

**Reprint  
as at 29 August 2020**



**COVID-19 Public Health Response (COVID-19 Testing)  
Order 2020**  
(LI 2020/208)

COVID-19 Public Health Response (COVID-19 Testing) Order 2020: revoked, at 11.59 pm on 29 August 2020, by clause 11 of the 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 sections 9 and 14(3) of that Act.

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**Order**

**1 Title**

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

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**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.**

## 2 Commencement

This order comes into force at 11.59 pm on 14 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 medical examination and testing for COVID-19, by no later than 11.59 pm on 20 August 2020, of persons who, since 11.59 pm on 21 July 2020, have carried out any of the following work:

- (a) work at an MIQF;
- (b) work at an affected port;
- (c) the transport to or from an MIQF of persons required to be in isolation or quarantine under the Air Border Order or the Maritime Border Order.

Clause 3: amended, at 11.58 pm on 17 August 2020, by clause 4 of the COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210).

## 4 Interpretation

In this order, unless the context otherwise requires,—

**Act** means the COVID-19 Public Health Response Act 2020

**affected port** means the Port of Auckland or the Port of Tauranga

**affected ship** means a ship with a person on board who is required to be isolated or quarantined in accordance with the Maritime Border Order

**Air Border Order** means the COVID-19 Public Health Response (Air Border) Order 2020

**community testing centre** means a place that is recognised by the Ministry of Health as a community testing centre for COVID-19

**higher-risk worker**, in relation to an affected port, means a person who—

- (a) is a pilot, or a stevedore, carrying out work on or around an affected ship; or
- (b) carries out any other work at an affected port and has symptoms that suggest the presence of COVID-19; or
- (c) boards or has boarded an affected ship at an affected port during the period beginning at 11.59 pm on 21 July 2020 and ending at the testing deadline.

**managed isolation or quarantine facility** or **MIQF** means a facility that is designated by the New Zealand Government for use as a place of isolation or quarantine

**Maritime Border Order** means the COVID-19 Public Health Response (Maritime Border) Order 2020

**Port of Auckland** means the port operated by Ports of Auckland Limited

**Port of Tauranga** means the port operated by Port of Tauranga Limited.

Clause 4 **affected ship**: inserted, at 11.58 pm on 17 August 2020, by clause 5 of the COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210).

Clause 4 **higher-risk worker**: inserted, at 11.58 pm on 17 August 2020, by clause 5 of the COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210).

## **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 this order**

This order applies in New Zealand.

## **7 Affected workers to be tested**

### *Requirement*

- (1) An affected worker must report for, and submit to, medical examination and testing by no later than 11.59 pm on 20 August 2020 (the **testing deadline**) at—
  - (a) a community testing centre; or
  - (b) in the case of a person who carries out work at an MIQF or an affected port at any time after this order comes into force and before the testing deadline, at—
    - (i) a community testing centre; or
    - (ii) the MIQF or the affected port (as the case may be).

### *Definition of affected worker*

- (2) An **affected worker** is a person who, at any time after 11.59 pm on 21 July 2020, has carried out, or carries out, any of the following work in any capacity (whether paid or unpaid):
  - (a) work at an MIQF;
  - (b) work at an affected port, unless the exception in subclause (3) applies;
  - (c) the transport to or from an MIQF of persons required to be in isolation or quarantine under the Air Border Order or the Maritime Border Order.
- (3) A person who works at an affected port is not an affected worker if the person—
  - (a) is in isolation or quarantine on a ship under clause 12 of the Maritime Border Order throughout the period beginning at 11.59 pm on 14 August 2020 and ending at the testing deadline; or
  - (b) is not a higher-risk worker.

### *Exemptions from requirement*

- (4) An affected worker is not required to report for, and submit to, medical examination and testing under this clause if the person has reported for, and submitted to, medical examination and testing during the period—

- (a) starting after 12.00 am on 12 August 2020; and
  - (b) ending immediately before this order comes into force.
- (5) An affected worker is not required to submit to medical examination and testing under this clause 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 place where the person reports for the examination and testing) determines would make it inappropriate for the person to undergo that examination and testing (or any part of it).

*What medical examination and testing involves*

- (6) Medical examination and testing under this clause is only required to involve testing for temperatures, seeking information on symptoms, carrying out chest auscultation, and taking mouth or nose swabs (or both), as required to test for COVID-19.

*Infringement offence*

- (7) A breach of subclause (1) is an infringement offence for the purposes of section 26(3) of the Act.

Clause 7(1): amended, at 11.58 pm on 17 August 2020, by clause 6(1) of the COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210).

Clause 7(3): replaced, at 11.58 pm on 17 August 2020, by clause 6(2) of the COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210).

Clause 7(4) heading: amended, at 11.58 pm on 17 August 2020, by clause 6(3) of the COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210).

Clause 7(4)(a): replaced, at 11.58 pm on 17 August 2020, by clause 6(4) of the COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210).

## **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.

Dated at Wellington this 14th day of August 2020.

Hon Chris Hipkins,  
Minister of Health.

## **Reprints notes**

### **1    *General***

This is a reprint of the COVID-19 Public Health Response (COVID-19 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) Order 2020 (LI 2020/230): clause 11

COVID-19 Public Health Response (COVID-19 Testing) Amendment Order 2020 (LI 2020/210)