

Version  
as at 27 February 2022



## 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.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Ministry of Health.**

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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 aircraft** means an aircraft that arrives from a location outside New Zealand

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

**affected item** means—

- (a) an item (apart from cargo or freight) removed for cleaning, disposal, or re-use from an affected ship or a passenger area of an affected aircraft:
- (b) an item removed for cleaning, disposal, or re-use from a managed quarantine facility or a managed isolation facility

**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 affected 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

**crew** has the same meaning as in clause 4 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

**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

**have contact with**, in relation to persons who belong to different groups, means—

- (a) having face-to-face contact within 2 metres of each other for 15 minutes or more; or

- (b) being in a confined space within 2 metres of each other for 15 minutes or more

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

**health worker** means a person who tests or examines a person for COVID-19

**international layover** means a stay in accommodation provided by an accommodation service (for example, a stay in a hotel) at any place outside New Zealand for a period of 6 hours or more

**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

**occasional worker**, in relation to a managed isolation facility or a managed quarantine facility, means an affected person who works at the facility for less than 2 days every period of 7 days

**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 aircrew member** means a person—

- (a) who is in isolation following a flight on which the person arrived in New Zealand; and
- (b) who was—
- (i) on the crew manifest for the flight; or
  - (ii) on the flight at the direction of an airline for which the person carries out work as a pilot, co-pilot, or flight attendant

**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 aircraft**: inserted, at 11.59 pm on 18 April 2021, by clause 41(3) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4 **affected aircraft**: amended, at 11.59 pm on 7 November 2021, by clause 11(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **affected airport**: replaced, at 11.59 pm on 18 April 2021, by clause 41(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4 **affected item**: inserted, at 11.59 pm on 21 April 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Clause 4 **affected person**: replaced, at 11.59 pm on 16 January 2022, by clause 7 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

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 **aircrew member** paragraph (a)(ii): amended, at 11.59 pm on 7 November 2021, by clause 11(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **aircrew member** paragraph (a)(ii): amended, at 11.59 pm on 18 April 2021, by clause 41(2)(a) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4 **aircrew member** paragraph (b)(ii): amended, at 11.59 pm on 18 April 2021, by clause 41(2)(b) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4 **aircrew member** paragraph (c): amended, at 11.59 pm on 7 November 2021, by clause 11(4) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **aircrew member** paragraph (c): amended, at 11.59 pm on 18 April 2021, by clause 41(2)(c) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Clause 4 **crew**: inserted, at 11.59 pm on 21 April 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

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 **have contact with**: inserted, at 11.59 pm on 21 April 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Clause 4 **health worker**: inserted, at 11.59 pm on 7 June 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2021 (LI 2021/134).

Clause 4 **health worker**: amended, at 11.59 pm on 11 August 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

Clause 4 **international layover**: inserted, at 11.59 pm on 8 November 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

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 **occasional worker**: inserted, at 11.59 pm on 8 November 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

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 **QFT flight**: revoked, at 11.59 pm on 7 November 2021, by clause 11(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **QFT person**: revoked, at 11.59 pm on 7 November 2021, by clause 11(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **relevant aircrew member**: inserted, at 11.59 pm on 21 April 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

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.

Clause 6: replaced, at 11.59 pm on 16 January 2022, by clause 8 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

## Part 1

### Testing and medical examination requirements

Part 1 heading: inserted, at 11.59 pm on 11 August 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

#### *Testing and medical examination requirements*

*[Revoked]*

Heading: revoked, at 11.59 pm on 11 August 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

#### **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.
- (3) Where an affected person must undergo recurring testing, the interval of days from one test to the next test may not exceed the length of the testing period that applies to the affected person.

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#### **Example**

If the applicable testing period is every 7 days, and a person becomes an affected person on 22 April, the affected person's first test must be no later than 29 April. If recurring testing is required, and the affected person was first tested on 23 April, the second test may not be later than 30 April. If the second test was on 28 April, the third test may not be later than 5 May.

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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).

Clause 7(3): inserted, at 11.59 pm on 21 April 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

#### **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 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(1): amended, at 11.59 pm on 8 November 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

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**

- (1) Testing and medical examination under clause 7—
  - (a) must involve any of (or a combination of any of) the following:
    - (i) taking nose swabs:
    - (ii) taking mouth swabs:
    - (iii) taking saliva; and
  - (b) may involve—
    - (i) taking temperatures:
    - (ii) carrying out chest auscultation:
    - (iii) seeking and obtaining information about symptoms.
- (2) *[Revoked]*

Clause 9(1)(a): replaced, at 11.59 pm on 21 April 2021, by clause 6(1) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Clause 9(2): revoked, at 11.59 pm on 8 November 2021, by clause 6 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

*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
  - (ia) *[Revoked]*
  - (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).

Clause 10(a)(ia): revoked, at 11.59 pm on 16 December 2021, by clause 4 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

**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 and an email address 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;
  - (f) the testing option that the affected person has chosen.
- (2) The record must be entered on a register kept, maintained, and monitored by, or on behalf of, the Ministry of Health under clause 12.

- (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; and
  - (c) if an exemption under clause 8 applies to the affected person, provide written confirmation of the exemption to the Ministry of Health on request.
- (4) A relevant PCBU must update the record kept under this clause for each affected person that it employs or engages.

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).

Clause 11(1)(b): amended, at 11.59 pm on 11 August 2021, by clause 7(1) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

Clause 11(1)(f): inserted, at 11.59 pm on 11 August 2021, by clause 7(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

Clause 11(2): replaced, at 11.59 pm on 11 August 2021, by clause 7(3) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

Clause 11(3)(c): inserted, at 11.59 pm on 11 August 2021, by clause 7(4) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

Clause 11(4): inserted, at 11.59 pm on 11 August 2021, by clause 7(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

### *Infringement offences*

#### *[Revoked]*

Heading: revoked, at 11.59 pm on 11 August 2021, by clause 8 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

## **12 Duties regarding COVID-19 testing register**

- (1) The Director-General must ensure that—
- (a) a register that records COVID-19 testing of affected persons under this order is kept, maintained, and monitored; and
  - (b) a system is in place by which non-compliance may be reported to an enforcement officer.
- (2) The Ministry of Health must provide a relevant PCBU with access to the register to enable the relevant PCBU to keep and maintain, for each affected person employed or engaged by the relevant PCBU, the record specified in clause 11(1).

Clause 12: replaced, at 11.59 pm on 11 August 2021, by clause 8 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

## **Part 1A**

### **Testing requirements that apply to affected education services in affected area**

*[Revoked]*

Part 1A: revoked, at 11.59 pm on 16 January 2022, by clause 9 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

#### **12A Interpretation**

*[Revoked]*

Clause 12A: revoked, at 11.59 pm on 16 January 2022, by clause 9 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

#### **12B Application of this Part**

*[Revoked]*

Clause 12B: revoked, at 11.59 pm on 16 January 2022, by clause 9 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

#### **12C Affected persons required to return negative result from COVID-19 test**

*[Revoked]*

Clause 12C: revoked, at 11.59 pm on 16 January 2022, by clause 9 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

#### **12D Weekly testing of affected persons not fully vaccinated**

*[Revoked]*

Clause 12D: revoked, at 11.59 pm on 16 January 2022, by clause 9 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

#### **12E Application of clauses 7, 9, 10, and 11**

*[Revoked]*

Clause 12E: revoked, at 11.59 pm on 16 January 2022, by clause 9 of the COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1).

## **Part 2**

### **Requirements in relation to recurring saliva testing for COVID-19**

*[Revoked]*

Part 2: revoked, at 11.59 pm on 16 December 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

#### **12F Application**

*[Revoked]*

Clause 12F: revoked, at 11.59 pm on 16 December 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

**13 Affected persons may choose recurring saliva testing for COVID-19**

*[Revoked]*

Clause 13: revoked, at 11.59 pm on 16 December 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

**14 Duties of affected persons choosing to comply with clause 13**

*[Revoked]*

Clause 14: revoked, at 11.59 pm on 16 December 2021, by clause 5 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

**Part 3  
Infringement offences**

Part 3: inserted, at 11.59 pm on 11 August 2021, by clause 8 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

**15 Infringement offences**

- (1) A breach of clause 7, 10, 11, 12C, or 12D is an infringement offence for the purposes of section 26(3) of the COVID-19 Public Health Response Act 2020.
- (2) An infringement offence against—
  - (a) clause 7, 10, 12C, 12D, or 13 is a high risk offence:
  - (b) clause 11 is a medium risk offence:
  - (c) clause 14 is a low risk offence.
- (3) The penalties for the offences are set out in regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for these classes of offence.
- (4) In this clause,—

**high risk offence** means the high risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

**low risk offence** means the low risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

**medium risk offence** means the medium risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021.

Clause 15: inserted, at 11.59 pm on 11 August 2021, by clause 8 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202).

Clause 15(1): amended, at 11.59 pm on 16 December 2021, by clause 6 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Clause 15(1): amended, at 11.59 pm on 17 October 2021, by clause 7 of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 4) 2021 (LI 2021/316).

Clause 15(2): inserted, on 4 December 2021, by clause 17 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Clause 15(3): inserted, on 4 December 2021, by clause 17 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Clause 15(4): inserted, on 4 December 2021, by clause 17 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

## **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.

#### **Part 2**

##### **Provisions relating to COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021**

Schedule 1 Part 2: inserted, at 11.59 pm on 27 February 2022, by clause 37(a) of the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 (SL 2021/428).

##### **1 People who start and stop being aircrew on international flights**

- (1) This clause applies to an aircrew member who arrives in New Zealand by an international flight on an aircraft on which they worked or for which they were identified as a crew member on the crew manifest.
- (2) If it is the first such flight for which the aircrew member is subject to clause 7(1) of this order, they must undergo the testing and medical examination required by that subclause within 72 hours after their arrival.
- (3) If it is the last such flight for which the aircrew member is subject to clause 7(1) of this order, they must undergo the testing and medical examination required by that subclause twice after their arrival (at the intervals required by the subclause).

Schedule 1 clause 1: inserted, at 11.59 pm on 27 February 2022, by clause 37(a) of the COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 (SL 2021/428).

## 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 (other than occasional workers) at managed quarantine facilities	Community testing centre, testing centre at quarantine facility, or other healthcare facility	Once in each day worked starting on 9 November 2021
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
1.3	Occasional workers at managed quarantine facilities	Community testing centre, testing centre at quarantine facility, or other healthcare facility	Once within 7 days of a day worked
<i>Part 2: Groups in relation to managed isolation facilities</i>			
2.1	Workers (other than occasional workers) at managed isolation facilities	Community testing centre, testing centre at isolation facility, or other healthcare facility	Twice every 7 days (each test being at least 2 days apart) starting on 9 November 2021
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
2.3	Occasional workers at managed isolation facilities	Community testing centre, testing centre at isolation facility, or other healthcare facility	Once within 7 days of a day worked
<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 affected aircraft	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



<b>Item</b>	<b>Group</b>	<b>Testing centre</b>	<b>Testing period</b>
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
3.5	Airside workers (other than excluded airport persons) who handle 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
3.11	Baggage handlers who work at affected airports and who handle baggage from affected aircraft	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 22 April 2021
3.12	Persons (other than excluded airport persons) who spend no more than 15 minutes in enclosed space on board affected aircraft	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 22 April 2021
3.13	Health practitioners and health workers carrying out work airside	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 7 days starting on 8 June 2021
3.14	All landside workers who interact with relevant aircrew members	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 22 April 2021

Item	Group	Testing centre	Testing period
<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 ships	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 ships	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 ships	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 ships	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 (other than crew) to or from affected ships	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 persons required to be in isolation or quarantine under COVID-19 order	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 14 days starting on 25 November 2020
4.7	Workers who transport crew to or from affected ships	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 7 days starting on 22 April 2021
<i>Part 5: Groups in relation to aircrew members</i>			
5.1	Aircrew members	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 7 days starting on 19 October 2020
5.2	Health practitioners and health workers working at accommodation services (other than private dwellinghouses) where relevant aircrew members are self-isolating	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 7 days starting on 8 June 2021
5.3	Workers at accommodation services (other than private dwellinghouses) where relevant aircrew members are self-isolating	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 22 April 2021
<i>Part 6: Groups in relation to affected items</i>			
6.1	Workers who handle affected items within 72	Community testing centre, testing centre at	Once every 14 days starting on 22 April 2021

Item	Group	Testing centre	Testing period
	hours of their removal from managed quarantine facilities and who have contact with members of groups specified in Part 1 or 2 while both are working	quarantine facility, or other healthcare facility	
6.2	Workers who handle affected items within 72 hours of their removal from managed isolation facilities and who have contact with members of groups specified in Part 1 or 2 while both are working	Community testing centre, testing centre at isolation facility, or other healthcare facility	Once every 14 days starting on 22 April 2021
6.3	Workers who handle affected items within 24 hours of their removal from affected aircraft and who have contact with members of groups specified in Part 3 or 5 while both are working	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 22 April 2021
6.4	Workers who handle affected items within 72 hours of their removal from affected ships and who have contact with members of groups specified in Part 4 while both are working	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 14 days starting on 22 April 2021

Schedule 2 item 1.1: replaced, at 11.59 pm on 8 November 2021, by clause 9(1) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

Schedule 2 item 1.3: inserted, at 11.59 pm on 8 November 2021, by clause 9(2) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

Schedule 2 item 1.3: amended, at 11.59 pm on 16 December 2021, by clause 7(1) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Schedule 2 item 2.1: replaced, at 11.59 pm on 8 November 2021, by clause 9(3) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

Schedule 2 item 2.1: amended, at 11.59 pm on 16 December 2021, by clause 7(2) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Schedule 2 former item 2.3: revoked, at 11.59 pm on 16 December 2021, by clause 7(3) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Schedule 2 item 2.3 (former item 2.4): inserted, at 11.59 pm on 8 November 2021, by clause 9(4) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328).

Schedule 2 item 2.3 (former item 2.4): renumbered, at 11.59 pm on 16 December 2021, by clause 7(4)(a) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Schedule 2 item 2.3: amended, at 11.59 pm on 16 December 2021, by clause 7(4)(b) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Schedule 2 item 3.1: amended, at 11.59 pm on 18 April 2021, by clause 42(1) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 item 3.5: amended, at 11.59 pm on 21 April 2021, by clause 8(4) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 3.10: amended, at 11.59 pm on 7 November 2021, by clause 11(6) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 item 3.10: amended, at 11.59 pm on 18 April 2021, by clause 42(2) of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Schedule 2 item 3.11: inserted, at 11.59 pm on 21 April 2021, by clause 8(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 3.12: inserted, at 11.59 pm on 21 April 2021, by clause 8(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 3.13: inserted, at 11.59 pm on 21 April 2021, by clause 8(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 3.13: amended, at 11.59 pm on 7 June 2021, by clause 5(2)(a) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2021 (LI 2021/134).

Schedule 2 item 3.13: amended, at 11.59 pm on 7 June 2021, by clause 5(2)(b) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2021 (LI 2021/134).

Schedule 2 item 3.14: inserted, at 11.59 pm on 21 April 2021, by clause 8(5) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 3.14: amended, at 11.59 pm on 7 November 2021, by clause 11(6) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 item 4.1: amended, at 11.59 pm on 21 April 2021, by clause 8(6) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 4.2: amended, at 11.59 pm on 21 April 2021, by clause 8(6) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 4.3: amended, at 11.59 pm on 21 April 2021, by clause 8(6) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 4.4: amended, at 11.59 pm on 21 April 2021, by clause 8(6) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 4.5: amended, at 11.59 pm on 21 April 2021, by clause 8(7) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 4.5: amended, at 11.59 pm on 21 April 2021, by clause 8(6) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 4.7: inserted, at 11.59 pm on 21 April 2021, by clause 8(8) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 Part 5 heading: amended, at 11.59 pm on 21 April 2021, by clause 8(9) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 5.1: amended, at 11.59 pm on 21 April 2021, by clause 8(10) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 5.2: inserted, at 11.59 pm on 21 April 2021, by clause 8(11) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 5.2: amended, at 11.59 pm on 7 June 2021, by clause 5(3)(a) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2021 (LI 2021/134).

Schedule 2 item 5.2: amended, at 11.59 pm on 7 June 2021, by clause 5(3)(b) of the COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2021 (LI 2021/134).

Schedule 2 item 5.3: inserted, at 11.59 pm on 21 April 2021, by clause 8(11) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 Part 6 heading: inserted, at 11.59 pm on 21 April 2021, by clause 8(11) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 6.1: inserted, at 11.59 pm on 21 April 2021, by clause 8(11) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 6.2: inserted, at 11.59 pm on 21 April 2021, by clause 8(11) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 6.3: inserted, at 11.59 pm on 21 April 2021, by clause 8(11) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Schedule 2 item 6.4: inserted, at 11.59 pm on 21 April 2021, by clause 8(11) of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65).

Dated at Wellington this 27th day of August 2020.

Hon Chris Hipkins,  
Minister of Health.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 27 August 2020.

## Notes

### 1 *General*

This is a consolidation of the COVID-19 Public Health Response (Required Testing) Order 2020 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### 2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### 3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### 4 *Amendments incorporated in this consolidation*

COVID-19 Public Health Response (Protection Framework) Amendment Order 2022 (SL 2022/1): Part 2

COVID-19 Public Health Response (Isolation and Quarantine and Other Matters) Amendment Order 2021 (SL 2021/428): Part 3

COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419): Part 1

COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387): Part 4

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345): clause 11

COVID-19 Public Health Response (Required Testing) Amendment Order (No 5) 2021 (LI 2021/328)

COVID-19 Public Health Response (Required Testing) Amendment Order (No 4) 2021 (LI 2021/316)

COVID-19 Public Health Response (Required Testing) Amendment Order (No 3) 2021 (LI 2021/202)

COVID-19 Public Health Response (Required Testing) Amendment Order (No 2) 2021 (LI 2021/134)

COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73): Part 4

COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (LI 2021/65)

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)