



(MOH, 2021v)

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

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.
- 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 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

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	Community testing centre, testing centre at affected	Once every 14 days starting on 22 April 2021

airport, or other healthcare
facility

- (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 |
|-----|--|---|---|
- (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 |
| 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 | Community testing centre, testing centre at affected | Once every 14 days starting on 22 April 2021 |

hours of their removal from port, or other healthcare
affected ships and who have facility
contact with members of
groups specified in Part 4
while both are working

Dated at Wellington this 13th day of April 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This order amends the COVID-19 Public Health Response (Required Testing) Order 2020. Clause 7 comes into force on 27 April 2021 and the rest of this order comes into force at 11.59 pm on 21 April 2021. The amendments—

- clarify the intervals at which an affected person must be tested;
- enable the taking of saliva for the purposes of testing and medical examination;
- require PCBU to enter their records of testing and medical examination on a register kept, maintained, and monitored by, or on behalf of, the Ministry of Health;
- adjust the groups of affected persons to be tested and increase the frequency of testing for certain groups.

A failure to comply 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 end of the relevant period described in section 16(2) of the Act. If that does not happen, the order is revoked at the end of that period.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 13 April 2021.
This order is administered by the Ministry of Health.