

Briefing

Draft COVID-19 Public Health Response (Required Testing) Amendment Order 2021 for further Ministerial Consultation

Date due to MO:	29 March 2021	Action required by:	29 March 2021
Security level:	IN CONFIDENCE	Health Report number:	20210739
To:	Hon Chris Hipkins, Minister for COVID-19 Response		

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)
Maree Roberts	Deputy Director-General, System Strategy and Policy	s 9(2)(a)

Minister's office to complete:

- | | | |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <input type="checkbox"/> Noted |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn | |

Comment:

Draft COVID-19 Public Health Response (Required Testing) Amendment Order 2021 for further Ministerial Consultation

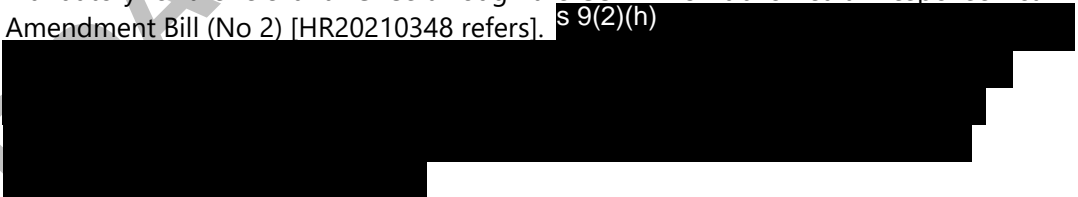
Security level: IN CONFIDENCE **Date:** 29 March 2021

To: Hon Chris Hipkins, Minister for COVID-19 Response

Purpose of report

1. This report provides you with a draft of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (the Amendment Order) for a further round of Ministerial consultation.
2. This version of the Amendment Order incorporates changes resulting from the initial round of Ministerial consultation and additional measures as requested including groups of workers who handle objects recently handled by international arrivals [HR20210345 refers] and to require the use of the Border Workforce Testing Register (the Register) for relevant Persons Conducting a Business or Undertaking (PCBUs) [HR2021035].

Summary

3. On 2 March 2021 we provided you with advice on the implementation of the Amendment Order and a draft Order for Ministerial consultation [HR20210345 refers].
4. On 3 March 2021 we provided you with an updated Amendment Order to reflect your decision to include workers who handle objects that have recently been handled by international arrivals [HR20210479 refers]. Following feedback received during Ministerial consultation and as directed by your office, officials have further refined the groups of workers who handle objects recently handled by international arrivals.
5. Earlier this year you indicated that you wished to progress making the Register use mandatory for the relevant PCBUs through the COVID-19 Public Health Response Act Amendment Bill (No 2) [HR20210348 refers]. s 9(2)(h)

6. The attached draft Amendment Order reflects the changes as previously advised [HR20210345 refers], as well as including four specific groups of workers who handle objects recently handled by international arrivals and who interact with other groups of workers covered by the Amendment Order. The draft Amendment Order also includes a requirement for relevant PCBUs to use the Register provided by the Ministry of Health to keep their records of testing for staff.
7. We aim to have a final Amendment Order ready for you to sign on Tuesday 6 April 2021. If the Order is signed on Wednesday 7 April 2021, following gazetting, the:

- a. testing requirements for new groups and increased testing frequencies will come into force at 11:59 pm on Monday 12 April 2021.
- b. mandatory use of the Register will come into force at 11:59 pm on Tuesday 27 April 2021.

Recommendations

We recommend you:

- a) **Note** that advice from the Director-General of Health is a requirement for making an Order under the COVID-19 Public Health Response Act 2020, including advice on: **Yes/No**
 - the risks of an outbreak or spread of COVID-19
 - the nature and extent of measures appropriate to address those risks.
- b) **Note** that, as the Director-General of Health, I have provided advice on the necessity for the groups of border workers set out in recommendation (e) to be tested routinely for COVID-19, to protect New Zealand from further spread or outbreak of COVID-19 [H20210345 refers] **Yes/No**
- c) **Note** that an initial round of Ministerial consultation has already taken place in relation to an earlier draft of the Amendment Order **Yes/No**
- d) **Note** that the attached draft Amendment Order, at your request, includes **Yes/No**
 - four specific groups of workers who handle objects that have been recently handled by international arrivals and have contact with other affected workers who are required to be tested under the Order [HR20210345 refers]
 - a new requirement for mandatory use of the Border Worker Testing Register (the Register) [HR20210348 refers]
- e) **Consult** with the Prime Minister, Minister of Finance, Minister of Justice, Minister of Health, Minister of Customs, Minister for Workplace Relations & Safety and the Minister of Transport on the COVID-19 Public Health Response (Required Testing) Amendment Order 2021, which:
 - extends mandatory testing to workers who handle affected items (where an affected item is something that has been removed for cleaning, disposal, and/or re-use) within 24 hours of their removal from an aircraft that has arrived from a location outside New Zealand, and who, while working, have contact with other affected workers, every 14 days **Yes/No**
 - extends mandatory testing to workers who handle affected items (where an affected item is something that has been removed for cleaning, disposal, and/or re-use) within 72 hours of their removal from a managed isolation or quarantine facility, and who, while working, have contact with other affected workers, every 14 days **Yes/No**
 - extends mandatory testing to workers who handle affected items (where an affected item is something that has been removed for cleaning, **Yes/No**

disposal, and/or re-use) within 72 hours of their removal from an affected ship, and who, while working, have contact with other affected workers, every 14 days

- extends mandatory testing to workers who handle the baggage of internationally arriving or internationally transiting passengers or other persons on board an affected aircraft, every 14 days Yes No
 - extends mandatory testing to workers at accommodation services where New Zealand-based international air crew travelling from higher-risk routes are self-isolating, every 14 days Yes No
 - extends mandatory testing to health practitioners at accommodation services where New Zealand-based international air crew returning from designated higher-risk routes are self-isolating, every seven days Yes No
 - extends mandatory testing to all landside workers who interact with New Zealand-based international air crew travelling from higher-risk routes, every 14 days Yes No
 - extends mandatory testing to workers who spend any time in an enclosed space on board an aircraft that arrived from overseas, every 14 days Yes No
 - increases the frequency of mandatory testing of health practitioners at managed isolation facilities to every seven days Yes No
 - increases the frequency of mandatory testing of airside health practitioners at affected airports to every seven days Yes No
 - increases the frequency of mandatory testing of persons who transport crew to or from an affected ship to every seven days Yes No
 - allows the Director-General of Health to authorise different saliva sampling methods for the purpose of compliance with the Order Yes No
 - clarifies testing cycle requirements to reflect that the time between tests must not exceed the length of the relevant testing cycle Yes No
 - requires the relevant Persons Conducting a Business or Undertaking to use the Register provided by the Ministry of Health to keep the required records of testing for staff subject to mandatory testing. Yes No
- f) **Note** that officials recommend that as much time as is practicable is given for the mandatory use of the Register provisions to come into force in order to allow some time for those Persons Conducting a Business or Undertaking for which this is a new requirement, to implement necessary system changes or processes Yes No
- g) **Note** that following the outcome of the further Ministerial consultation, we will provide you with a signing copy of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 on Tuesday 6 April 2021 Yes No
- h) **Note** that if you sign the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 on Wednesday 7 April 2021, it would be gazetted and: Yes No

- testing requirements for new groups and increased testing frequencies will come into force at 11:59 pm on Monday 12 April 2021
- mandatory use of the Border Workforce Testing Register will come into force at 11:59 pm on Tuesday 27 April 2021.

Yes/No

Yes/No



Dr Ashley Bloomfield
Director-General of Health
Date: 29 March 2021

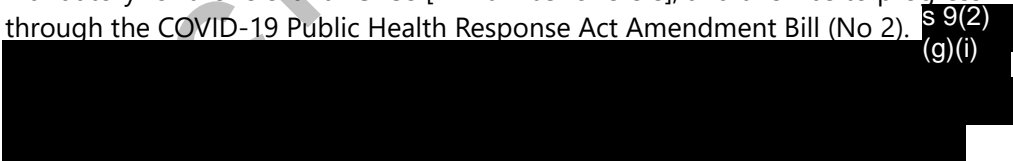


Hon Chris Hipkins
Minister for COVID-19 Response
Date: 2/4/2021

PROACTIVELY RELEASED

Draft COVID-19 Public Health Response (Required Testing) Amendment Order 2021 for further Ministerial Consultation

Background

1. The COVID-19 Public Health Response (Required Testing) Order 2020 (the Order) has been in place since 29 August 2020. The purpose of the Order is to prevent, and limit the risk of, the outbreak or spread of COVID-19, by ensuring specified border workers at risk of exposure to COVID-19 are tested on a regular basis.
2. On 18 February 2021, you agreed that the Order should be amended to expand testing to additional groups of workers, to allow the Director-General of Health to authorise different sampling methods for the purpose of compliance with the Order, and to clarify testing cycle requirements to reflect that workers should be tested as close to the end of their cycle as possible [HR20210284 refers].
3. We provided you with further advice on testing frequency of affected workers on 19 February 2021 [HR20210339 refers]. On 22 February 2021 you agreed to a single amendment order process for both sets of changes.
4. On 1 March 2021 we provided you with advice on the implementation of the COVID-19 Public Health Response (Required Testing) Amendment Order 2021 (the Amendment Order) and a draft Amendment Order for Ministerial consultation [HR20210345 refers].
5. On 3 March 2021 we provided you with an updated Amendment Order to reflect your decision to include workers who handle objects that have recently been handled by international arrivals [HR20210479 refers].
6. You had previously agreed to make Border Workforce Testing Register (the Register) use mandatory for the relevant PCBUs [HR20210348 refers], and this was to progress through the COVID-19 Public Health Response Act Amendment Bill (No 2).
s 9(2)
(g)(i)

7. The requirement for mandatory use of the Register has now also been incorporated into the draft Amendment Order.
8. This report provides you with an updated draft Amendment Order that reflects the above decisions and feedback received through the earlier Ministerial and agency consultation, so that you may undertake further Ministerial consultation.

Making an order under the COVID-19 Public Health Response Act 2020

9. Under the COVID-19 Public Health Response Act 2020 (COVID-19 Act), an order may be made or amended if either:
 - a. a state of emergency has been declared (under the Civil Defence Emergency Management Act 2002),

- b. an epidemic notice is in force (under the Epidemic Preparedness Act 2006), or
 - c. it has been authorised by the Prime Minister.
10. There is currently an Epidemic Notice in place that allows orders to be made under section 11 of the COVID-19 Act.
11. As the Minister for COVID-19 Response, you may make orders under section 11 of the COVID-19 Act. In order to make an order under section 11 you must have received advice from the Director-General about:
- a. the risks of the outbreak or spread of COVID-19
 - b. the nature and extent of measures that are appropriate to address those risks.
12. You must have regard to any decision by the Government on how to respond to those risks and avoid, mitigate or remedy the effects of the outbreak or spread of COVID-19 (including taking into account any social, economic or other factors) and you must have consulted with the Prime Minister and the Minister of Justice as required under the Act. You must be satisfied that this order is appropriate to achieve the purpose of that Act.
13. You must be satisfied that the order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990 (BORA).
14. My advice about the risks of the outbreak or spread of COVID-19 and the nature and extent of measures that are appropriate to address those risks is set out below.

Feedback received during the previous round of Ministerial consultation

Feedback related to workers who handle affected items

15. On 3 March 2021 we provided you with an updated Amendment Order to reflect your decision to include workers who handle objects that have recently been handled by international arrivals [HR20210479 refers].
16. Feedback from the Ministry of Transport emphasised the risks associated with including the group of workers who handle objects recently handled by international arrivals, particularly the risk of unintentionally capturing a very large group of workers as it may be difficult to determine where the chain of custody of affected objects ends.
17. The initial consultation allowed the transport sector to reflect their concerns about the proposal to extend mandatory testing to workers who handle objects that have been recently handled by international arrivals. Specific concerns raised included the potential for the scope to be wider than anticipated resulting in large numbers of workers needing to be tested, as well as questioning the strength of the public health rationale for testing this group. These concerns can be partly mitigated through good guidance and communications. Since this round of consultation, we have also further narrowed the definition of the workers to be captured, by only capturing workers who handle items as well as interacting with other affected workers.
18. Aviation stakeholders noted that it would be difficult to ascertain whether all workers captured by the new requirements were being tested. Stakeholders also noted that including new groups of workers in the Amendment Order and increasing testing frequencies would increase the strain on PCBUs because more workers would be

requiring time away from their work duties in order to comply with the testing requirements.

General concerns about the impact of this approach on offences and penalties

19. The Ministry of Justice raised concerns about the clarity of including the group of workers who handle objects recently handled by international arrivals, and the impact this could potentially have on the offence and penalty regime.
20. Failure to comply with the testing requirements is an infringement offence. This means the testing requirements must be sufficiently clear and straightforward to enforce. The difficulty of ensuring identification of non-compliance on the spot and consistency across the enforcement regime in the case of this group of workers would likely make it inappropriate for an infringement offence.

Feedback on other specific amendments

21. In relation to the amendment that would extend mandatory testing to all landside workers who interact with New Zealand-based international air crew travelling from higher-risk routes, the Ministry of Transport questioned how landside airport workers would know whether crew members were returning from higher-risk destinations. As the guidance to support this Amendment Order is developed, officials will detail how PCBUs can be informed of flights from higher-risk routes.
22. The Ministry of Transport also noted that the designation of any further higher-risk routes under clause 9 of the Air Border Order will have flow-on implications for the mandatory testing regime. This is because a greater number of higher-risk routes will require more air crew members to self-isolate in accommodation services, potentially requiring more of these facilities and thereby capturing a larger number of workers at these facilities who are required to undergo routine mandatory testing.
23. The Ministry of Transport noted the aviation sector's support for the amendment to allow the Director-General of Health to authorise different saliva sampling methods for the purpose of compliance with the Order.
24. On the amendment to clarify testing cycle requirements so that the time between tests must not exceed the length of the relevant testing cycle, the Ministry of Transport noted that this wording could cause issues where workers are on leave and/or may have to come in on their rostered days off to comply with this requirement, increasing costs for the worker and their employer. This amendment simply clarifies the existing testing obligations and officials consider that the testing example provided in clause 7(3) mitigates the risk of any confusion.

Changes to the Amendment Order reflecting feedback from initial round of consultation

25. Much of the feedback received from the initial rounds of agency and Ministerial consultation focussed on the potential group of workers who handle objects recently handled by international arrivals. As directed by your office, officials have further refined the groups of workers who handle objects recently handled by international arrivals.

Groups of workers in relation to affected items to be included

26. In the attached draft Amendment Order, the groups of workers included who handle affected items are:
- a. workers who handle affected items within 72 hours of their removal from managed isolation and quarantine facilities and who, while working, have contact with other affected workers under the Order
 - b. workers who handle affected items within 24 hours of their removal from affected aircraft and who, while working, have contact with other affected workers under the Order
 - c. workers who handle affected items within 72 hours of their removal from affected ships and who, while working, have contact with other affected workers under the Order
 - d. workers who handle baggage of persons who are or were on board affected aircraft.
27. In all of the above definitions, 'affected items' are items that have been removed for cleaning, disposal, and/or re-use. Cargo and freight are specifically excluded.
28. The above definitions are intended to capture workers who receive items such as laundry, food trays, and cutlery used by international arrivals that are removed for cleaning, disposal or re-use, as well as passenger and crew baggage. It would apply to workers who handle these items both on-site and off-site. For example, this definition would capture workers who launder blankets used on aircraft and workers who clean crew uniforms, regardless of whether the worker is located in an airport precinct, if they also interact with other groups of workers covered by the Order.
29. Although there is a risk that these items come into contact with workers elsewhere in the chain (for example, delivery drivers who move the items from an affected airport to the off-site laundry facility), the approach is intended to capture workers who are in more prolonged contact with these items and other affected workers who also handle those items. We have narrowed the definition of this group to best reflect known activities that, if we cannot rule out the possibility of fomite transmission, are most likely to carry a risk of exposure.

Requiring the use of the Register

30. The draft Amendment Order requires relevant PCBUs to keep records of testing and medical examinations for their staff within a register maintained by or on behalf of the Ministry. It is proposed that the Register will be used for this purpose.
31. The Register is a tool created and made available by the Ministry, free of charge, to support PCBUs to meet their obligations under the Order by facilitating a list of border workers, the testing cycle that applies to each, the date of their last test and details of any testing exemption that the worker has been granted. PCBUs are able to tell how many workers are due for their next test and those overdue. The Register can also notify workers when their next test is due (which PCBUs have a duty to do under the Order).
32. Though voluntary use of the Register has been increasing over the preceding months, some PCBUs may see the mandatory use of the Register as an unwelcome administrative burden (particularly for very small PCBUs), or unnecessary where they have developed their own systems at significant cost and may not wish to change systems.

33. For some PCBUs this will be a new requirement and the timeframes for the Order to come into force and use becoming mandatory, will require significant work for them to be able to operationalise this new requirement in time.
34. While key relevant PCBUs are aware of the intention for future mandatory use of the Register, the amended and shorted timeframes for this to come into effect will be new given the previous expectation that this be implemented through the Amendment Bill. s 9(2)(g)(i)
35. Officials recommend that as much time as is practicable is given for the relevant provisions of the Amendment Order to come into force and thereby providing a window for required PCBUs to implement changes or establish processes in order to meet the requirement for mandatory use of the Register.
36. Consideration has been given to establishing an exemptions process to exclude some PCBUs from the requirement for mandatory use of the Register, i.e. Air New Zealand. Given that a key rationale for mandatory use of the Register is to enable rapid contact tracing to prevent the spread or an outbreak of COVID-19, allowing exemptions may undermine this core purpose. Establishing an exemptions process may also lead to a large number of PCBUs who are not already using the Register to seek exemptions, rather than taking the necessary steps and implementing systems to adopt use of the Register.

Minor drafting changes

37. One minor drafting change has been made to the new group of landside workers who interact with aircrew members returning from higher-risk destinations. The change is to place this as item 3.11 in Schedule 2 so these workers are grouped with other airport workers, rather than being grouped with air crew.

Feedback from the sector and implementation considerations

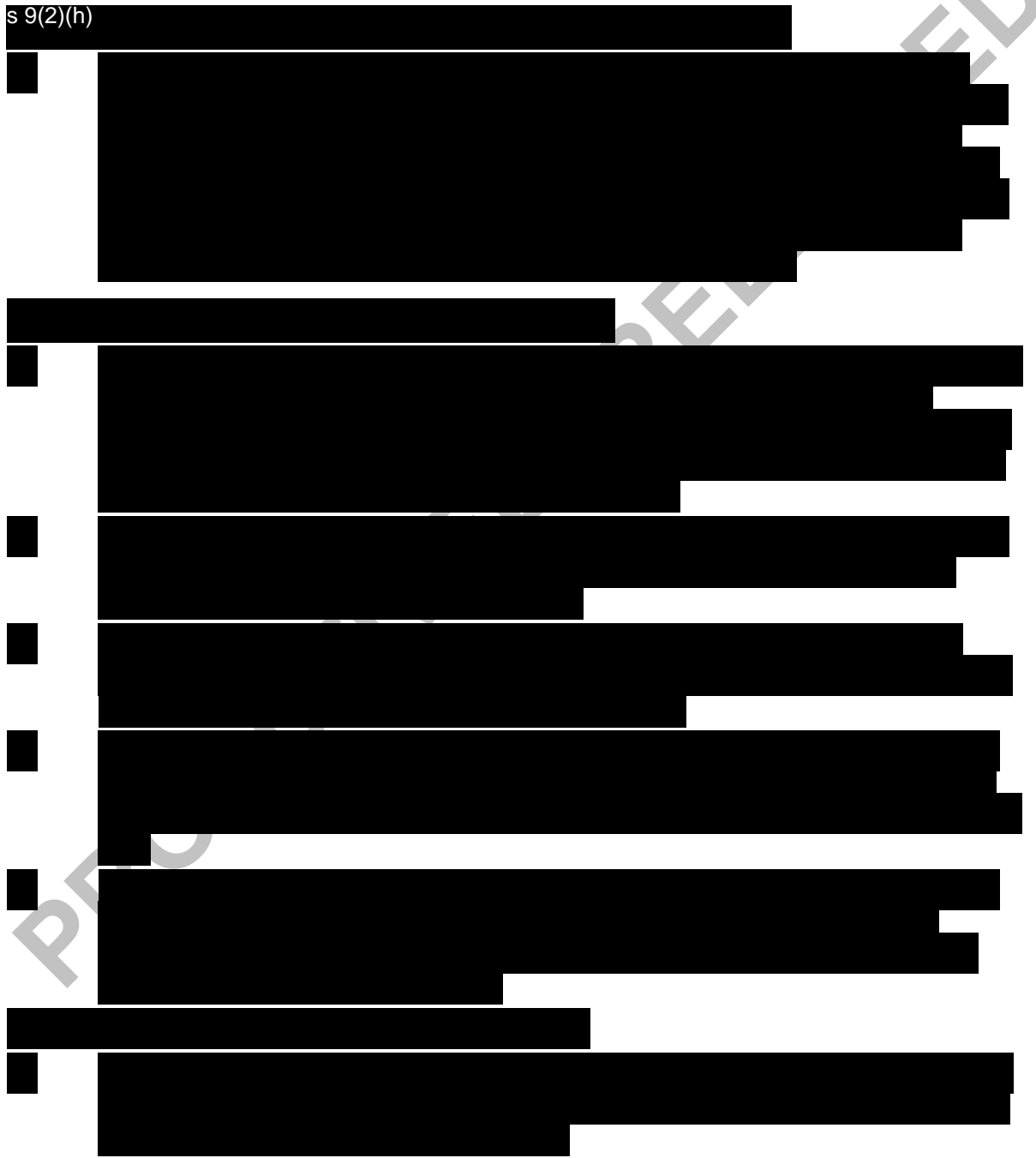
38. Agencies have been engaging with their sectors about the changes proposed in the Amendment Order, to foreshadow the new requirements and identify any unintended consequences.
39. Key points raised to date are:
- a. Stakeholders are feeling more comfortable with the refinements to the groups of workers who handle affected objects and interact with other workers covered by the draft Amendment Order, although there are still questions about the public health rationale for including these groups overall and practical questions about how including these groups will be operationalised. Work on guidance is well underway, which will help with implementation.
 - b. Some PCBUs raised concerns about the Register becoming mandatory on 27 April 2021. Some larger PCBUs have been working to integrate their systems with the Register for some time and are not confident that this can be completed by the end of April.
 - c. Aviation stakeholders are focused on implementing Quarantine Free Travel at the moment, so planning and logistical resources are largely tied up with that work.

Quarantine Free Travel is also expected to bring workers at new international airports into the Order, so work is underway to help these PCBUs to prepare for entering the testing regime, as well as preparing for the changes in the draft Amendment Order.

New Zealand Bill of Rights Act 1990 considerations – legally privileged

40. The COVID-19 Public Health Response Act 2020 (the Act) requires the Minister for COVID-19 Response to be satisfied that the order does not limit or is a justified limit on rights and freedoms under BORA. An order that is inconsistent with BORA is unlawful.

s 9(2)(h)



s 9(2)(h)

Assessment of the proposals in this Amendment Order for consistency with BORA

Routine testing of workers who handle objects that have been recently handled by international arrivals and who have contact with other groups of workers required to be tested in the course of their work

- 49. There is not sufficient public health evidence at this stage to draw conclusions on the risks of fomite transmission from objects handled by those with COVID-19. Accordingly as previously advised, the public health justification for including workers who handle objects relies on a precautionary approach which reflects potential risk of fomite transmission that has yet to be well evidenced in studies at this stage.
- 50. Public health and infection prevention and control advice is that the most effective way to mitigate a possible risk of fomite transmission is to ensure that the infection prevention and control measures, including cleaning and disinfection (using the appropriate chemicals), hand hygiene and appropriate use of PPE, dependent on the setting are utilised. Agencies and aviation sector stakeholders also noted that if the risks of fomite transmission cannot be ruled out at this stage, the PPE requirements for workers receiving and handling objects recently handled by international arrivals need to be clear.

s 9(2)(h)

s 9(2)(h)

s 9(2)(g)(i), s 9(2)(h)

s 9(2)(h)

Legally privileged advice – powers to specify saliva tests under the Order

59. s 9(2)(h)

60. s 9(2)(g)(i), s 9(2)(h)

61. s 9(2)(h)

s 9(2)(h)

62.

Equity

63. The impacts of COVID-19 are felt differentially across New Zealand communities. Māori and Pacific communities and those living with disabilities, in lower socio-economic groups and crowded or institutional settings bear a greater portion of both health and economic impacts and risks. The mandatory border worker testing regime has been a key part of the response to prevent the outbreak or spread of COVID-19 to the community, particularly those communities with many workers in border settings.
64. Any changes to the mandatory testing requirements need to be preceded by engagement with Māori, Pacific and wider groups mandating and supporting workers covered by the Order and unions to ensure issues, risks and concerns are captured and addressed through implementation arrangements.

Timing of the amendment Order

65. Officials are working to the timing set out below, with the Amendment Order expected to come into force at 11:59 pm on Monday, 12 April 2021 (with the mandatory use of the Register to come into force at 11:59 pm on Tuesday 27 April 2021).

Step	Date
HR signed and Ministerial consultation begins	Monday, 29 March 2021
Ministerial consultation ends	Tuesday, 30 March 2021
Feedback from Ministerial consultation given to Ministry of Health	Tuesday, 30 March 2021, COP
Final HR and signing copy of the Order submitted	Tuesday, 6 April 2021 (note that Easter weekend is 2-5 April)
Order signed	By Wednesday 7 April 2021
Gazetted	Thursday, 8 April 2021
Commencement of testing for new groups, increased testing frequencies and enabling saliva testing	11:59 pm, Monday 12 April 2021
Commencement of mandatory use of the Register	11:59 pm, Tuesday 27 April 2021

Next steps

66. We recommend that you undertake further Ministerial consultation on the updated draft Amendment Order attached as Appendix 1.
67. We recommend that you:
 - a. consult the Prime Minister, Minister of Finance, Minister of Justice, Minister of Health, Minister of Customs, Minister for Workplace Relations & Safety and the Minister of Transport on the attached draft Order
 - b. forward a copy of this report to the Prime Minister, Minister of Finance, Minister of Justice, Minister of Health, Minister of Customs, Minister for Workplace Relations & Safety and Minister of Transport
 - c. return the signed report to the Ministry of Health.
68. If feedback from the Ministerial consultation is provided to the Ministry by Tuesday 30 March, we will prepare a final draft Order and provide you with a signing copy by 6 April 2021.
69. If you sign the amended Order by Wednesday 7 April 2021, it will be gazetted and published.
70. We are planning for:
 - a. testing requirements for new groups and increased testing frequencies to come into force at 11:59 pm on Monday 12 April 2021
 - b. mandatory use of the Register to come into force at 11:59 pm on Tuesday 27 April 2021.

ENDS.

**Appendix 1: Draft COVID-19 Public Health Response (Required Testing)
Amendment Order 2021**

PROACTIVELY RELEASED

IN CONFIDENCE

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 12 April 2020.

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 aircraft means an aircraft that 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

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

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 13 April, the affected person's first test must be no later than 20 April. If recurring testing is required, and the affected person was first tested on 18 April, the second test may not be later than 25 April. If the second test was on 22 April, the third test may not be later than 29 April.

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**, in relation to 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)

Replace clause 11(2)(a) with:

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

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 13 April 2021
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- (4) In Schedule 2, item 3.1, replace “aircraft that arrives from location outside New Zealand” with “affected aircraft”.
- (5) In schedule 2, item 3.5, replace “handling” with “who handle”
- (6) In Schedule 2, after item 3.10, insert:

3.11	Workers who handle baggage of persons who are or were on board affected aircraft	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 13 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 13 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 13 April 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 13 April 2021

- (7) In Schedule 2, items 4.1 to 4.5, replace “ship” with “ships”.
- (8) In Schedule 2, item 4.5, replace “persons” with “persons (other than crew)”.
- (9) In Schedule 2, after item 4.6, insert:

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

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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 13 April 2021
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(10) In Schedule 2, item 5.1, replace “airport” with “affected airport”.

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

(12) 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 13 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 13 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, while working, have contact with members of groups specified in Parts 1 to 5	Community testing centre, testing centre at quarantine facility, or other healthcare facility	Once every 14 days starting on 13 April 2021
6.2	Workers who handle affected items within 72 hours of their removal from managed isolation facilities and who, while working, have contact with members of groups specified in Parts 1 to 5	Community testing centre, testing centre at isolation facility, or other healthcare facility	Once every 14 days starting on 13 April 2021
6.3	Workers who handle affected items within 24 hours of their removal from affected aircraft and who, while working, have contact with members of groups specified in Parts 1 to 5	Community testing centre, testing centre at affected airport, or other healthcare facility	Once every 14 days starting on 13 April 2021
6.4	Workers who handle affected items within 72 hours of their removal from affected ships and who, while working, have contact with members of groups specified in Parts 1 to 5	Community testing centre, testing centre at affected port, or other healthcare facility	Once every 14 days starting on 13 April 2021

Dated at this day of April 2021.

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 12 April 2021. The amendments—

- clarify the intervals at which an affected person must be tested:
- enable the taking of saliva by a specified method for the purposes of testing and medical examination:
- require PCBUs to enter their records of testing and medical examination on a register specified by, and maintained 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*:

This order is administered by the Ministry of Health.