

Version  
as at 30 June 2022



## COVID-19 Public Health Response (Required Testing) Amendment Order 2021

(LI 2021/65)

COVID-19 Public Health Response (Required Testing) Amendment Order 2021: revoked, on 30 June 2022, pursuant to clause 3 of the COVID-19 Public Health Response (Required Testing) Order Revocation Order 2022 (SL 2022/193).

This order is made by the Minister for COVID-19 Response under sections 11 and 15(1) of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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### Order

#### 1 Title

This order is the COVID-19 Public Health Response (Required Testing) Amendment Order 2021.

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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.**

## 2 Commencement

- (1) Clause 7 comes into force on 27 April 2021.
- (2) The rest of this order comes into force at 11.59 pm on 21 April 2021.

## 3 Principal order

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

## 4 Clause 4 amended (Interpretation)

In clause 4, insert in their appropriate alphabetical order:

**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

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

**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

**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

Clause 4: amended, at 11.59 pm on 18 April 2021, by clause 38 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

## 5 Clause 7 amended (Affected person must undergo testing and medical examination)

After clause 7(2), insert:

- (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.

**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.

**6 Clause 9 amended (Scope of testing and medical examination)**

- (1) Replace clause 9(a) with:

- (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

- (2) In clause 9, insert as subclause (2):

- (2) In this clause, **taking saliva** means the method or methods by which saliva may be taken and analysed, including any conditions, that the Director-General has approved in a notice published—

- (a) on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
- (b) in the *Gazette*.

**7 Clause 11 amended (Duty of relevant PCBU to keep record of testing and medical examination)**

- (1) Replace clause 11(2)(a) with:

- (a) be entered on a register kept, maintained, and monitored by, or on behalf of, the Ministry of Health; and

- (2) In clause 11(2)(b), replace “made” with “be made”.

**8 Schedule 2 amended**

- (1) In Schedule 2, item 1.1, second column, replace “facility” with “facilities”.

- (2) In Schedule 2, item 2.1, second column, replace “facility” with “facilities”.

- (3) In Schedule 2, after item 2.2, insert:

2.3	Health practitioners working at managed isolation facilities	Community testing centre, testing centre at isolation facility, or other healthcare facility	Once every 7 days starting on 22 April 2021
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- (4) In Schedule 2, item 3.5, replace “handling” with “who handle”.

(5) In Schedule 2, after item 3.10, insert:

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 carrying out work airside	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 7 days starting on 22 April 2021
3.14	All landside workers who interact with relevant aircrew members (other than those arriving on QFT flights)	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 22 April 2021

(6) In Schedule 2, items 4.1 to 4.5, replace “ship” with “ships”.

(7) In Schedule 2, item 4.5, replace “persons” with “persons (other than crew)”.

(8) In Schedule 2, after item 4.6, insert:

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
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(9) In Schedule 2, heading to Part 5, replace “*Aircrew members*” with “*Groups in relation to aircrew members*” .

(10) In Schedule 2, item 5.1, replace “airport” with “affected airport”.

(11) In Schedule 2, after item 5.1, insert:

5.2	Health practitioners 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 22 April 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

*Part 6: Groups in relation to affected items*

6.1	Workers who handle affected items within 72 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	Community testing centre, testing centre at quarantine facility, or other healthcare facility	Once every 14 days starting on 22 April 2021
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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

Clause 8(5): amended, at 11.59 pm on 18 April 2021, by clause 39 of the COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73).

Dated at Wellington this 13th day of April 2021.

Hon Chris Hipkins,  
Minister for COVID-19 Response.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 13 April 2021.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 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 (Required Testing) Order Revocation Order 2022 (SL 2022/193): clause 3

COVID-19 Public Health Response (Air Border, Isolation and Quarantine, and Required Testing) Amendment Order 2021 (LI 2021/73): Part 3