

Version
as at 12 September 2022



COVID-19 Public Health Response (Testing for COVID-19) Order 2022

(SL 2022/51)

COVID-19 Public Health Response (Testing for COVID-19) Order 2022: revoked, at 11.59 pm on 12 September 2022, by clause 3(1)(c) of the COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254).

This order is made by the Minister for COVID-19 Response under sections 11 and 12 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.

Order

1 Title

This order is the COVID-19 Public Health Response (Testing for COVID-19) Order 2022.

2 Commencement

This order comes into force at 11.59 pm on 2 March 2022.

3 Purpose

The purpose of this order is to support a public health response to COVID-19 that furthers the purpose of the Act by enabling the Director-General to specify certain requirements for certain persons who are required to undergo testing for COVID-19.

4 Interpretation

In this order, unless the context otherwise requires, **Act** means the COVID-19 Public Health Response Act 2020.

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.

Testing requirements

7 Testing for COVID-19

- (1) This clause applies to a person or a class of persons required by any COVID-19 order to undergo testing for COVID-19 in accordance with this order.
- (2) The person must comply with the requirements specified in a notice that the Director-General makes under clause 8.

Clause 7(1): replaced, at 11.59 pm on 2 May 2022, by clause 15 of the COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125).

8 Director-General may specify matters by notice

- (1) The Director-General may, in relation to a person described in clause 7, make a notice that specifies that the person—
 - (a) must undergo a specified test for COVID-19 (at the times, and using the methods, specified); and
 - (b) must, if required, report for testing; and

- (c) must, if required, report the results of the testing to the Ministry of Health.
- (2) A notice made under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (3) A notice made under this clause for 1 or more named persons must be notified in writing to the named person or persons as soon as practicable after it is made.

Legislation Act 2019 requirements for secondary legislation made under this clause

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the order.

9 Exemption

A person is not required to undergo testing for COVID-19 under a notice made under clause 8 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.

Infringement offences

10 Infringement offence

- (1) A breach of clause 7(2) 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 clause 7(2) is a high risk offence.
- (3) The penalty for a high risk offence is set out in regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for that class 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.

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.

Dated at Wellington this 2nd day of March 2022.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 2 March 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Testing for COVID-19) Order 2022 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 (Revocations) Order 2022 (SL 2022/254): clause 3(1)(c)

COVID-19 Public Health Response (Maritime Border and Other Matters) Amendment Order 2022 (SL 2022/125): Part 2