

Version  
as at 26 November 2021



## COVID-19 Public Health Response Act 2020

Public Act      2020 No 12  
Date of assent    13 May 2020  
Commencement    see section 2

### Contents

		Page
1	Title	5
2	Commencement	5
<b>Part 1</b>		
<b>Preliminary provisions</b>		
3	Repeal of this Act	5
4	Purpose	6
5	Interpretation	6
6	Transitional, savings, and related provisions	10
7	Act binds the Crown	10
<b>Part 2</b>		
<b>Provisions to limit the risk of outbreak or spread of COVID-19</b>		
Subpart 1—COVID-19 orders		
8	Prerequisites for all COVID-19 orders	11
9	Requirements for making COVID-19 orders under section 11	11
10	Director-General may make COVID-19 orders	12
11	Orders that can be made under this Act	13

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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 Act is administered by the Ministry of Health.**

11A	Compensation or payment relating to requisitions	17
11AA	Requirements for making COVID-19 orders under section 11AB	17
11AB	Orders that can be made under this Act relating to specified work	18
12	General provisions relating to COVID-19 orders	19
13	Effect of COVID-19 orders	21
	Subpart 2—Further provisions relating to COVID-19 orders	
	<i>Form of orders, etc</i>	
14	Form, publication, and duration of COVID-19 orders	21
15	Amendment or extension of COVID-19 orders	22
	<i>Parliamentary approval</i>	
16	COVID-19 order made by Minister revoked if not approved by House of Representatives	24
	<i>Application of Legislation Act 2012</i>	
	<i>[Repealed]</i>	
17	COVID-19 orders to be disallowable instruments <i>[Repealed]</i>	25
	Subpart 2A—Duties in relation to specified work	
17A	Application of this subpart	25
	<i>Duties of PCBUs</i>	
17B	Duty to keep vaccination records	25
17C	Duty to prevent affected worker from carrying out specified work unless vaccinated	25
	<i>Duties of affected workers</i>	
17D	Duty not to carry out specified work unless vaccinated, exempt, or authorised	26
17E	Duty to provide information of vaccination status	26
17F	Duty to update information	27
	Subpart 3—Enforcement, offences, and penalties	
	<i>Authorised enforcement persons</i>	
18	Authorised enforcement persons	27
19	Evidence of identity	28
	<i>Enforcement</i>	
20	Powers of entry	28
21	Power to give directions	29
22	Power to close roads and public places and stop vehicles	29
23	Power to direct person to provide identifying information	30
23A	Power to direct person to produce evidence of compliance with specified measure	30
24	Power to direct business or undertaking to close	31
25	Directions may be given verbally or in writing	31

	<i>Offences</i>	
26	Offences and infringement offences	31
27	Offences relating to exercise of enforcement powers	32
	<i>Provisions relating to infringement offences</i>	
28	Proceedings for infringement offences	32
29	Who may issue infringement notices	33
30	Infringement notices	33
31	Reminder notices	33
32	Payment of infringement fees	33
	Subpart 3A—Cost recovery	
32A	Purpose of subpart	34
32B	MIQF costs subject to recovery	34
32C	Criteria for cost recovery	34
32D	Methods of cost recovery	34
32E	Persons in respect of whom prescribed charges payable	35
32F	Exemptions, waivers, and refunds	36
32G	Payment of charge	36
32H	Express authorisation for purpose of section 65K of Public Finance Act 1989	37
32I	Prescribed charges to constitute debt due to Crown	37
	Subpart 3B—Management of MIQFs and other places of isolation or quarantine	
	<i>Management of allocations</i>	
32J	Interpretation	37
32K	Chief executive responsible for operation of managed isolation allocation system	38
32L	Apportionment between allocations	38
32M	Online allocations	38
32N	Offline allocations for individuals and groups	38
32O	Amendment and cancellation of allocations	39
	<i>Provisions relating to MIQFs or other places of isolation or quarantine</i>	
32P	Restrictions on movement within MIQFs or other places of isolation or quarantine	39
32Q	Chief executive may make rules	41
32R	Power to hold things	41
	<i>Complaints process</i>	
32S	Complaints process relating to management of MIQFs	42

<i>Information collection</i>		
32T	Persons in respect of whom charges are payable to provide contact details	42
Subpart 4—Miscellaneous provisions		
33	Regulations	43
33A	Regulations relating to cost recovery	44
33AA	Regulations may prescribe assessment tool	46
33AB	PCBU may conduct work assessment	46
33B	Incorporation of material by reference in COVID-19 orders	47
33C	Availability and proof of material incorporated by reference	48
34	Protection of persons acting under authority of this Act	49
34A	Protection of contact tracing information	49
34B	Protection of evidence collected or obtained for purpose of determining whether person is vaccinated or has complied with Act or COVID-19 order	49
34C	Breach of section 34A or 34B constitutes interference with privacy of individual under Privacy Act 2020	50
<b>Part 3</b>		
<b>Amendments to Civil Defence Emergency Management Act 2002</b>		
35	Amendments to Civil Defence Emergency Management Act 2002	50
36	Section 66 amended (Minister may declare state of national emergency)	50
37	Section 68 amended (Declaration of state of local emergency)	51
38	Section 94B amended (Notice of local transition period)	51
39	Section 94E amended (Termination of transition periods)	51
<b>Part 4</b>		
<b>Amendment to Oranga Tamariki Act 1989</b>		
40	Amendment to Oranga Tamariki Act 1989	51
41	Section 272 amended (Jurisdiction of Youth Court and children's liability to be prosecuted for criminal offences)	51
<b>Schedule 1</b>		
<b>Transitional, savings, and related provisions</b>		
<b>Schedule 2</b>		
<b>Orders under section 70 of Health Act 1956 relating to COVID-19</b>		
<b>Schedule 3</b>		
<b>Infringement notice and reminder notice</b>		

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the COVID-19 Public Health Response Act 2020.

**2 Commencement**

This Act comes into force on Royal assent.

**Part 1  
Preliminary provisions**

**3 Repeal of this Act**

- (1) This Act is repealed on the expiry of a relevant period if no resolution is passed to continue the Act by the House of Representatives within that period.
- (2) The **relevant period** is the longer of the following:
  - (a) the period of 90 days after the commencement date or the date of the most recent resolution referred to in subsection (1):
  - (b) any other period specified by a resolution of the House of Representatives.
- (3) If not repealed sooner under subsection (1), this Act is repealed on the close of 13 May 2023.
- (4) A resolution under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) The Clerk of the House of Representatives must lodge a copy of the resolution with the Parliamentary Counsel Office for the purpose of publication under the Legislation Act 2019.
- (6) However, subsections (1) and (2) apply even if the copy is not yet published.

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	It is not required to be published	LA19 s 73(2)
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It is not disallowable	LA19 s 115

*This note is not part of the Act.*

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Section 3(3): replaced, on 20 November 2021, by section 4 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 3(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 3(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 3(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 4 Purpose

The purpose of this Act is to support a public health response to COVID-19 that—

- (a) prevents, and limits the risk of, the outbreak or spread of COVID-19 (taking into account the infectious nature and potential for asymptomatic transmission of COVID-19); and
- (b) avoids, mitigates, or remedies the actual or potential adverse effects of the COVID-19 outbreak (whether direct or indirect); and
- (c) is co-ordinated, orderly, and proportionate; and
- (ca) allows social, economic, and other factors to be taken into account where it is relevant to do so; and
- (cb) is economically sustainable and allows for the recovery of MIQF costs; and
- (d) has enforceable measures, in addition to the relevant voluntary measures and public health and other guidance that also support that response.

Section 4(ca): inserted, on 6 August 2020, by section 4 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 4(cb): inserted, on 6 August 2020, by section 4 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

## 5 Interpretation

- (1) In this Act, unless the context otherwise requires,—

**affected worker** means a worker who is employed or engaged by a PCBU to carry out specified work

**authorised enforcement person** means a person authorised under section 18

**authorised person**, in relation to COVID-19 vaccinations, means a person who is authorised by a COVID-19 order to carry out work despite being unvaccinated

**chief executive** means the chief executive of the responsible agency

**Commissioner** has the meaning given to it by section 4 of the Policing Act 2008

**constable** has the meaning given to it by section 4 of the Policing Act 2008

**COVID-19 order** means an order made under section 11 or 11AB (as may be amended or extended from time to time under section 15)

**COVID-19 vaccination authorisation**, in relation to a person, means an authorisation granted to the person under a COVID-19 order to carry out specified work despite being unvaccinated

**COVID-19 vaccination certificate** means a certificate that is issued to a person in accordance with a COVID-19 order made under section 11 certifying that the person is—

- (a) vaccinated; or
- (b) an exempt person

**COVID-19 vaccination exemption**, in relation to a person, means a COVID-19 vaccination exemption granted to the person under a COVID-19 order on the ground that the person meets the specified COVID-19 vaccination exemption criteria

**Director-General** means the Director-General of Health

**district** has the meaning given to it by section 5(1) of the Local Government Act 2002

**document** has the same meaning as in section 4(1) of the Evidence Act 2006

**enforcement officer** means—

- (a) the Director-General;
- (b) a medical officer of health;
- (c) a constable;
- (d) in relation to any function or power, a person authorised to perform that function or power under section 18 or a person in a class of persons authorised to perform that function or power under section 18

**exempt person** means a person who has been granted a COVID-19 vaccination exemption

**infringement offence** means an infringement offence against section 26(3)

**managed isolation or quarantine facility** or **MIQF** means a facility that is designated by the New Zealand Government for use as a place of isolation or quarantine

**Minister** means,—

- (a) for the purposes of sections 11AA, 11AB, and 33AA,—
  - (i) the Minister for Workplace Relations and Safety; or
  - (ii) the Minister who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of those sections:
- (b) for the purposes of any other section,—
  - (i) the Minister for COVID-19 Response; or
  - (ii) the Minister who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

**MIQF costs** means costs incurred by the New Zealand Government in respect of persons staying at MIQFs

**New Zealand** includes all waters within the outer limits of the territorial sea of New Zealand (as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)

**other place of isolation or quarantine** means a place of isolation or quarantine designated under a COVID-19 order that is not an MIQF

**PCBU** has the meaning given to it by section 17 of the Health and Safety at Work Act 2015

**Police uniform** has the meaning given to it by section 4 of the Policing Act 2008

**premises** includes any commercial premises and private premises

**prescribed charge** means a charge prescribed by regulations made under section 33A

**public place** has the meaning given to it by section 2(1) of the Summary Offences Act 1981

**representative** has the same meaning as in section 16 of the Health and Safety at Work Act 2015

**responsible agency** means the department of the public service or agency or entity that, with the authority of the Prime Minister, is responsible for the administration of MIQFs

**road** has the meaning given to it by section 35(2) of the Policing Act 2008

**room**, in relation to an MIQF, other place of isolation or quarantine, or a place of self-isolation or quarantine, means the area allocated to a person for the purpose of undertaking isolation or quarantine, including 1 or more rooms and any outdoor space such as a garden or balcony

**specified COVID-19 vaccination exemption criteria** means the criteria for determining whether a person may be granted a COVID-19 vaccination exemption that the Director-General specifies in a notice made under subsection (3)(a)

**specified work** means work, or classes of work, specified in a COVID-19 order made under section 11AB

**territorial authority** has the meaning given to it by section 5(1) of the Local Government Act 2002

**vaccinated**, in relation to a person, means the person has received all the required doses of a COVID-19 vaccine or combination of COVID-19 vaccines that—

- (a) the Minister or Director-General specifies in a COVID-19 order:
- (b) the Director-General specifies in a notice made under subsection (3)(b)

**worker** has the meaning given to it by section 19 of the Health and Safety at Work Act 2015

**workplace** has the meaning given to it by section 20 of the Health and Safety at Work Act 2015.

- (2) Terms and expressions used and not defined in this Act, but defined in the Health Act 1956, have the same meanings as in the Health Act 1956.
- (3) The Director-General may make a notice specifying (for the purposes of all or any legislation in, or made under, this Act)—
  - (a) COVID-19 vaccination exemption criteria:
  - (b) for the purposes of a COVID-19 vaccination, the required doses for each COVID-19 vaccine or combination of COVID-19 vaccines.
- (4) A notice made under subsection (3) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

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

*This note is not part of the Act.*

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Section 5(1) **affected worker**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **authorised enforcement person**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **authorised person**: replaced, on 26 November 2021, by section 4(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **chief executive**: inserted, on 20 November 2021, by section 5(2) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 5(1) **COVID-19 order**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **COVID-19 order**: amended, on 26 November 2021, by section 4(3) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **COVID-19 vaccination authorisation**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **COVID-19 vaccination certificate**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **COVID-19 vaccination exemption**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **document**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **exempt person**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **managed isolation or quarantine facility** or **MIQF**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **MBIE**: repealed, on 20 November 2021, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 5(1) **Minister**: replaced, on 26 November 2021, by section 4(4) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **MIQF costs**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **other place of isolation or quarantine**: inserted, on 20 November 2021, by section 5(2) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 5(1) **PCBU**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **prescribed charge**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **relevant Minister**: repealed, on 20 November 2021, by section 5(4) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 5(1) **representative**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **responsible agency**: inserted, on 20 November 2021, by section 5(2) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 5(1) **room**: inserted, on 20 November 2021, by section 5(2) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 5(1) **section 11 order**: repealed, on 6 August 2020, by section 5(2) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **specified COVID-19 vaccination exemption criteria**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **specified work**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **vaccinated**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **worker**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(1) **workplace**: inserted, on 26 November 2021, by section 4(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(3): inserted, on 26 November 2021, by section 4(5) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 5(4): inserted, on 26 November 2021, by section 4(5) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## 6 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

## 7 Act binds the Crown

This Act binds the Crown.

## Part 2

### Provisions to limit the risk of outbreak or spread of COVID-19

#### Subpart 1—COVID-19 orders

Subpart 1 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

#### 8 Prerequisites for all COVID-19 orders

A COVID-19 order may be made under this Act only—

- (a) while an epidemic notice under section 5 of the Epidemic Preparedness Act 2006 is in force for COVID-19; or
- (b) while a state of emergency or transition period in respect of COVID-19 under the Civil Defence Emergency Management Act 2002 is in force; or
- (c) if the Prime Minister, by notice in the *Gazette*, after being satisfied that there is a risk of an outbreak or the spread of COVID-19, has authorised the use of COVID-19 orders (either generally or specifically) and the authorisation is in force.

Section 8 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 8: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 8(c): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

#### 9 Requirements for making COVID-19 orders under section 11

- (1) The Minister may make a COVID-19 order under section 11 in accordance with the following provisions:
  - (a) the Minister must have had regard to advice from the Director-General about—
    - (i) the risks of the outbreak or spread of COVID-19; and
    - (ii) the nature and extent of measures (whether voluntary or enforceable) that are appropriate to address those risks; and
  - (b) the Minister may have had regard to any decision by the Government on the level of public health measures appropriate to respond to those risks and avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (which decision may have taken into account any social, economic, or other factors); and
  - (ba) the Minister 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; and
  - (c) the Minister—

- (i) must have consulted the Prime Minister, the Minister of Justice, and the Minister of Health; and
  - (ii) may have consulted any other Minister that the Minister (as defined in this Act) thinks fit; and
  - (d) before making the order, the Minister must be satisfied that the order is appropriate to achieve the purpose of this Act.
- (2) Nothing in this section requires the Minister to receive specific advice from the Director-General about the content of a proposed order or proposal to amend, extend, or revoke an order.

Section 9 heading: replaced, on 26 November 2021, by section 5(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 9(1): amended, on 26 November 2021, by section 5(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 9(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 9(1)(ba): inserted, on 6 August 2020, by section 6 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 9(1)(c): replaced, on 8 December 2020, by section 5 of the COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64).

## **10 Director-General may make COVID-19 orders**

The Director-General may make a COVID-19 order in accordance with the following provisions:

- (a) the order may apply only within boundaries described in the order that—
  - (i) are relevant to the circumstances addressed by the order; and
  - (ii) are described in a practical way, whether by reference to roads, geographical features (such as rivers or ranges), or in any other way that enables the boundaries to be readily ascertained; and
- (b) the Director-General must be satisfied that the order—
  - (i) is urgently needed to prevent or contain the outbreak or spread of COVID-19; and
  - (ii) is the most appropriate way of addressing those matters at the time; and
- (c) the Director-General 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; and
- (d) the Director-General must be satisfied that the order is appropriate to achieve the purpose of this Act.

Section 10: replaced, on 20 November 2021, by section 6 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **11 Orders that can be made under this Act**

- (1) The Minister or the Director-General may, in accordance with section 9 or 10 (as the case may be), make an order under this section for 1 or more of the following purposes:
- (a) to require persons to refrain from taking any specified actions or to take any specified actions, or comply with any specified measures, so as to contribute or be likely to contribute to either or both of the following:
    - (i) preventing, containing, reducing, controlling, managing, eliminating, or limiting the risk of the outbreak or spread of COVID-19:
    - (ii) avoiding, mitigating, or remedying the actual or potential adverse public health effects of the outbreak of COVID-19 (whether direct or indirect):
  - (b) by way of example under paragraph (a), requiring persons to do any of the following:
    - (i) stay in any specified area, place, or premises or refrain from going to any specified area, place, or premises (including in specified circumstances or unless in compliance with specified measures):
    - (ia) permit entry to any specified areas, places, or premises only in specified circumstances or in compliance with specified measures:
    - (ii) refrain from associating with specified persons:
    - (iii) stay physically distant from any persons in any specified way:
    - (iv) refrain from travelling to or from any specified area or place, or refrain from travelling to or from any specified area or place in specified circumstances or unless in compliance with specified measures (for example, refrain from leaving an area unless the person has a COVID-19 vaccination certificate):
    - (v) refrain from carrying out specified activities (for example, business activities involving close personal contact) or carry out specified activities only in any specified way or in compliance with specified measures:
    - (vi) be isolated or quarantined in any specified place or in any specified way:
    - (vii) refrain from participating in gatherings of any specified kind, in any specified place, or in specified circumstances:
    - (viii) report for and undergo a medical examination or testing of any kind, and at any place or time, specified and in any specified way or specified circumstances:
    - (ix) provide, in specified circumstances or in any specified way, any information necessary for the purpose of contact tracing:

- (x) satisfy any specified criteria before entering New Zealand from a place outside New Zealand, which may include being registered to enter an MIQF on arrival in New Zealand:
- (c) in relation to an MIQF, other place of isolation or quarantine, or a place of self-isolation or quarantine, to require specified actions to be taken, or require compliance with any specified measures, for the purpose of managing the movement of people to, from, and within the MIQF, other place of isolation or quarantine, or place of self-isolation or quarantine, including (without limitation) any of the following:
  - (i) giving directions that relate to the movement of people to, from, and within the MIQF, other place of isolation or quarantine, or place of self-isolation or quarantine:
  - (ii) imposing restrictions and conditions that relate to the movement of people to, from, and within the MIQF, other place of isolation or quarantine, or place of self-isolation or quarantine:
  - (iii) permitting people to leave their rooms in the MIQF, other place of isolation or quarantine, or place of self-isolation or quarantine in accordance with any requirements or conditions specified in the order:
- (d) in relation to any places, premises, craft, vehicles, or other things, to require specified actions to be taken, require compliance with any specified measures, or impose specified prohibitions, so as to contribute or be likely to contribute to either or both of the following:
  - (i) preventing, containing, reducing, controlling, managing, eliminating, or limiting the risk of the outbreak or spread of COVID-19:
  - (ii) avoiding, mitigating, or remedying the actual or potential adverse public health effects of the outbreak of COVID-19 (whether direct or indirect):
- (e) by way of example under paragraph (d), doing any of the following:
  - (i) requiring any places, premises, craft, vehicles, or other things to be closed or only open if specified measures are complied with:
  - (ii) prohibiting any craft, vehicles, or other things from entering any port or place, or permitting the entry of any craft, vehicles, or other things into any port or place only if specified measures are complied with:
  - (iii) prohibiting gatherings of any specified kind in any specified places or premises, or in any specified circumstances:
  - (iv) requiring any places, premises, craft, vehicles, or other things to be isolated, quarantined, or disinfected in any specified way or specified circumstances:

- (v) requiring the testing of any places, premises, craft, vehicles, or other things in any specified way or specified circumstances:
- (f) in relation to laboratories that undertake COVID-19 testing, by—
  - (i) setting quality control measures and minimum standards:
  - (ii) requiring COVID-19 test results to be reported to the Director-General’s public health national testing repository:
  - (iii) managing the supply of testing consumables (such as reagents and swabs) used by the laboratories:
  - (iv) providing differently for different classes of testing laboratories (for example, different provisions for laboratories depending on whether they are funded publicly or privately):
- (g) requiring the owner or any person in charge of a specified laboratory that undertakes COVID-19 testing to—
  - (i) deliver or use, in accordance with directions given under the order, specified quantities of COVID-19 testing consumables that the Minister considers necessary for the purposes of the public health response to COVID-19:
  - (ii) undertake COVID-19 testing solely for the purposes of the public health response to COVID-19 while subject to the order, whether or not the laboratory is contracted by the Crown for that purpose:
- (h) requiring persons to permit individuals to enter a place or receive a service whether or not those individuals are vaccinated, have a COVID-19 vaccination certificate, or are otherwise able to produce evidence of their vaccination status:
- (i) specifying the evidence that may be required to be produced, and the person to whom the evidence may be required to be produced to, to demonstrate compliance with a specified measure (for example, specifying that a COVID-19 vaccination certificate is required to be produced to enter certain premises) and providing for any prohibitions or duties that apply in respect of the use or production of that evidence:
- (j) specifying, for the purposes of a COVID-19 vaccination, the required doses for each COVID-19 vaccine or combination of COVID-19 vaccines:
- (k) in relation to COVID-19 vaccination certificates,—
  - (i) specifying who is eligible to be issued with a COVID-19 vaccination certificate:
  - (ii) specifying how an application for a COVID-19 vaccination certificate must be made, and the information required to accompany that application:

- (iii) providing for the issue, renewal, and extension of COVID-19 vaccination certificates by the Director-General or by the use of automated electronic systems (which certificates are to be treated as if they were issued, renewed, or extended by the Director-General):
  - (iv) providing for the form and content of COVID-19 vaccination certificates to be determined by the Director-General:
  - (v) specifying the period for which COVID-19 vaccination certificates are valid, or the conditions under which COVID-19 vaccination certificates may expire.
- (2) *[Not in force]*
- (3) For the purposes of this section and section 12, **things** includes animals, goods, businesses, records, equipment, and supplies.
- (4) All goods prohibited from import under a COVID-19 order are deemed to be included among goods prohibited from import under section 96 of the Customs and Excise Act 2018, and the provisions of that Act apply to those goods accordingly.
- (5) A COVID-19 order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (6) If a COVID-19 order authorises the Director-General or chief executive to do anything specified in section 12(1)(d) by notice,—
- (a) the notice is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons or things; and
  - (b) the order must contain a statement to that effect.

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**Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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**Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)(a)**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021, unless it is published by PCO	LA19 ss 69, 73, 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives, unless it is excluded by section 114(2) of the Legislation Act 2019	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives, unless it is excluded by section 115 of the Legislation Act 2019	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 11: replaced, on 20 November 2021, by section 7 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 11(1)(b)(i): replaced, on 26 November 2021, by section 6(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 11(1)(b)(ia): inserted, on 26 November 2021, by section 6(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 11(1)(b)(iv): replaced, on 26 November 2021, by section 6(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 11(1)(h): inserted, on 26 November 2021, by section 6(3) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 11(1)(i): inserted, on 26 November 2021, by section 6(3) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 11(1)(j): inserted, on 26 November 2021, by section 6(3) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 11(1)(k): inserted, on 26 November 2021, by section 6(3) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 11(5): amended, on 26 November 2021, by section 6(4) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## **11A Compensation or payment relating to requisitions**

- (1) This section applies if an order is made under section 11(1)(g).
- (2) The owner of a testing laboratory injuriously affected by the requisitioning of testing consumables is entitled to receive compensation from the Crown at the market rate for the consumables requisitioned.
- (3) The owner of a testing laboratory required to undertake COVID-19 testing solely for the purposes of the public health response to COVID-19 is entitled to be paid by the Crown for its services at the market rate for those services.
- (4) All questions and disputes relating to claims for compensation or payment under this section must be heard and determined by the District Court, whose decision is final.

Section 11A: inserted, on 20 November 2021, by section 8 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **11AA Requirements for making COVID-19 orders under section 11AB**

- (1) The Minister may make a COVID-19 order under section 11AB in accordance with the following provisions:
  - (a) the Minister 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; and
  - (b) the Minister—
    - (i) must have consulted the Prime Minister, the Minister for COVID-19 Response, the Minister of Justice, and the Minister of Health; and

- (ii) may have consulted any other Minister as the Minister thinks fit; and
- (c) before making the order, the Minister—
  - (i) may consult the Director-General; and
  - (ii) must be satisfied that the order is in the public interest and is appropriate to achieve the purpose of this Act.
- (2) For the purposes of subsection (1)(c)(ii), **public interest** includes (without limitation)—
  - (a) ensuring continuity of services that are essential for public safety, national defence, or crisis response:
  - (b) supporting the continued provision of lifeline utilities or other essential services:
  - (c) maintaining trust in public services:
  - (d) maintaining access to overseas markets.

Section 11AA: inserted, on 26 November 2021, by section 7 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### **11AB Orders that can be made under this Act relating to specified work**

- (1) The Minister may, in accordance with section 11AA, make an order for 1 or more of the following purposes:
  - (a) specifying work, or classes of work, that may not be carried out by an affected worker unless the affected worker is vaccinated, an exempt person, or an authorised person:
  - (b) specifying work, or classes of work, that may not be carried out by an affected worker unless the affected worker reports for and undergoes medical examination or testing for COVID-19, or is otherwise permitted to do the work—
    - (i) at any specified place or time:
    - (ii) in any specified way or specified circumstances:
  - (c) imposing further duties or obligations relating to specified work carried out by affected workers:
  - (d) prescribing how duties imposed under subpart 2A or a COVID-19 order made under this section are to be performed:
  - (e) prescribing record-keeping requirements for the purposes of subpart 2A or a COVID-19 order made under this section, including the content of the records and the manner in which records must be kept.
- (2) An order made under this section may specify which breaches of the order are infringement offences for the purposes of section 26(3), and may specify that a breach of an order is a particular class of infringement offence (with the corresponding penalties) for the purposes of regulations made under section 33(1)(b).

- (3) To avoid doubt, nothing in this section limits the purposes for which an order may be made under section 11.
- (4) If a conflict arises between an order made under this section and an order made under section 11, the order made under section 11 prevails unless specified otherwise in the order made under this section.
- (5) A COVID-19 order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 11AB: inserted, on 26 November 2021, by section 7 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## 12 General provisions relating to COVID-19 orders

- (1) A COVID-19 order may—
  - (a) impose different measures, including requirements, restrictions, directions, and conditions, for different circumstances and different classes of persons, places, premises, craft, vehicles, or other things (for example, different restrictions may be imposed on persons depending on whether they have a COVID-19 vaccination certificate or on their vaccination status):
    - (aa) specify the evidence (including any particular form of evidence) that may be required to be produced to demonstrate compliance with a requirement, restriction, direction, or condition:
  - (b) apply,—
    - (i) in relation to persons, generally to all persons in New Zealand or to any person or specified class of persons in New Zealand:
    - (ii) in relation to places, premises, craft, vehicles, or other things, to any class or to all of them:
    - (iii) in relation to anything else,—
      - (A) generally throughout New Zealand:
      - (B) in any area, however described:
  - (c) provide that any provision of a COVID-19 order (even if the provision is beneficial) does not apply in any specified circumstances, in any specified way, or to any specified persons, places, premises, craft, vehicles, or other things, or to any specified class of persons, places, premises, craft, vehicles, or other things:

- (d) authorise the Director-General or the chief executive, subject to any criteria or conditions specified in the order, to do any of the following things by written notice:
    - (i) specify, determine, designate, define, or approve any matters, impose conditions, or give directions, required for the operation of a provision of this Act or a COVID-19 order, including matters that affect or determine the application, operation, or scope of a provision:
    - (ii) determine that any provision of this Act or a COVID-19 order (even if the provision is beneficial) does not apply in any specified circumstances, in any specified way, or to any specified persons, places, premises, craft, vehicles, or other things, or to any specified class of persons, places, premises, craft, vehicles, or other things:
  - (e) if any thing can be prohibited under section 11 or 11AB, permit that thing but only subject to specified conditions.
- (2) However, a COVID-19 order—
- (a) may not apply only to a specific individual:
  - (b) if made by the Director-General, may apply only within the boundaries described under section 10(a):
  - (c) may not be made under section 11(1)(e)(i) in relation to—
    - (i) any premises that are, or any part of any premises that is, used solely as a private dwellinghouse:
    - (ii) any premises that are, or are part of, a prison (within the meaning of section 3(1) of the Corrections Act 2004):
  - (d) may not be made under section 11(1)(e)(i) or (iii) in relation to—
    - (i) any premises within the parliamentary precincts (within the meaning of section 3 of the Parliamentary Service Act 2000):
    - (ii) any premises whose principal or only use is as a courtroom or Judge’s chambers or a court registry.
- (3) If a COVID-19 order or a notice referred to in subsection (1)(d) disapplies a provision or requirement of an order, subject to compliance with a stated condition, a person who breaches the condition must be treated as breaching that provision or requirement.
- (4) For the purposes of subsection (1)(c) and (d), it does not matter how the disapplication of a provision of a COVID-19 order is expressed (for example, it may be expressed as an exemption, an exclusion, or an authority to do something that is otherwise prohibited by the order).

Section 12: replaced, on 20 November 2021, by section 9 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 12(1)(a): amended, on 26 November 2021, by section 8(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 12(1)(aa): inserted, on 26 November 2021, by section 8(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 12(1)(d)(i): amended, on 26 November 2021, by section 8(3) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 12(1)(d)(ii): amended, on 26 November 2021, by section 8(4) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 12(1)(e): amended, on 26 November 2021, by section 8(5) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### **13 Effect of COVID-19 orders**

- (1) A COVID-19 order may not be held invalid just because—
  - (a) it is, or authorises any act or omission that is, inconsistent with the Health Act 1956 or any other enactment relevant to the subject matter of the order; or
  - (b) it confers a discretion on any person, or allows any matter or thing to be granted, specified, determined, designated, defined, approved, or disapproved by any person, or allows a person to impose conditions or give directions, whether or not there are prescribed criteria.
- (2) However, subsection (1)(a) does not limit or affect the application of the New Zealand Bill of Rights Act 1990.
- (3) To avoid doubt, nothing in this Act prevents the filing, hearing, or determination of any legal proceedings in respect of the making or terms of any COVID-19 order.

Section 13 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 13(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 13(1)(b): replaced, on 20 November 2021, by section 10 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 13(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

#### **Subpart 2—Further provisions relating to COVID-19 orders**

Subpart 2 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

#### *Form of orders, etc*

### **14 Form, publication, and duration of COVID-19 orders**

- (1) A COVID-19 order must—
  - (a) be in writing; and

- (b) state the area to which it applies; and
  - (c) state when it comes into force.
- (2) A COVID-19 order must, at least 48 hours before it comes into force, be published under Part 3 of the Legislation Act 2019.
- (3) However, the Minister or Director-General (as the case may be) need not comply with the 48-hour time limit in subsection (2) if satisfied that—
  - (a) the order should come into force urgently to prevent or contain the outbreak or spread of COVID-19; or
  - (b) the effect of the order is only to remove or reduce requirements imposed by a COVID-19 order.
- (3A) In the case of subsection (3), the COVID-19 order comes into force even if it is not yet published.
- (4) A COVID-19 order made by the Director-General expires 1 month after the date on which it comes into force, unless it is sooner revoked or extended.
- (5) The Minister and the Director-General must keep their COVID-19 orders under review.

Section 14 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 14(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 14(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 14(3): replaced, on 8 December 2020, by section 6 of the COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64).

Section 14(3)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 14(3A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 14(4): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 14(5): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

## **15 Amendment or extension of COVID-19 orders**

- (1) The Minister may, at any time, amend, extend, or revoke any COVID-19 order made by the Minister.
- (2) The Director-General may, at any time, amend, extend by up to 1 month on each occasion, or revoke any COVID-19 order made by the Director-General.
- (3) The Minister may, at any time, revoke any COVID-19 order made by the Director-General.

- (4) Requirements that apply in relation to the making of a COVID-19 order also apply, with all necessary modifications, in relation to its amendment or extension.
- (5) An amendment, extension, or revocation of an order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (6) If the amended or extended order authorises any person or class of persons to grant an exemption or authorise a specified activity under section 12(1)(d),—
- (a) the exemption or authorisation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons or specified things; and
- (b) *[Repealed]*
- (c) the amended or extended order must contain a statement to that effect.

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**Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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**Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)(a)**

<b>Publication</b>	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (5)	LA19 ss 73, 74, Sch 1 cl 14
<b>Presentation</b>	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

Section 15 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(2): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(4): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 15(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 15(6)(a): replaced, on 28 October 2021, by regulation 70 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Section 15(6)(b): repealed, on 28 October 2021, by regulation 70 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

*Parliamentary approval*

**16 COVID-19 order made by Minister revoked if not approved by House of Representatives**

- (1) A COVID-19 order made by the Minister is revoked (unless it is earlier revoked) on the expiry of the relevant period if no resolution of the House of Representatives is passed to approve the order within that period.
- (2) The **relevant period** is the longer of the following:
  - (a) the period of 10 sitting days of the House of Representatives after the date on which the order is made:
  - (b) the period of 60 days after the date on which the order is made:
  - (c) any other period specified by a resolution of the House of Representatives.
- (3) An order that is revoked under subsection (1) immediately ceases to be of any effect unless a resolution of the House provides otherwise.
- (4) Revocation under subsection (1) does not affect the validity of any action taken to give effect to or enforce the order.
- (5) A resolution under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (6) The Clerk of the House of Representatives must lodge a copy of the resolution with the Parliamentary Counsel Office for the purpose of publication under the Legislation Act 2019.
- (7) However, subsections (1) to (4) apply even if the copy is not yet published.

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	It is not required to be published	LA19 s 73(2)
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It is not disallowable	LA19 s 115

*This note is not part of the Act.*

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Section 16 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 16(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 16(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 16(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 16(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## *Application of Legislation Act 2012*

*[Repealed]*

Heading: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### **17 COVID-19 orders to be disallowable instruments**

*[Repealed]*

Section 17: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

#### **Subpart 2A—Duties in relation to specified work**

Subpart 2A: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### **17A Application of this subpart**

- (1) The duties set out in this subpart apply only if a COVID-19 order is made under section 11AB(1)(a).
- (2) Nothing in this subpart applies to a person to whom the same, or substantially the same, duty is imposed in relation to COVID-19 vaccinations by an order made under section 11.

Section 17A: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### *Duties of PCBUs*

Heading: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### **17B Duty to keep vaccination records**

- (1) A PCBU must, for each affected worker who carries out specified work for the PCBU, keep a record of the affected worker's vaccination status.
- (2) The record must contain the information and be kept in the manner prescribed by a COVID-19 order made under section 11AB.
- (3) If an affected worker provides the PCBU with updated information under section 17F, the PCBU must update the vaccination record as soon as practicable after being provided with the information.
- (4) A failure to comply with this section is an infringement offence.

Section 17B: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### **17C Duty to prevent affected worker from carrying out specified work unless vaccinated**

- (1) A PCBU must not allow an affected worker (other than an exempt person or an authorised person) to carry out specified work unless satisfied that the affected worker is vaccinated.

- (2) A PCBU—
- (a) must notify each affected worker who carries out specified work for the PCBU of the affected worker’s duty not to carry out that work unless they are vaccinated, an exempt person, or an authorised person; and
  - (b) must not prevent the affected worker from being vaccinated during their normal working hours, if vaccinations are available during those hours.
- (3) A failure to comply with this section is an infringement offence.

Section 17C: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### *Duties of affected workers*

Heading: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### **17D Duty not to carry out specified work unless vaccinated, exempt, or authorised**

- (1) An affected worker must not carry out specified work unless they are—
- (a) vaccinated; or
  - (b) an exempt person; or
  - (c) an authorised person.

- (2) A failure to comply with subsection (1) is an infringement offence.

Section 17D: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### **17E Duty to provide information of vaccination status**

- (1) For the purposes of ensuring compliance with the duties set out in sections 17B and 17C, a PCBU may request an affected worker to provide information (whether in written or electronic form on a device) that verifies the affected worker’s vaccination status (for example, a COVID-19 vaccination certificate, a COVID-19 vaccination exemption, or a COVID-19 vaccination authorisation).
- (2) If a document that is provided under subsection (1) is handed over to a PCBU, the PCBU must immediately return it to the affected worker after—
- (a) inspecting the document; and
  - (b) taking any copies or images of the document, or extracts from the document, that may reasonably be required for the purpose of verifying compliance with the duties referred to in subsection (1).
- (3) If the affected worker fails to comply with the requirement in subsection (1), the PCBU may treat the affected worker as being unvaccinated or not otherwise permitted to perform their work.

Section 17E: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### **17F Duty to update information**

If an affected worker has provided information to a PCBU under this subpart, the affected worker must ensure that the information is updated as soon as practicable after it changes.

Section 17F: inserted, on 26 November 2021, by section 9 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## **Subpart 3—Enforcement, offences, and penalties**

### *Authorised enforcement persons*

Heading: replaced, on 26 November 2021, by section 10 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### **18 Authorised enforcement persons**

- (1) The Director-General may authorise a suitably qualified and trained person who is employed or engaged by the Crown or a Crown entity (if specified in Part 1 of Schedule 1 of the Crown Entities Act 2004), or a class of suitably qualified and trained persons who are employed or engaged by the Crown or a Crown entity (if specified in Part 1 of Schedule 1 of the Crown Entities Act 2004), to carry out any functions and powers of an enforcement officer under this Act.
- (2) An authorisation under subsection (1) must—
  - (a) be in writing; and
  - (b) specify—
    - (i) the authorised enforcement person or the class of persons; and
    - (ii) the functions and powers that may be carried out by the authorised enforcement person or class of persons; and
    - (iii) the term of the authorisation.
- (3) The Director-General may renew any authorisation given under subsection (1).
- (4) The Director-General may revoke an authorisation given under this section—
  - (a) in the case of an individual, for incapacity, neglect of duty, or misconduct; or
  - (b) in the case of an individual, on the written request of the authorised enforcement person; or
  - (c) if the Director-General considers that the authorisation is no longer necessary or desirable.
- (5) If a person ceases to be an authorised enforcement person, they must surrender to the Director-General all articles and documents received by the person in relation to the authorisation.

Section 18 heading: amended, on 26 November 2021, by section 11(1) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 18(2)(b)(i): amended, on 26 November 2021, by section 11(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 18(2)(b)(ii): amended, on 26 November 2021, by section 11(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 18(4)(b): amended, on 26 November 2021, by section 11(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Section 18(5): amended, on 26 November 2021, by section 11(2) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## **19 Evidence of identity**

Every enforcement officer (other than a constable in Police uniform) exercising any of the powers conferred by or under this Act must, at the time of exercising that power, and subsequently on request, produce—

- (a) evidence of that person's appointment as an enforcement officer; and
- (b) evidence of that person's identity.

### *Enforcement*

## **20 Powers of entry**

- (1) An enforcement officer may enter, without a warrant, any land, building, craft, vehicle, place, or thing if they have reasonable grounds to believe that a person is failing to comply with any aspect of a COVID-19 order.
- (2) However, subsection (1) does not apply to a private dwellinghouse.
- (3) A constable may enter a private dwellinghouse without warrant only if they have reasonable grounds to believe that people have gathered there in contravention of a COVID-19 order and entry is necessary for the purpose of giving a direction under section 21.
- (4) A constable exercising a power of entry under this section may use reasonable force in order to effect entry into or onto the land, building, craft, vehicle, place, or thing if, following a request, a person present refuses entry or does not allow entry within a reasonable time.
- (5) Any constable who exercises a warrantless entry power under this section must provide a written report on the exercise of that power to the Commissioner or a Police employee designated to receive reports of that kind by the Commissioner, as soon as practicable after exercising the power.
- (6) Any enforcement officer (other than a constable) who exercises a warrantless entry power under this section must provide a written report on the exercise of that power to the Director-General, or an employee designated to receive reports of that kind by the Director-General, as soon as practicable after exercising the power.
- (7) A report referred to in subsection (5) or (6) must contain—

- (a) a short summary of the circumstances surrounding the exercise of the power, and the reason or reasons why the power needed to be exercised; and
  - (b) a description of any other action undertaken.
- (8) If a marae is entered under subsection (1), the person exercising the power must also send a copy of the report referred to in subsection (5) or (6) (as the case may be) to the committee of the relevant marae.

Section 20(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 20(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

## **21 Power to give directions**

An enforcement officer who has reasonable grounds to believe that a person is contravening or likely to contravene a COVID-19 order or a rule made under section 32Q may—

- (a) direct that person to stop any activity that is contravening or likely to contravene the order or rule;
- (b) direct that person to take any action to prevent or limit the extent of the person's non-compliance.

Section 21: amended, on 20 November 2021, by section 11(1) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 21: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 21(a): amended, on 20 November 2021, by section 11(2) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **22 Power to close roads and public places and stop vehicles**

- (1) Subsection (2) applies if a COVID-19 order provides for the total or partial prohibition or restriction of public access, with or without vehicles, to any road or public place within an area specified in the order for the purpose of this section.
- (2) For the purpose of enforcing those measures contained in the order, a constable or an enforcement officer acting under the supervision of the constable may totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place in that area.
- (3) For the purpose of a COVID-19 order that provides for restriction of movement, a constable may stop a vehicle.
- (3A) For the purpose of enforcing or monitoring compliance with a COVID-19 order that restricts movement by persons with or without vehicles, a constable may stop persons and vehicles at any road block or checkpoint established for that purpose.

- (4) Sections 128 and 129 of the Search and Surveillance Act 2012 (duty to remain stopped and to provide information), with any necessary modifications, apply to the powers conferred by subsection (3) and apply in addition to the requirement to provide evidence of identity in section 19.
- (5) An enforcement officer may also stop persons and vehicles for the purpose stated in subsection (3A) if acting under the supervision of a constable.
- (6) For the purpose of subsection (5) only, **enforcement officer** means a person authorised in accordance with section 18 who is—
- (a) a member of the Armed Forces (as defined in section 2(1) of the Defence Act 1990);
  - (b) any person whom the Commissioner recognises as being—
    - (i) a Māori warden; or
    - (ii) a nominated representative of an iwi organisation; or
    - (iii) a Pasifika warden; or
    - (iv) a community patroller.
- (7) Section 18 applies with any necessary modifications for the purpose of subsection (6).

Section 22(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 22(2): amended, on 20 November 2021, by section 12(1) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 22(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 22(3A): inserted, on 20 November 2021, by section 12(2) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 22(5): inserted, on 20 November 2021, by section 12(3) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 22(6): inserted, on 20 November 2021, by section 12(3) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 22(7): inserted, on 20 November 2021, by section 12(3) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **23 Power to direct person to provide identifying information**

For the purpose of exercising powers under this subpart, an enforcement officer may direct a person to give the person's full name, full address, date of birth, occupation, and telephone number, or any of those particulars that the enforcement officer may specify.

## **23A Power to direct person to produce evidence of compliance with specified measure**

- (1) This section applies if subpart 2A of this Part or a COVID-19 order permits a person to do anything or go anywhere (for example, enter any areas, places, or premises) only if 1 or more specified measures are complied with.

- (2) For the purpose of enforcing any specified measure under subpart 2A of this Part or contained in the order, an enforcement officer may direct a person to produce evidence (whether in written form or in electronic form on a device) that verifies compliance with the specified measure (for example, produce a COVID-19 vaccination certificate or a test result).
- (3) If a document that is produced as evidence of compliance with a specified measure is handed over to an enforcement officer, the enforcement officer must immediately return it to the person who produced it after—
  - (a) inspecting the document; and
  - (b) taking any copies or images of the document, or extracts from the document, that may reasonably be required for the purpose of enforcing the specified measure.

Section 23A: inserted, on 26 November 2021, by section 12 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## **24 Power to direct business or undertaking to close**

- (1) An enforcement officer who has reasonable grounds to believe that a business or undertaking, or part of a business or undertaking, is operating in contravention of a COVID-19 order or contrary to any conditions imposed on its operation by a COVID-19 order may direct any person who appears to be in charge of the business or undertaking, or that part, to close and cease operation until a later time stated in the direction that does not exceed 24 hours after it is given.
- (2) As soon as a direction is given, the owner or manager or person to whom it is given may appeal to the District Court for the revocation of the direction.
- (3) The Court—
  - (a) may revoke the direction either unconditionally or subject to any conditions that it thinks fit to impose; or
  - (b) may refuse to revoke the direction.
- (4) The filing of an appeal does not suspend, interfere with, or affect the application of the direction concerned.

Section 24(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

## **25 Directions may be given verbally or in writing**

A direction under this subpart may be given verbally or in writing.

### *Offences*

## **26 Offences and infringement offences**

- (1) A person commits an offence if the person intentionally fails to comply with a COVID-19 order.

- (2) A person who commits an offence against subsection (1) is liable on conviction to,—
- (a) for an individual,—
    - (i) imprisonment for a term not exceeding 6 months; or
    - (ii) a fine not exceeding \$12,000:
  - (b) for any other person, a fine not exceeding \$15,000.
- (3) A person commits an infringement offence if the person—
- (a) does anything specified as an infringement offence in this Act or a COVID-19 order; or
  - (b) breaches a rule made under section 32Q.
- (4) *[Not in force]*
- Section 26: replaced, on 20 November 2021, by section 13 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **27 Offences relating to exercise of enforcement powers**

- (1) A person commits an offence if the person obstructs or intentionally threatens, assaults, or hinders an enforcement officer in the exercise or performance of powers or functions under sections 20 to 24.
- (2) A person commits an offence if the person intentionally fails to comply with a direction, prohibition, or restriction given or imposed under any of sections 21 to 24.
- (3) A person commits an offence if the person—
- (a) fails to stop as soon as practicable when required to do so by a constable exercising the power under section 22(3) to stop a vehicle; and
  - (b) knows or ought reasonably to have known that the person exercising the power is a constable.
- (4) A person who commits an offence against any of subsections (1) to (3) is liable on conviction to,—
- (a) for an individual,—
    - (i) imprisonment for a term not exceeding 6 months; or
    - (ii) a fine not exceeding \$12,000:
  - (b) for any other person, a fine not exceeding \$15,000.

Section 27(4): replaced, on 20 November 2021, by section 14 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### *Provisions relating to infringement offences*

## **28 Proceedings for infringement offences**

- (1) A person who is alleged to have committed an infringement offence may—

- (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or
  - (b) be served with an infringement notice issued under section 30.
- (2) Proceedings commenced in the way described in subsection (1)(a) do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.
- (3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

Section 28(2): replaced, on 20 November 2021, by section 15 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 28(3): inserted, on 20 November 2021, by section 15 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **29 Who may issue infringement notices**

An enforcement officer may issue infringement notices under this Act.

## **30 Infringement notices**

- (1) An enforcement officer may issue an infringement notice to a person if the officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.
- (2) The enforcement officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.
- (3) An infringement notice (or a copy of it) sent by post to a person under subsection (2) is to be treated as having been served on that person when it was posted.
- (4) An infringement notice must be in the form prescribed by regulations made under section 33 or (in the absence of a form prescribed by regulations) in form 1 set out in Schedule 3.

## **31 Reminder notices**

A reminder notice must be in the form prescribed by regulations made under section 33 or (in the absence of a form prescribed by regulations) in form 2 set out in Schedule 3.

## **32 Payment of infringement fees**

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

### Subpart 3A—Cost recovery

Subpart 3A: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

#### 32A Purpose of subpart

The purpose of this subpart is to enable the New Zealand Government to recover MIQF costs.

Section 32A: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

#### 32B MIQF costs subject to recovery

The Minister may recommend the making of regulations under section 33A prescribing charges only if satisfied that the charges concerned relate to MIQF costs (including direct and indirect costs).

Section 32B: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 32B: amended, on 20 November 2021, by section 16 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

#### 32C Criteria for cost recovery

The Minister may recommend that regulations be made under section 33A only if the Minister is satisfied of the following matters:

- (a) the prescribed charges recover from any class of persons no more than an estimate of the actual and reasonable MIQF costs incurred in relation to that class (including both direct and indirect costs); and
- (b) there is appropriate provision to grant relief from the payment of the prescribed charges in circumstances where payment of the charges would cause undue financial hardship; and
- (c) the prescribed charges do not limit or are justified limits on the rights and freedoms in the New Zealand Bill of Rights Act 1990.

Section 32C: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 32C: amended, on 20 November 2021, by section 17 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

#### 32D Methods of cost recovery

- (1) The methods by which MIQF costs may be recovered are as follows:
  - (a) fixed charges, or a method of calculating or ascertaining the charges:
  - (b) charges based on a scale or formula or at a rate determined on a unit basis:
  - (c) charges based on costs incurred from third parties:
  - (d) charges of estimated actual and reasonable costs to be spent on or in connection with the use of an MIQF.

- (2) Without limiting the way in which a charge may be set, a charge may be set at a level or in a way that—
- (a) is determined by calculations that involve an averaging of costs:
  - (b) takes account of costs or potential costs that are not directly incurred in relation to the use of an MIQF by the person paying the charge, but which are costs or potential costs arising indirectly in relation to the use of an MIQF by 1 or more classes of persons.

Section 32D: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

### **32E Persons in respect of whom prescribed charges payable**

- (1) A prescribed charge is payable by or on behalf of a person, in accordance with regulations made under section 33A, if—
- (a) the person—
    - (i) has arrived in New Zealand from a place outside New Zealand and is required by or under a COVID-19 order to stay at an MIQF; and
    - (ii) is a member of any prescribed class of persons; and
    - (iii) is not an exempt person; or
  - (b) the person—
    - (i) has elected to enter an MIQF for isolation or quarantine; and
    - (ii) is not an exempt person.
- (2) An **exempt person** is a person who—
- (a) is, for the time being, accorded privileges and immunities under—
    - (i) the Vienna Convention on Diplomatic Relations in accordance with the Diplomatic Privileges and Immunities Act 1968; or
    - (ii) the Vienna Convention on Consular Relations in accordance with the Consular Privileges and Immunities Act 1971; or
  - (b) is officially recognised as accompanying family of a person described in paragraph (a); or
  - (c) is an official of a government entity travelling to New Zealand to conduct business with—
    - (i) New Zealand Ministers of the Crown; or
    - (ii) a ministry or department of the New Zealand Government; or
  - (d) is a holder of a diplomatic or other official passport entering or transiting through New Zealand—
    - (i) en route to, or returning from, a diplomatic posting in a country other than New Zealand; or

- (ii) for the purpose of assisting with the operations of the embassy or consulate (in New Zealand or elsewhere) of the country for which the person holds a passport on which the person is travelling; or
- (e) is an official of a government entity entering or transiting through New Zealand en route to, or returning from, a third country—
  - (i) where the purpose of the visit to the third country was or is to conduct official government-to-government business; and
  - (ii) the person is able to provide evidence to verify that purpose; or
- (f) is, or is a member of a class of persons that is, exempted by or under regulations made under section 33A from paying the prescribed charges.

Section 32E: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

### **32F Exemptions, waivers, and refunds**

- (1) Regulations made under section 33A may provide for exemptions from, or waivers or refunds of, the whole or part of any prescribed charge in any class or classes of cases.
- (2) Regulations made under section 33A may authorise the Minister or the chief executive to exempt, waive, or refund the whole or part of any prescribed charge, or defer the time for payment, in any particular case or any class or classes of cases (and may or may not prescribe criteria to be applied by the Minister or the chief executive in doing so).

Section 32F: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 32F(2): replaced, on 20 November 2021, by section 19 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### **32G Payment of charge**

- (1) A prescribed charge is payable by a person—
  - (a) in the manner prescribed (for example, by instalments); and
  - (b) at the time prescribed.
- (2) Regulations made under section 33A may authorise the chief executive to specify in relation to 1 or more classes of persons, or all persons, the manner and time of payment of any prescribed charge.
- (3) All prescribed charges received by or on behalf of the New Zealand Government must be paid into a Crown Bank Account.

Section 32G: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 32G(2): amended, on 20 November 2021, by section 20 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### **32H Express authorisation for purpose of section 65K of Public Finance Act 1989**

To the extent that this subpart and any regulations made under section 33A enable the Minister or the chief executive on behalf of the Crown to lend money (as that term is defined in section 2(1) of the Public Finance Act 1989) to a person or organisation, this subpart is an express authorisation for the purpose of section 65K of that Act.

Section 32H: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 32H: amended, on 20 November 2021, by section 21 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### **32I Prescribed charges to constitute debt due to Crown**

A prescribed charge or part of a charge that is not paid by the due date is recoverable in a court of competent jurisdiction as a debt to the Crown.

Section 32I: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

## **Subpart 3B—Management of MIQFs and other places of isolation or quarantine**

Subpart 3B: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### *Management of allocations*

Heading: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### **32J Interpretation**

In this subpart, unless the context otherwise requires,—

**confirmed allocation** means a confirmed allocation issued under the managed isolation allocation system to an MIQF

**managed isolation allocation system** means a managed isolation allocation system operated by or on behalf of the New Zealand Government

**offline allocation** means an allocation in the managed isolation allocation system that is not an online allocation

**online allocation** means an allocation obtained by registering on the managed isolation allocation system online portal and obtaining a voucher

**New Zealander** means a person who is a New Zealand citizen or residence class visa holder.

Section 32J: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

**32K Chief executive responsible for operation of managed isolation allocation system**

- (1) The chief executive is responsible for the operation of the managed isolation allocation system.
- (2) The chief executive must ensure that the managed isolation allocation system does not at any time permit the issue of more confirmed allocations than the number of available allocations.

Section 32K: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

**32L Apportionment between allocations**

The Minister must determine the apportionment between the issue of online allocations and offline allocations.

Section 32L: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

**32M Online allocations**

- (1) Online allocations to MIQFs may be issued on a basis that the Minister decides.
- (2) In making a decision under subsection (1), the Minister must take into account—
  - (a) the right of New Zealanders under section 18(2) of the New Zealand Bill of Rights Act 1990 to enter New Zealand; and
  - (b) the need to mitigate, so far as possible, the social, economic, and other impacts of COVID-19.
- (3) The basis on which online allocations to MIQFs are issued may—
  - (a) distinguish between different classes of persons entering New Zealand (for example, between New Zealanders and non-New Zealanders); and
  - (b) prioritise allocations as between different classes of persons; and
  - (c) reserve for a particular class, or any classes, of persons a specific proportion of allocations.

Section 32M: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

**32N Offline allocations for individuals and groups**

- (1) Offline allocations to MIQFs may be issued to persons who meet the eligibility criteria determined by the Minister.
- (2) An offline allocation may be—
  - (a) an individual offline allocation;
  - (b) a group offline allocation.

- (3) In determining the eligibility criteria under subsection (1), the Minister must take into account—
  - (a) the right of New Zealanders under section 18(2) of the New Zealand Bill of Rights Act 1990 to enter New Zealand; and
  - (b) the need to mitigate, as far as possible, the social, economic, and other impacts of COVID-19.
- (4) The chief executive must determine individual offline allocations on the basis of the eligibility criteria determined under subsection (1) for those allocations.
- (5) The Minister must determine group offline allocations on the basis of the eligibility criteria determined under subsection (1) for those allocations.
- (6) The chief executive must publish on the responsible agency’s Internet site—
  - (a) the eligibility criteria determined under subsection (1) for individual offline allocations and group offline allocations; and
  - (b) approved group offline allocations.

Section 32N: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### **32O Amendment and cancellation of allocations**

The chief executive may at any time—

- (a) amend an online or offline allocation issued to any person (for example, if the starting date for isolation specified in an offline allocation issued to an individual is required to be changed because of a travel delay):
- (b) cancel an online or offline allocation issued to any person (for example, if the person no longer requires the allocation, or can no longer use the allocation because of a cancelled flight).

Section 32O: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### *Provisions relating to MIQFs or other places of isolation or quarantine*

Heading: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### **32P Restrictions on movement within MIQFs or other places of isolation or quarantine**

- (1) A person required under a COVID-19 order to reside for any period in an MIQF or other place of isolation or quarantine must remain in their room, except—
  - (a) to do an activity (such as taking fresh air) authorised, and subject to any conditions imposed, by the chief executive; or
  - (b) if they need to leave to preserve or protect their own or another person’s life, health, or safety in an emergency; or

- (c) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required or permitted to attend by that institution; or
  - (d) if the chief executive is satisfied, on the basis of the advice of a suitably qualified health practitioner, that the person needs to leave—
    - (i) to access medical services; or
    - (ii) to move to another place of isolation or quarantine (for example, for temporary or emergency care while the person is sick); or
  - (e) if they are required to leave under Part 4 of the Health Act 1956; or
  - (f) if they are required to move to another place of isolation or quarantine by—
    - (i) a court order; or
    - (ii) any other obligation imposed under an enactment that is related to the detention of the person (for example, a direction of the New Zealand Parole Board or a probation officer); or
  - (g) otherwise as permitted under a COVID-19 order.
- (2) However, a person leaving their MIQF or other place of isolation or quarantine under this section must comply with any directions of, or conditions imposed by, the chief executive.
- (3) The chief executive may choose not to exercise their power under subsection (1)(a) on any of the following grounds:
- (a) it is necessary to prevent the risk or spread of COVID-19 and the chief executive has consulted the Director-General:
  - (b) to ensure the health and safety of workers and returnees in an MIQF or other place of isolation or quarantine:
  - (c) to ensure the security of an MIQF or other place of isolation or quarantine.
- (4) In deciding whether to choose not to exercise their power under subsection (1)(a), the chief executive—
- (a) must consider the impact on the person's rights and freedoms under the New Zealand Bill of Rights Act 1990; and
  - (b) may have regard to the operational and resourcing implications of the decision.
- (5) A person who intentionally fails to comply with subsection (1) or (2) commits an offence and is liable on conviction to—
- (a) imprisonment for a term not exceeding 6 months; or
  - (b) a fine not exceeding \$12,000.
- (6) A failure to comply with subsection (1) or (2) is an infringement offence.

Section 32P: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### 32Q Chief executive may make rules

- (1) The chief executive may make rules for the purpose of ensuring the effective and orderly operation of MIQFs, including (without limitation) rules—
  - (a) prohibiting or restricting (with or without conditions) the things (including alcohol, goods, and other items) that can be brought into, sent out of, or removed from an MIQF:
  - (b) restricting or prohibiting (with or without conditions) specified behaviour of persons within, or going to or from, an MIQF:
  - (c) *[Not in force]*
- (2) The chief executive must be satisfied that the rules do not limit or are a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990.
- (3) Rules made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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#### Legislation Act 2019 requirements for secondary legislation made under this section

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

*This note is not part of the Act.*

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Section 32Q: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### 32R Power to hold things

- (1) The chief executive may hold anything that a person in isolation or quarantine in an MIQF possesses in the MIQF, or attempts to bring into the MIQF, in breach of rules made under section 32Q (for example, alcohol in excess of limits specified in the rules).
- (2) The chief executive may hold anything being delivered to a person staying in isolation or quarantine in an MIQF if the chief executive has reasonable grounds to believe the thing being delivered is not permitted under the rules.
- (3) Anything held by the chief executive under this section may be held only for the duration of the person's stay in isolation or quarantine in the MIQF.

Section 32R: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### *Complaints process*

Heading: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

#### **32S Complaints process relating to management of MIQFs**

- (1) The chief executive must establish a complaints process that provides for the responsible agency to receive and investigate complaints from affected individuals about—
  - (a) the operation and day-to-day running of an MIQF; or
  - (b) exemptions from any requirement to remain in an MIQF; or
  - (c) prescribed charges for MIQF costs; or
  - (d) MIQF allocations; or
  - (e) the managed isolation allocation system; or
  - (f) managed isolation and quarantine.
- (2) The chief executive must ensure that, as far as practicable, the process enables complaints to be dealt with fairly, efficiently, and effectively.
- (3) The chief executive must ensure that the complaints process is publicly available, by publishing details of the complaints process on the responsible agency's Internet site or in some other manner accessible to the public free of charge.

Section 32S: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### *Information collection*

Heading: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

#### **32T Persons in respect of whom charges are payable to provide contact details**

- (1) A person in respect of whom charges are payable under section 32E must provide the responsible agency with the following contact information about the person liable to pay the prescribed charges for MIQF costs for the purpose of invoicing those charges:
  - (a) their full name (as it appears on their passport, if the person liable to pay is an individual);
  - (b) a phone number on which they can be contacted;
  - (c) an email address at which they can be contacted;
  - (d) their contact address.
- (2) If the contact information required by subsection (1) changes before the prescribed charges are paid, the person responsible must provide those updated details as soon as practicable to the responsible agency.
- (3) A failure to comply with subsection (1) or (2) is an infringement offence.

Section 32T: inserted, on 20 November 2021, by section 22 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## Subpart 4—Miscellaneous provisions

### 33 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—
  - (a) prescribing penalties for infringement offences, which,—
    - (i) in the case of infringement fees, must not be more than—
      - (A) \$4,000, for an individual; or
      - (B) \$12,000, for any other person; and
    - (ii) in the case of fines, must not be more than—
      - (A) \$12,000, for an individual; or
      - (B) \$15,000, for any other person:
  - (b) prescribing different penalties for different infringement offences or classes of infringement offences, defined in any way (including by the seriousness of the offence or whether it is a repeat offence), so that (for example)—
    - (i) the regulations may prescribe a fixed infringement fee or fine, or different infringement fees or fines, for an infringement offence under section 32P(6) or 32T(3):
    - (ii) a COVID-19 order may specify that an infringement offence specified in a COVID-19 order belongs to a certain class (with corresponding penalties):
    - (iii) a rule made under section 32Q may specify that an infringement offence for a breach of the rule belongs to a certain class (with corresponding penalties):
  - (c) prescribing the form of infringement notices and reminder notices, and the information to be included in the notices:
  - (d) providing for anything that this Act says may or must be provided for by regulations:
  - (e) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Before recommending that regulations be made under subsection (1)(a) or (b), the Minister must consider, if relevant,—
  - (a) the severity and impact of the breaches specified as infringement offences or classes of infringement offences; and

- (b) the appropriateness of the penalty for any group likely to be affected by the specified offences or specified classes of offences, including equity considerations; and
  - (c) penalties for comparable offences or classes of offences in other legislation (if any).
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 33: replaced, on 20 November 2021, by section 23 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### 33A Regulations relating to cost recovery

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
- (a) make regulations prescribing charges for MIQF costs in accordance with the provisions of subpart 3A:
  - (b) make regulations for the purposes of section 32E:
  - (c) make regulations for the purposes of section 32F:
  - (d) make regulations for the purposes of section 32G:
  - (e) make regulations prescribing how the charges may be collected:
  - (f) make regulations providing for the payment of increased or additional charges in the event of late payment or non-payment:
  - (g) make regulations providing for any other matters necessary or desirable for the efficient recovery of MIQF costs.
- (2) The charges may be prescribed using any 1 or more of the methods specified in section 32D, or any combination of those methods.
- (3) Different charges, or different rates or types of charges, may be prescribed in respect of—
- (a) different classes of persons:
  - (b) persons in different circumstances:
  - (c) different types of MIQFs:
  - (d) different locations of MIQFs.

- (4) Any regulations made under this section may not be held invalid just because they confer a discretion on, or allow any matter to be determined by, any person whether or not there are prescribed criteria.
- (5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (6) If the regulations authorise the relevant Minister or the chief executive of MBIE to provide an exemption, waiver, refund, or deferral under subsection (1)(c),—
- (a) the instrument providing the exemption, waiver, refund, or deferral is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more particular cases; and
  - (b) the regulations must contain a statement to that effect.
- (7) If the regulations authorise the chief executive of MBIE to specify the manner and time of payment of a prescribed charge under subsection (1)(d),—
- (a) the instrument specifying the manner and time of payment is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
  - (b) the regulations must contain a statement to that effect.

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**Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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**Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)(a) or (7)(a)**

<b>Publication</b>	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (5)	LA19 ss 73, 74, Sch 1 cl 14
<b>Presentation</b>	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 33A: inserted, on 6 August 2020, by section 9 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 33A(1): amended, on 20 November 2021, by section 24 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 33A(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 33A(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 33A(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 33AA Regulations may prescribe assessment tool

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing an assessment tool that a PCBU may use to ascertain whether it is reasonable to require workers of the PCBU not to carry out work for the PCBU unless either or both of the following apply:
  - (a) the workers are vaccinated;
  - (b) the workers are required to undergo medical examination or testing for COVID-19.
- (2) The assessment tool may provide—
  - (a) the means of assessing the risk and adverse effects of COVID-19 in respect of ensuring the health and safety of workers and workplaces to support the public health response to COVID-19;
  - (b) for any other matters that the Minister considers relevant for a PCBU to take into account when assessing the risk and adverse effects of COVID-19.
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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#### Legislation Act 2019 requirements for secondary legislation made under this section

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 33AA: inserted, on 26 November 2021, by section 13 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### 33AB PCBU may conduct work assessment

- (1) To assist a PCBU in meeting their primary duty of care under section 36 of the Health and Safety at Work Act 2015, the PCBU may, in accordance with the assessment tool, conduct an assessment of the work carried out by workers of the PCBU to ascertain whether it is reasonable to require those workers not to carry out that work unless either or both of the following apply:
  - (a) the workers are vaccinated;
  - (b) the workers are required to undergo medical examination or testing for COVID-19.
- (2) In conducting the assessment, the PCBU may, in the PCBU's absolute discretion, decide whether to conduct the assessment in accordance with the assessment tool.

- (3) If the assessment is conducted in accordance with the assessment tool, the PCBU must, so far as is reasonably practicable, consult the PCBU's workers and, if those workers are represented by a representative, the engagement must involve that representative.
- (4) However, a PCBU—
  - (a) must not allow a representative to have access to any personal information concerning a worker without the worker's consent unless the information is in a form that—
    - (i) does not identify the worker; and
    - (ii) could not reasonably be expected to identify the worker; and
  - (b) may refuse, on reasonable grounds, to grant access to the workplace to a representative or a person assisting a representative.
- (5) In this section, **assessment tool** means the assessment tool prescribed by regulations made under section 33AA.

Section 33AB: inserted, on 26 November 2021, by section 13 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### **33B Incorporation of material by reference in COVID-19 orders**

- (1) The following standards, requirements, recommended practices, or material that is relevant to the purpose of this Act may be incorporated by reference into any COVID-19 order or other secondary legislation (an **instrument**) made or given under this Act:
  - (a) standards, requirements, or recommended practices published by or on behalf of any body or person in New Zealand or in any other country;
  - (b) standards, requirements, or recommended practices of international or national organisations;
  - (c) standards, requirements, or recommended practices of any country or jurisdiction;
  - (d) any other material that, in the opinion of the Minister (or, as appropriate, the Director-General), is too large or impractical to be printed as part of the instrument concerned.
- (2) Material may be incorporated in an instrument in whole or in part, and either unmodified or with any additions, omissions, or variations that are specified in the instrument.
- (3) Material that is incorporated by reference in an instrument is to be treated for all purposes as forming part of that instrument.
- (4) Every reference in an instrument to the current edition of any standard work of reference is, unless the instrument otherwise specifies, to be construed at any particular time as the latest edition of that work available at that time, together with any amendments, additions, and deletions made to or from it up to that time.

- (5) If any amendment to material incorporated by reference under this section (other than to any standard work of reference) is made, that amendment does not take effect until the date specified for that purpose by the Director-General by notification in the *Gazette*.
- (6) An instrument that incorporates material by reference under this section must state where the material can be accessed in accordance with section 33C(3).
- (7) A **standard work of reference** is a work of reference that the Director-General considers is recognised either domestically by the Ministry of Health or internationally, as one to refer to on its subject matter.

Section 33B: inserted, on 20 November 2021, by section 25 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

### **33C Availability and proof of material incorporated by reference**

- (1) If material (other than a standard work of reference) is incorporated by reference in an instrument under section 33B, a copy of the material and any amendment to the material must be—
  - (a) certified as a correct copy of the material by the Director-General; and
  - (b) retained by the Director-General.
- (2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence of the incorporation in the instrument of that material.
- (3) The Director-General must—
  - (a) make copies of all material incorporated in an instrument by reference available for inspection, free of charge, at the head office of the Ministry of Health and at other places that the Director-General determines are appropriate; and
  - (b) make copies of the material available, free of charge, on an Internet site maintained by or on behalf of the Ministry of Health; and
  - (c) either make copies of the material available for purchase, at reasonable cost, or advise where copies of the material may be obtained.
- (4) The Director-General may comply with subsection (3)(b) by providing a hyper-text link from an Internet site maintained by or on behalf of the Ministry of Health to a copy of the material that is available, free of charge, on an Internet site maintained by or on behalf of someone else.
- (5) The Director-General is not required to comply with subsection (3)(b) or (c) if doing so would infringe copyright in the material or be inconsistent with any other enactment or rule of law.

Section 33C: inserted, on 20 November 2021, by section 25 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

**34 Protection of persons acting under authority of this Act**

- (1) Section 129 of the Health Act 1956 (which relates to the protection of persons acting under authority of that Act) applies as if that Act included a reference to this Act.
- (2) However, this section does not limit any other protections from liability that apply under any other enactment.

**34A Protection of contact tracing information**

- (1) Despite anything in the Privacy Act 2020, personal information about an identifiable individual that is collected or obtained for the purpose of contact tracing under this Act (such as through QR scans or paper forms) may not be held, stored, used, or disclosed by anyone except for the purpose of—
  - (a) contact tracing under this Act; or
  - (b) enforcing the Act or a COVID-19 order (including for the purposes of proceedings against a person for non-compliance); or
  - (c) the Health Act 1956.
- (2) Nothing in this section limits the right of an individual to access or disclose information about them under the Privacy Act 2020 or any other Act.
- (3) A person who intentionally fails to comply with subsection (1) commits an offence.
- (4) A person who commits an offence against subsection (3) is liable on conviction to,—
  - (a) for an individual,—
    - (i) imprisonment for a term not exceeding 6 months; or
    - (ii) a fine not exceeding \$12,000;
  - (b) for any other person, a fine not exceeding \$15,000.

Section 34A: inserted, on 20 November 2021, by section 26 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 34A(1): replaced, on 26 November 2021, by section 14 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

**34B Protection of evidence collected or obtained for purpose of determining whether person is vaccinated or has complied with Act or COVID-19 order**

- (1) Despite anything in the Privacy Act 2020, personal information about an identifiable individual that is collected or obtained by any person for the purpose of determining whether the individual is vaccinated, has been issued with a COVID-19 vaccination certificate, or has complied with this Act or a COVID-19 order may not be held, stored, used, or disclosed by the person except for the purposes of—

- (a) ascertaining whether the individual is vaccinated or has been issued with a COVID-19 vaccination certificate; or
  - (b) demonstrating or ascertaining compliance with this Act or a COVID-19 order; or
  - (c) enforcing the Act or a COVID-19 order (including for the purposes of proceedings against a person for non-compliance); or
  - (d) the Health Act 1956.
- (2) Nothing in this section limits the right of an individual to access information about them under the Privacy Act 2020 or any other Act.
- (3) A person who intentionally fails, without reasonable excuse, to comply with subsection (1) commits an offence.
- (4) A person who commits an offence against subsection (1) is liable on conviction to,—
- (a) for an individual,—
    - (i) imprisonment for a term not exceeding 6 months; or
    - (ii) a fine not exceeding \$12,000;
  - (b) for any other person, a fine not exceeding \$15,000.

Section 34B: inserted, on 26 November 2021, by section 15 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### **34C Breach of section 34A or 34B constitutes interference with privacy of individual under Privacy Act 2020**

A breach of section 34A or 34B constitutes an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.

Section 34C: inserted, on 26 November 2021, by section 15 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

### **Part 3**

#### **Amendments to Civil Defence Emergency Management Act 2002**

##### **35 Amendments to Civil Defence Emergency Management Act 2002**

This Part amends the Civil Defence Emergency Management Act 2002.

##### **36 Section 66 amended (Minister may declare state of national emergency)**

After section 66(3), insert:

- (4) Despite subsection (3), if a state of national emergency for COVID-19 is declared after the commencement of this subsection, subsection (3) does not terminate any local state of emergency for other emergencies that are not related to COVID-19.
- (5) Subsection (4) is repealed when the COVID-19 Public Health Response Act 2020 is repealed.

**37 Section 68 amended (Declaration of state of local emergency)**

After section 68(5), insert:

- (6) Nothing in this section authorises a state of local emergency to be declared for COVID-19 without the prior approval of the Minister, but this subsection does not prevent a state of local emergency being declared for any purpose that is not related to COVID-19.
- (7) Despite subsection (5), if a state of national emergency is in force for COVID-19, subsection (5) does not prevent a state of local emergency being declared for any other emergency that is not related to COVID-19.
- (8) Subsections (6) and (7) are repealed when the COVID-19 Public Health Response Act 2020 is repealed.

**38 Section 94B amended (Notice of local transition period)**

After section 94B(11), insert:

- (12) Nothing in this section authorises notice of a local transition period to be given for any part of New Zealand for COVID-19 without the prior approval of the Minister, but this subsection does not prevent notice of a local transition period being given for any other purpose.
- (13) Despite subsection (11), if a national transition period is in force for COVID-19, subsection (11) does not prevent a local transition period being given for any other emergency that is not related to COVID-19.
- (14) Subsections (12) and (13) are repealed when the COVID-19 Public Health Response Act 2020 is repealed.

**39 Section 94E amended (Termination of transition periods)**

After section 94E(7), insert:

- (8) Subsection (7) does not terminate any national transition period that relates to COVID-19 if a state of local emergency is declared as a result of an emergency that is not related to COVID-19.
- (9) Subsection (8) is repealed when the COVID-19 Public Health Response Act 2020 is repealed.

## **Part 4**

### **Amendment to Oranga Tamariki Act 1989**

**40 Amendment to Oranga Tamariki Act 1989**

This Part amends the Oranga Tamariki Act 1989.

**41 Section 272 amended (Jurisdiction of Youth Court and children's liability to be prosecuted for criminal offences)**

- (1) After section 272(3)(ba), insert:

- (bb) an infringement offence against the COVID-19 Public Health Response Act 2020; or
- (2) In section 272(5), replace “Notwithstanding subsection (3)(ba) or (c) or (d), where a young person is charged with an infringement offence referred to in subsection (3)(ba) or a traffic offence that is an infringement offence referred to in subsection (3)(c) or an infringement offence referred to in subsection (3)(d)” with “Notwithstanding subsection (3)(ba), (bb), (c), or (d), where a young person is charged with an infringement offence referred to in subsection (3)(ba) or an infringement offence against the COVID-19 Public Health Response Act 2020 referred to in subsection (3)(bb) or a traffic offence that is an infringement offence referred to in subsection (3)(c) or an infringement offence referred to in subsection (3)(d)”.

## Schedule 1 Transitional, savings, and related provisions

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### Part 1 Provisions relating to this Act as enacted

#### **1 Orders made under section 70 of Health Act 1956**

- (1) Every order made under section 70 of the Health Act 1956 that is listed in Schedule 2 and every amendment or extension of the order—
  - (a) continues in force as if made under this Act for the purposes of amending, extending, revoking, or enforcing it; and
  - (b) may be amended, extended, or revoked by a COVID-19 order made by the Minister; and
  - (c) may be enforced as if it were a COVID-19 order.
- (2) To avoid doubt, nothing in this Act prevents the filing, hearing, or determination of any legal proceedings in respect of the making or terms of any order listed in Schedule 2.

Schedule 1 clause 1(1)(b): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Schedule 1 clause 1(1)(c): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

#### **2 COVID-19 order may be prepared before enactment or commencement of this Act**

- (1) Any action taken before the enactment or commencement of this Act by or on behalf of the Minister or Director-General or the Government in relation to a COVID-19 order must be treated as having been taken by the relevant person under and for the purposes of this Act (as if this Act was already enacted and in force).
- (2) However, section 14(2) does not apply to the first COVID-19 order made under this Act.

Schedule 1 clause 2 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Schedule 1 clause 2(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Schedule 1 clause 2(2): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

**3 Existing proceedings**

Nothing in this Act affects any proceedings commenced before the commencement of this Act, and those proceedings must be decided as if this Act had not been enacted.

**4 Application of amendments to Civil Defence Emergency Management Act 2002**

- (1) Section 68(7) of the Civil Defence Emergency Management Act 2002 applies in relation to a state of national emergency that is already in force at the commencement of that provision as if that provision were in force when the emergency was declared.
- (2) Section 94E(8) of the Civil Defence Emergency Management Act 2002 applies in relation to a national transition period relating to COVID-19 that is already in force at the commencement of that provision as if that provision were in force when notice of the transition period was given.

**5 Validation of managed isolation and quarantine charges**

- (1) This clause applies to a charge—
  - (a) in respect of an Australian citizen or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia who, in the period starting on 11 August 2020 and ending on the commencement of the COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Act 2021,—
    - (i) arrived in New Zealand; and
    - (ii) was required by or under a COVID-19 order to stay in a managed isolation or quarantine facility; and
  - (b) payable or purportedly payable in accordance with regulation 6(2) of the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 on the basis that the person in paragraph (a)—
    - (i) was a temporary entry class visa holder; or
    - (ii) entered New Zealand on a border exception as either of the following in accordance with immigration instructions:
      - (A) critical health worker:
      - (B) other critical worker.
- (2) The charge is and always has been validly imposed by regulations made under section 33A.
- (3) Money received by the chief executive in payment of the charge is and always has been lawfully collected and applied.

Schedule 1 clause 5: inserted, on 25 May 2021, by section 4 of the COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Act 2021 (2021 No 20).

Schedule 1 clause 5(3): amended, on 20 November 2021, by section 27(1) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **Part 2**

### **Provisions relating to COVID-19 Public Health Response Amendment Act 2021**

Schedule 1 Part 2: inserted, on 20 November 2021, by section 27(2)(a) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

#### **6 Interpretation**

In this Part,—

**amendment Act** means the COVID-19 Public Health Response Amendment Act 2021

**commencement** means the date appointed under section 2(1) for the commencement of new section 26(4)

**new section 26(4)** means section 26(4) as set out in section 13 of the amendment Act.

Schedule 1 clause 6: inserted, on 20 November 2021, by section 27(2)(a) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

#### **7 Penalties for infringement offences committed before commencement**

A person who commits an infringement offence under this Act before commencement is liable to—

- (a) an infringement fee of \$300; or
- (b) a fine imposed by a court not exceeding \$1,000.

Schedule 1 clause 7: inserted, on 20 November 2021, by section 27(2)(a) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

## **Part 3**

### **Provisions relating to COVID-19 Response (Vaccinations) Legislation Act 2021**

Schedule 1 Part 3: inserted, on 26 November 2021, by section 16(a) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

#### **8 Interpretation**

In this Part,—

**Act** means the COVID-19 Public Health Response Act 2020

**amendment Act** means the COVID-19 Response (Vaccinations) Legislation Act 2021

**commencement day** means the day on which the amendment Act comes into force.

Schedule 1 clause 8: inserted, on 26 November 2021, by section 16(a) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

**9 Transitional provision for COVID-19 vaccination documents issued before commencement day**

The following documents issued by the Ministry of Health before commencement day must on and from commencement day be treated as COVID-19 vaccination certificates issued in accordance with a COVID-19 order made under section 11 of the Act (as amended by the amendment Act):

- (a) My Vaccine Pass;
- (b) International Travel Vaccination Certificate.

Schedule 1 clause 9: inserted, on 26 November 2021, by section 16(a) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

**10 Savings provision for COVID-19 Public Health Response (Vaccinations) Order 2021**

Despite section 5(1) of the Act (as amended by section 4 of the amendment Act), the following definitions in clause 4 of the COVID-19 Public Health Response (Vaccinations) Order 2021 continue to apply for the purposes of that order until revoked:

- (a) COVID-19 vaccination exemption;
- (b) exempt person;
- (c) vaccinated.

Schedule 1 clause 10: inserted, on 26 November 2021, by section 16(a) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

**11 Savings provision for COVID-19 Public Health Response (Air Border) Order (No 2) 2020**

- (1) Despite section 5(1) of the Act (as amended by section 4 of the amendment Act), the following definitions in clause 7E(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 continue to apply for the purposes of that order until revoked:

- (a) COVID-19 vaccine;
- (b) exempt person;
- (c) vaccination requirement.

- (2) For the purposes of the definition of vaccination requirement in clause 7E(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, the definition of vaccinated in section 5(1) of the Act (as amended by section 4(1) of the amendment Act) does not apply until the definition of vaccination requirement is revoked.

Schedule 1 clause 11: inserted, on 26 November 2021, by section 16(a) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

**12 Transitional provision for specified COVID-19 vaccination exemption criteria**

- (1) This clause applies to the specified COVID-19 vaccination exemption criteria (the **criteria**) approved by the Director-General under clause 9B(12) of the COVID-19 Public Health Response (Vaccinations) Order 2021 and published under that provision in the *Gazette* on 12 November 2021 (2021-go4910).
- (2) The criteria must be treated as having been made under section 5(3)(a) of the Act (as inserted by section 4(5) of the amendment Act) for the purposes of legislation made in or under the Act.

Schedule 1 clause 12: inserted, on 26 November 2021, by section 16(a) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

**13 Penalties for infringement offences committed before commencement of section 26(4)**

- (1) This clause applies if an order made under section 11AB(1)(a) (as inserted by the amendment Act) is in force before the date on which section 26(4) of the Act comes into force.
- (2) A person who commits an infringement offence under subpart 2A of Part 2 (as inserted by the amendment Act) before the commencement of section 26(4) of the Act is liable to—
  - (a) an infringement fee of \$300; or
  - (b) a fine imposed by a court not exceeding \$1,000.

Schedule 1 clause 13: inserted, on 26 November 2021, by section 16(a) of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

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**Schedule 2**  
**Orders under section 70 of Health Act 1956 relating to COVID-19**

s 6

<b>Date</b>	<b>Description or title of order</b>
31 March 2020	Section 70(1)(f) notice to arrivals
9 April 2020	Section 70(1)(e), (ea), and (f) notice to arrivals
24 April 2020	Health Act (COVID-19 Alert Level 3) Order 2020 (LI 2020/69)

## Schedule 3

### Infringement notice and reminder notice

ss 30, 31

#### Form 1

#### Infringement notice

*Section 30, COVID-19 Public Health Response Act 2020*

Infringement notice No:

Date of notice:

#### **Enforcement authority**

This infringement notice is issued by [*name or identification number of authorised enforcement person*].

Address for correspondence:

#### **Details of person to whom infringement notice issued**

Full name:

Full address:

†Date of birth:

\*†Gender:

\*†Occupation:

\*Telephone number:

†Not required if the notice is served on a company or other body corporate.

\*Specify only if known.

#### **Alleged infringement offence details**

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

#### **Service details**

This infringement notice was served by [*method of service*] at [*full address of service*] on [*date*].

**Payment of infringement fee**

The infringement fee is payable within 28 days after [*date infringement notice served*].

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

***Information***

If there is anything in these notes you do not understand, you should consult a lawyer.

1 This notice sets out an alleged infringement offence.

***Payments***

2 If you pay the infringement fee for the alleged infringement offence within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] in the manner specified in this notice.

3 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into an arrangement with [*name of enforcement authority*] allowing you to pay the infringement fee by instalments, paragraphs 5(b) and (c) and 6 to 9 below do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

***Defence***

4 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, you are served with a reminder notice in respect of the alleged offence. Late payment or payment made in any other manner is not a defence.

***Further action, including right to request hearing***

5 You may—

- (a) raise any matter relating to the circumstances of the alleged offence for consideration by [*name of enforcement authority*]; or
- (b) deny liability for the alleged offence and request a court hearing; or
- (c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.

6 To take an action listed in paragraph 5, you must write to [*name of enforcement authority*] at the address for correspondence shown on this notice. You must sign the letter and it must be delivered within 28 days after you are served with this notice, or within any further time that [*name of enforcement authority*] allows.

- 7 If, in your letter, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

**Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty, and you will be required to pay a hearing fee.

- 8 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—
- (a) request a hearing; and
  - (b) admit liability for the offence; and
  - (c) set out the written submissions you wish the court to consider.

- 9 [*Name of enforcement authority*] will then file your letter with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

**Note:** The court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, costs will be imposed in addition to any penalty.

#### *Non-payment of fee*

- 10 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you are served with this notice or within any further time that [*name of enforcement authority*] allows, you will be served with a reminder notice (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). Please note that in some circumstances, if you do not receive a reminder notice, you may still become liable to pay a fine and court costs.
- 11 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you are served with the reminder notice,—
- (a) [*name of enforcement authority*] may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
  - (b) if so, you will become liable to pay court costs as well as a fine.

- 12 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

*Correspondence*

- 13 When writing, please specify—
- (a) the date of the alleged infringement offence; and
  - (b) the infringement notice number; and
  - (c) your full name and address for replies.

**Note:** All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

*Further details of your rights and obligations*

- 14 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 3 form 1: amended, on 26 November 2021, by section 17 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Form 2  
Reminder notice

*Section 31, COVID-19 Public Health Response Act 2020*

Reminder notice No:

Date of notice:

This notice is to remind you that you have been issued with an infringement notice. The details of the infringement notice are as follows.

**Enforcement authority**

The infringement notice was issued by [*name or identification number of authorised enforcement person*].

Address for correspondence:

**Details of person to whom infringement notice issued**

Full name:

Full address:

†Date of birth:

\*†Gender:

\*†Occupation:

\*Telephone number:

†Not required if the notice is served on a company or other body corporate.

\*Specify only if known.

**Alleged infringement offence details**

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Amount of infringement fee remaining unpaid:

**Service details**

(To be provided for filing in court)

The infringement notice was served by [*method of service*] on [*date*].

This reminder notice was served by [*method of service*] on [*date*].

**Payment of infringement fee**

The infringement fee was payable to [*name of enforcement authority*] within 28 days after [*date infringement notice served*]. The infringement fee has not been paid.

The last day for payment of the infringement fee is [*date*], being 28 days after the date of service of this notice.

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

***Information***

If there is anything in these notes you do not understand, you should consult a lawyer.

- 1 You have not paid the infringement fee described in this notice, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

***Payments***

- 2 If you pay the infringement fee for the alleged infringement offence within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] in the manner specified in this notice.
- 3 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into an arrangement with [*name of enforcement authority*] allowing you to pay the infringement fee by instalments, paragraphs 5(b) and (c) and 6 to 9 below do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

***Defence***

- 4 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, you are served with this notice. Late payment or payment made in any other manner is not a defence.

***Further action, including right to request hearing***

- 5 You may—
  - (a) raise any matter relating to the circumstances of the alleged offence for consideration by [*name of enforcement authority*]; or
  - (b) deny liability for the alleged offence and request a court hearing; or
  - (c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.
- 6 To take an action listed in paragraph 5, you must write to [*name of enforcement authority*] at the address for correspondence shown on this notice. You must

sign the letter and it must be delivered within 28 days after you are served with this notice, or within any further time that [*name of enforcement authority*] allows.

- 7 If, in your letter, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

**Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty, and you will be required to pay a hearing fee.

- 8 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—

- (a) request a hearing; and
- (b) admit liability for the offence; and
- (c) set out the written submissions you wish the court to consider.

- 9 [*Name of enforcement authority*] will then file your letter with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

**Note:** The court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, costs will be imposed in addition to any penalty.

#### *Non-payment of fee*

- 10 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you are served with this notice, you will become liable to pay court costs as well as a fine (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

- 11 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

#### *Correspondence*

- 12 When writing, please specify—
- (a) the date of the alleged infringement offence; and
  - (b) the reminder notice number; and

(c) your full name and address for replies.

**Note:** All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

*Further details of your rights and obligations*

13 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 3 form 2: amended, on 26 November 2021, by section 17 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response Act 2020 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 Response (Vaccinations) Legislation Act 2021 (2021 No 51): Part 1

COVID-19 Public Health Response Amendment Act 2021 (2021 No 48)

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulations 69, 70

COVID-19 Public Health Response (Validation of Managed Isolation and Quarantine Charges) Amendment Act 2021 (2021 No 20): section 4

Secondary Legislation Act 2021 (2021 No 7): section 3

COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64)

COVID-19 Public Health Response Amendment Act 2020 (2020 No 57)