



COVID-19 Public Health Response (Required Testing) Order 2020

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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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 Auckland International Airport

affected person means a person who, on or after 11.59 pm on 25 August 2020, belongs to a group and who—

- (a) carries out work in any capacity (whether paid or unpaid) at a place; or
- (b) otherwise conducts any activity at a place

affected port, in relation to a place, means the Port of Tauranga or Ports of Auckland

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

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

excluded airside person, in relation to a group, means a person who—

- (a) is a member of an international aircrew, or a member of an aircrew that is based in New Zealand; or
- (b) works at an affected airport, and interacts only with international departing passengers (other than international transiting passengers); or
- (c) works on the airside of the affected airport only in areas that are inaccessible to international arriving or international transiting passengers

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

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

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

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

Ports of Auckland means the ports operated by Ports of Auckland Limited

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.

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.

7 Requirement to 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) by the deadline, or at least once within each period, that is 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—
 - (a) 2 or more deadlines, the earliest deadline applies to the affected person;
 - (b) 2 or more periods, the period that requires the most frequent testing and medical examination applies to the affected person.
- (3) A deadline does not apply to a person who becomes an affected person after the deadline.

8 Exemptions from testing and medical examination

- (1) An affected person is not required to report for, and undergo, testing and medical examination under clause 7 if the person has reported for, and undergone, testing and medical examination during the period—
 - (a) starting at 11.59 pm on 25 August 2020; and
 - (b) ending immediately before this order comes into force.

- (2) 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).

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.

10 Infringement offence

A breach of clause 7 without reasonable excuse is an infringement offence for the purposes of section 26(3) of the COVID-19 Public Health Response Act 2020.

11 Revocation

The COVID-19 Public Health Response (COVID-19 Testing) Order 2020 (LI 2020/208) is revoked.

Schedule 1

Transitional, savings, and related provisions

cl 5

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

cl 4, 7(1)

Item	Group	Testing centre	Deadline or period
<i>Part 1: Higher-risk groups in relation to managed quarantine facilities</i>			
1.1	Workers at managed quarantine facility	Community testing centre or testing centre at quarantine facility	By 11.59 pm on 6 September 2020
1.2	Workers who transport to or from quarantine facility persons required to be in isolation or quarantine under COVID-19 order	Community testing centre or testing centre at quarantine facility	By 11.59 pm on 6 September 2020
<i>Part 2: Higher-risk groups in relation to managed isolation facilities</i>			
2.1	Workers at managed isolation facility	Community testing centre or testing centre at isolation facility	By 11.59 pm on 6 September 2020
2.2	Workers who transport to or from isolation facility persons required to be in isolation or quarantine under COVID-19 order	Community testing centre or testing centre at isolation facility	By 11.59 pm on 6 September 2020
<i>Part 3: Higher-risk groups in relation to affected airports</i>			
3.1	Airside government officials (other than excluded airside persons), including (without limitation) personnel from Immigration New Zealand, New Zealand Customs Service, Aviation Security Service, or Ministry for Primary Industries	Community testing centre or testing centre at affected airport	By 11.59 pm on 6 September 2020
3.2	Airside district health board workers (other than excluded airside persons)	Community testing centre or testing centre at affected airport	By 11.59 pm on 6 September 2020
3.3	Airside retail, food, and beverage workers (other than excluded airside persons)	Community testing centre or testing centre at affected airport	By 11.59 pm on 6 September 2020
3.4	Airside workers (other than excluded airside persons) handling baggage trolleys used by international arriving or international transiting passengers	Community testing centre or testing centre at affected airport	By 11.59 pm on 6 September 2020
3.5	Airside airline workers (other than excluded airside persons) who interact with passengers	Community testing centre or testing centre at affected airport	By 11.59 pm on 6 September 2020
3.6	Airside airport workers (other than excluded airside	Community testing centre or testing centre at affected airport	By 11.59 pm on 6 September 2020

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Order 2020**

Explanatory note

2020/230

Item	Group	Testing centre	Deadline or period
	persons) who interact with passengers		
3.7	Airside cleaning workers (other than excluded airside persons)	Community testing centre or testing centre at affected airport	By 11.59 pm on 6 September 2020
<i>Part 4: Higher-risk groups in relation to affected ports</i>			
4.1	Pilots (other than excluded port persons) carrying out work on or around affected ship	Community testing centre or testing centre at affected port	By 11.59 pm on 6 September 2020
4.2	Stevedores (other than excluded port persons) carrying out work on or around affected ship	Community testing centre or testing centre at affected port	By 11.59 pm on 6 September 2020
4.3	Workers (other than excluded port persons) at affected ports who have symptoms that suggest presence of COVID-19	Community testing centre or testing centre at affected port	By 11.59 pm on 6 September 2020
4.4	Persons (other than excluded port persons) who board, or have boarded, affected ship	Community testing centre or testing centre at affected port	By 11.59 pm on 6 September 2020

Dated at Wellington this 27th day of August 2020.

Hon Chris Hipkins,
Minister of Health.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order comes into force at 11.59 pm on 29 August 2020. Its purpose is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by requiring the testing and medical examination of the affected persons specified in *Schedule 2*.

This order requires an affected person to report for, and undergo, testing and medical examination for COVID-19 by the deadline specified in *Schedule 2*.

An exemption is provided for persons who have reported for, and undergone, testing and medical examination during the period starting at 11.59 pm on 25 August 2020 and ending immediately before this order comes into force.

An exemption is also provided for persons whose physical or other needs would make it inappropriate for them to undergo the testing and medical examination (or any part of it).

A breach of the requirements, without reasonable excuse, is an infringement offence under section 26(3) of the COVID-19 Public Health Response Act 2020 (the **Act**) for

which a person is liable to an infringement fee of \$300 or a fine not exceeding \$1,000.

This order must be approved by a resolution of the House of Representatives before the expiry of the period described in section 16(2) of the Act. If this does not happen, the order is revoked on the expiry of that period.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 August 2020.
This order is administered by the Ministry of Health.