19 Public Health Response Act 2020.

Clause 12: inserted, at 11.59 pm on 25 November 2020, by clause 6 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

Schedule 1 Transitional, savings, and related provisions

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Part 1 Provisions relating to this order as made

There are no transitional, savings, or related provisions relating to this order as made.

Schedule 2

Groups of affected persons and relevant requirements

cls 4, 7(1)

Schedule 2: replaced, at 11.59 pm on 25 November 2020, by clause 7 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284).

Item	Group	Testing centre	Testing period
<i>Part 1: Groups in relation to managed quarantine facilities</i>			
1.1	Workers at managed quarantine facility	Community testing centre, testing centre at quarantine facility, or other healthcare facility	Once every 7 days starting on 7 September 2020
1.2	Workers who transport to or from managed quarantine facility persons required to be in isolation or quarantine under COVID-19 order	Community testing centre, testing centre at quarantine facility, or other healthcare facility	Once every 7 days starting on 7 September 2020
<i>Part 2: Groups in relation to managed isolation facilities</i>			
2.1	Workers at managed isolation facility	Community testing centre, testing centre at isolation facility, or other healthcare facility	Once every 14 days starting on 7 September 2020
2.2	Workers who transport to or from managed isolation facility persons required to be in isolation or quarantine under COVID-19 order	Community testing centre, testing centre at isolation facility, or other healthcare facility	Once every 14 days starting on 7 September 2020
<i>Part 3: Groups in relation to affected airports</i>			
3.1	Persons (other than excluded airport persons) who spend more than 15 minutes in enclosed space on board aircraft that arrives from location outside New Zealand	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 7 days starting on 25 November 2020
3.2	Airside government officials (other than excluded airport persons), including (without limitation) personnel from Immigration New Zealand, New Zealand Customs Service, Aviation Security Service, or Ministry for Primary Industries	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 7 September 2020
3.3	Airside district health board workers (other than excluded airport persons)	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 7 September 2020
3.4	Airside retail, food, and beverage workers (other than excluded airport persons)	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 7 September 2020

Item	Group	Testing centre	Testing period
3.5	Airside workers (other than excluded airport persons) handling baggage trolleys used by international arriving or international transiting passengers	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 7 September 2020
3.6	Airside airline workers (other than excluded airport persons) who interact with passengers	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 7 September 2020
3.7	Airside airport workers (other than excluded airport persons) who interact with passengers	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 7 September 2020
3.8	Airside cleaning workers (other than excluded airport persons)	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 7 September 2020
3.9	All other airside workers (other than excluded airport persons)	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 25 November 2020
3.10	All landside workers (other than excluded airport persons) who interact with international arriving or international transiting passengers	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 25 November 2020
<i>Part 4: Groups in relation to affected ports</i>			
4.1	Persons (other than excluded port persons) who spend more than 15 minutes in enclosed space on board affected ship	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 7 days starting on 25 November 2020
4.2	Pilots (other than excluded port persons) carrying out work on or around affected ship	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 7 days starting on 25 November 2020
4.3	Stevedores (other than excluded port persons) carrying out work on or around affected ship	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 14 days starting on 7 September 2020
4.4	Persons (other than excluded port persons) who board, or have boarded, affected ship	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 14 days starting on 7 September 2020
4.5	Workers who transport persons to or from affected ship	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 14 days starting on 7 September 2020
4.6	All other port workers (other than excluded port persons) who interact with	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 14 days starting on 25 November 2020

Item	Group	Testing centre	Testing period
5.1	Aircrew members	<i>Part 5: Aircrew members</i> Community testing centre, testing centre at airport, or other healthcare facility	Once every 7 days starting on 19 October 2020

Dated at Wellington this 27th day of August 2020.

Hon Chris Hipkins,
Minister of Health.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 August 2020.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response (Required Testing) 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 (Required Testing) Amendment Order (No 3) 2020 (LI 2020/284)

COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2020 (LI 2020/273): Part 3

COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2020 (LI 2020/246)

COVID-19 Public Health Response (Required Testing) Amendment Order 2020 (LI 2020/242)