Version
as at 26 November 2024

COVID-19 Public Health Response Act 2020

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

COVID-19 Public Health Response Act 2020: repealed, on 26 November 2024, by section 3.

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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.

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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

This Act is repealed on the close of the date that is 2 years after Royal assent of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022.

Section 3: replaced, on 26 November 2022, by section 4 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

(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).

Section 4(cb): amended, on 26 November 2022, by section 5 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

5 Interpretation

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

arrive, as in arrive in New Zealand, has the meaning given to it by section 5(1) of the Customs and Excise Act 2018

authorised enforcement person means a person authorised under section 18

authorised test means a test specified in a COVID-19 order under section 11(2)(d)(ii)

close contact means a person who has been in a defined space at the same time as, or immediately after, a COVID-19 case during the case's infectious period

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 case has the meaning given to it by subsection (3)

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

defined space means a type of space specified in a COVID-19 order under section 11(2)(d)(iii)

definitive laboratory evidence means the evidence specified in a COVID-19 order under section 11(2)(d)(i)

Director-General means the Director-General of Health

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

household contact means a person who lives at another person's place of self-isolation

infectious period, in relation to a COVID-19 case, means the period specified in a COVID-19 order under section 11(2)(d)(iv)

infringement fee, in relation to an infringement offence, means the infringement fee for the offence specified in section 26(4)(a) or prescribed by regulations

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

mask means a covering of any type that—

(a) covers the nose and mouth of a person; and

(b) is secured to the person's head by ear loops or a head loop

Minister means—

(a) the Minister for COVID-19 Response; or

(b) 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

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)

pack has the meaning given to it by section 2(1) of the Medicines Act 1981

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

place of self-isolation means a place in which a person is required to self-isolate, as specified in a COVID-19 order under section 11(2)(a)

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

premises includes any commercial premises and private premises

worker has the meaning given to it by section 19 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) For the purposes of this Act, a person is a **COVID-19 case** if—

(a) there is definitive laboratory evidence that they have COVID-19; or

(b) they have returned a positive result from an authorised test.

(4) *[Repealed]*

Section 5(1) **affected worker**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **arrive**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **authorised test**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **chief executive**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **close contact**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **COVID-19 case**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 2022, by section 6(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **COVID-19 vaccination certificate**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **COVID-19 vaccination exemption**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **defined space**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **definitive laboratory evidence**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **district**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **household contact**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **infectious period**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **infringement fee**: inserted, on 4 December 2021, by section 5(3) of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 5(1) **managed isolation or quarantine facility** or **MIQF**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **mask**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 2022, by section 6(3) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **MIQF costs**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **other place of isolation or quarantine**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **pack**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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) **place of self-isolation**: inserted, on 26 November 2022, by section 6(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **prescribed charge**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **public place**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **responsible agency**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **road**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **room**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **specified work**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **territorial authority**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(1) **vaccinated**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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**: repealed, on 26 November 2022, by section 6(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(3): replaced, on 26 November 2022, by section 6(5) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 5(4): repealed, 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

[Repealed]

Section 10: repealed, on 26 November 2022, by section 7 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

11 Orders that can be made under this Act

(1) The Minister may, in accordance with section 9, make an order under this section for 1 or more of the purposes set out in subsections (2) to (5).

Self-isolation

(2) An order may—

(a) require a person to self-isolate in any specified place or in any specified way (including in specified circumstances or unless the person complies with specified measures or conditions) if any 1 or more of the following applies to the person:

(i) they are a COVID-19 case:

(ii) they are a household contact:

(iii) they are a close contact:

(iv) they arrive in New Zealand while a COVID-19 order that applies to persons who arrive in New Zealand (a **border order**) is in force, or within a specified period before a border order comes into force:

(b) for the purpose of managing the movement of persons to, from, and within a place of self-isolation,—

(i) require a person to take specified actions, refrain from taking specified actions, or comply with specified measures or conditions:

(ii) permit a person to leave their place of self-isolation in accordance with any specified requirements or specified conditions:

(iii) impose any other restrictions or conditions that relate to the movement of persons to, from, and within a place of self-isolation:

(c) require a PCBU—

(i) to maintain systems and processes to ensure, as far as practicable, that workers who carry out work for the PCBU comply with specified requirements imposed on them under this subsection:

(ii) to take specified actions, refrain from taking specified actions, or comply with specified measures or conditions to mitigate the risks of spreading COVID-19 that arise from, or relate to, a worker leaving their place of self-isolation to carry out work for the PCBU in accordance with an order made under this subsection:

(d) specify any of the following:

(i) the evidence that constitutes definitive laboratory evidence that a person has COVID-19:

(ii) the tests that are authorised tests for the purposes of determining whether a person is a COVID-19 case:

(iii) a type of space that constitutes a defined space for the purposes of determining whether a person is a close contact:

(iv) the period that constitutes the infectious period of a COVID-19 case.

Masks

(3) An order may—

(a) require a person to wear a mask in any specified place or in specified circumstances:

(b) specify the type of mask a person is required to wear in any specified place or in specified circumstances:

(c) without limiting section 12(1)(c), provide for the issue of an exemption pass to a person in specified circumstances to exempt the person from a requirement to wear a mask:

(d) require a person (**person A**) to refrain from taking specified actions in relation to an exemption pass, including, for example,—

(i) to refrain from producing or passing off an exemption pass as relating to person A when it relates to another person; or

(ii) to refrain from producing or passing off an exemption pass that is forged, is altered, or has been obtained fraudulently; or

(iii) to refrain from facilitating the use by another person of an exemption pass relating to person A:

(e) require a PCBU to maintain systems and processes—

(i) to ensure, as far as practicable, that workers who carry out work for the PCBU comply with a requirement to wear a mask in specified circumstances or in any specified place:

(ii) to mitigate the risks of spreading COVID-19 that arise to the extent that a worker who carries out work for the PCBU is unable to wear a mask due to a physical or mental illness or condition or disability that makes it unsuitable for them to wear a mask.

Persons arriving in New Zealand

(4) An order may—

(a) require a person, before they arrive in New Zealand, to satisfy any specified criteria in relation to 1 or more of the following matters:

(i) whether they have undergone testing for COVID-19:

(ii) whether they have COVID-19:

(iii) whether they have symptoms of COVID-19:

(iv) whether they are subject to a direction, given by a health authority of a country other than New Zealand, to take a specified action in relation to COVID-19:

(b) require a person, before or when they arrive in New Zealand, to provide, in specified circumstances or in any specified way, any information necessary for the purpose of contact tracing:

(c) require a person, before or when they arrive in New Zealand or within a specified period after they arrive in New Zealand, to report for and undergo medical examination or testing of any specified kind, at any specified place or time and in any specified way or in specified circumstances:

(d) in relation to a craft undertaking a journey to New Zealand,—

(i) require a person to take reasonable steps to ensure that each person on the craft satisfies requirements imposed on them under this subsection:

(ii) require a person to wear a mask on the craft in specified circumstances:

(iii) require a person to take any other specified actions, refrain from taking specified actions, or comply with specified measures or conditions:

(e) specify the evidence that may be required to be produced, and the person to whom it must be produced, to demonstrate compliance with a requirement imposed under this subsection and provide for any prohibitions or duties that apply in respect of the use or production of that evidence.

Tests

(5) An order may—

(a) prohibit a person from importing, manufacturing, supplying, selling, packing, or using a specified test or testing device:

(b) authorise a person to import, manufacture, supply, sell, pack, or use a specified test or testing device in specified circumstances or in accordance with specified requirements.

General matters applying to orders made under this section

(6) An order may—

(a) specify which breaches of an order are infringement offences for the purposes of section 26(3):

(b) 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).

(7) 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.

(8) A COVID-19 order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(9) If a COVID-19 order authorises the Director-General 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.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)(a)		
Publication	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)
Presentation	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
Disallowance	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.

Section 11: replaced, on 26 November 2022, by section 8 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

11A Compensation or payment relating to requisitions

[Repealed]

Section 11A: repealed, on 26 November 2022, by section 9 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 11AA: repealed, on 26 November 2022, by section 9 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 11AB: repealed, on 26 November 2022, by section 9 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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:

(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, 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, permit that thing but only subject to specified conditions.

(2) However, a COVID-19 order may not apply only to a specific individual.

(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).

(5) For the purposes of this section, **things** includes animals, goods, businesses, records, equipment, and supplies.

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 2022, by section 10(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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): amended, on 26 November 2022, by section 10(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 2022, by section 10(3) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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).

Section 12(2): replaced, on 26 November 2022, by section 10(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 12(5): inserted, on 26 November 2022, by section 10(5) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 disapplied 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 need not comply with the 48-hour time limit in subsection (2) in respect of a COVID-19 order or part of a COVID-19 order if satisfied that—

(a) the order or part of 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 or part 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) *[Repealed]*

(5) The Minister 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 26 November 2022, by section 11(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

Section 14(4): repealed, on 26 November 2022, by section 11(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 14(5): amended, on 26 November 2022, by section 11(3) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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.

(2) *[Repealed]*

(3) *[Repealed]*

(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.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)(a)		
Publication	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
Presentation	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
Disallowance	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 26 November 2022, by section 12(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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): repealed, on 26 November 2022, by section 12(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 15(3): repealed, on 26 November 2022, by section 12(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 revoked if not approved by House of Representatives

(1) A COVID-19 order 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.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
Presentation	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)
Disallowance	It is not disallowable	LA19 s 115

This note is not part of the Act.

Section 16 heading: amended, on 26 November 2022, by section 13(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 26 November 2022, by section 13(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Subpart 2A: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

17A Application of this subpart

[Repealed]

Section 17A: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Duties of PCBUs

[Repealed]

Heading: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

17B Duty to keep vaccination records

[Repealed]

Section 17B: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 17C: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Duties of affected workers

[Repealed]

Heading: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 17D: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

17E Duty to provide information of vaccination status

[Repealed]

Section 17E: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

17F Duty to update information

[Repealed]

Section 17F: repealed, on 26 November 2022, by section 14 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 or class of suitably qualified and trained persons to carry out any functions and powers of an enforcement officer under this Act if the person or class of persons is employed or engaged by any of the following agencies:

(a) WorkSafe New Zealand:

(b) the Aviation Security Service:

(c) the New Zealand Customs Service:

(d) the New Zealand Defence Force:

(e) a maritime security organisation (as defined by section 5 of the Maritime Security Act 2004):

(f) the Ministry of Health:

(g) Health New Zealand.

(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(1): replaced, on 26 November 2022, by section 15 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 or marae.

(3) *[Repealed]*

(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) *[Repealed]*

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(2): amended, on 26 November 2022, by section 16(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 20(3): repealed, on 26 November 2022, by section 16(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 20(8): repealed, on 26 November 2022, by section 16(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 may—

(a) direct that person to stop any activity that is contravening or likely to contravene the order:

(b) direct that person to take any action to prevent or limit the extent of the person's non-compliance.

Section 21: amended, on 26 November 2022, by section 17(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 26 November 2022, by section 17(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

22 Power to close roads and public places and stop vehicles

[Repealed]

Section 22: repealed, on 26 November 2022, by section 18 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 23A: repealed, on 26 November 2022, by section 19 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 in contravention of 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 26 November 2022, by section 20 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 $5,000:

(b) for any other person, a fine not exceeding $15,000.

(3) A person commits an infringement offence if the person does anything specified as an infringement offence in this Act or a COVID-19 order.

(4) A person who commits an infringement offence is liable to—

(a) an infringement fee of,—

(i) for an individual, $1,000 or any lesser or equal amount prescribed by regulations made under section 33; or

(ii) for any other person, $3,000 or any lesser or equal amount prescribed by the regulations; or

(b) a fine imposed by a court not exceeding,—

(i) for an individual, $3,000 or any lesser or equal amount prescribed by the regulations; or

(ii) for any other person, $9,000 or any lesser or equal amount prescribed by the regulations.

Section 26: replaced, on 20 November 2021, by section 13 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 26(2)(a)(ii): amended, on 15 December 2022, by section 21(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 26(3): replaced, on 26 November 2022, by section 21(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 26(4): inserted, on 4 December 2021, by section 13 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 26(4)(a)(i): amended, on 15 December 2022, by section 21(3) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 26(4)(a)(ii): amended, on 15 December 2022, by section 21(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 26(4)(b)(i): amended, on 15 December 2022, by section 21(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 26(4)(b)(ii): amended, on 15 December 2022, by section 21(5) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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) *[Repealed]*

(4) A person who commits an offence against subsection (1) or (2) is liable on conviction to,—

(a) for an individual,—

(i) imprisonment for a term not exceeding 6 months; or

(ii) a fine not exceeding $5,000:

(b) for any other person, a fine not exceeding $15,000.

Section 27(3): repealed, on 26 November 2022, by section 22(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

Section 27(4): amended, on 26 November 2022, by section 22(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 27(4)(a)(ii): amended, on 15 December 2022, by section 22(3) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Subpart 3A: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32A Purpose of subpart

[Repealed]

Section 32A: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32B MIQF costs subject to recovery

[Repealed]

Section 32B: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32C Criteria for cost recovery

[Repealed]

Section 32C: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32D Methods of cost recovery

[Repealed]

Section 32D: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32E Persons in respect of whom prescribed charges payable

[Repealed]

Section 32E: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32F Exemptions, waivers, and refunds

[Repealed]

Section 32F: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32G Payment of charge

[Repealed]

Section 32G: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 32H: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32I Prescribed charges to constitute debt due to Crown

[Repealed]

Section 32I: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Subpart 3B: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Management of allocations

[Repealed]

Heading: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32J Interpretation

[Repealed]

Section 32J: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 32K: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32L Apportionment between allocations

[Repealed]

Section 32L: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32M Online allocations

[Repealed]

Section 32M: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32N Offline allocations for individuals and groups

[Repealed]

Section 32N: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32O Amendment and cancellation of allocations

[Repealed]

Section 32O: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Provisions relating to MIQFs or other places of isolation or quarantine

[Repealed]

Heading: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 32P: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32Q Chief executive may make rules

[Repealed]

Section 32Q: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32R Power to hold things

[Repealed]

Section 32R: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Complaints process

[Repealed]

Heading: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

32S Complaints process relating to management of MIQFs

[Repealed]

Section 32S: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Information collection

[Repealed]

Heading: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 32T: repealed, on 26 November 2022, by section 23 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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) $1,000, for an individual; or

(B) $3,000, for any other person; and

(ii) in the case of fines, must not be more than—

(A) $3,000, for an individual; or

(B) $9,000, 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) a COVID-19 order may specify that an infringement offence belongs to a certain class and has 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).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

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

Section 33(1)(a)(i)(A): amended, on 15 December 2022, by section 24(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 33(1)(a)(i)(B): amended, on 15 December 2022, by section 24(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 33(1)(a)(ii)(A): amended, on 15 December 2022, by section 24(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 33(1)(a)(ii)(B): amended, on 15 December 2022, by section 24(3) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 33(1)(b): replaced, on 26 November 2022, by section 24(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

33A Regulations relating to cost recovery

[Repealed]

Section 33A: repealed, on 26 November 2022, by section 25 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

33AA Regulations may prescribe assessment tool

[Repealed]

Section 33AA: repealed, on 26 November 2022, by section 25 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

33AB PCBU may conduct work assessment

[Repealed]

Section 33AB: repealed, on 26 November 2022, by section 25 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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 hypertext 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 $5,000:

(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).

Section 34A(4)(a)(ii): amended, on 15 December 2022, by section 26 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

34B Protection of evidence collected or obtained for purpose of determining whether person 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 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) *[Repealed]*

(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 $5,000:

(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).

Section 34B heading: amended, on 26 November 2022, by section 27(1) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 34B(1): amended, on 26 November 2022, by section 27(2) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 34B(1)(a): amended, on 26 November 2022, by section 27(3) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Section 34B(4)(a)(ii): amended, on 15 December 2022, by section 27(4) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Part 3: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

35 Amendments to Civil Defence Emergency Management Act 2002

[Repealed]

Section 35: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 36: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 37: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 38: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

39 Section 94E amended (Termination of transition periods)

[Repealed]

Section 39: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

Part 4
Amendment to Oranga Tamariki Act 1989

[Repealed]

Part 4: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

40 Amendment to Oranga Tamariki Act 1989

[Repealed]

Section 40: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

[Repealed]

Section 41: repealed, on 26 November 2022, by section 28 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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).

Part 4
Provisions relating to COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022

Schedule 1 Part 4: inserted, on 26 November 2022, by section 29(a) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

14 Savings provision relating to cost recovery of MIQ charges

(1) This clause applies—

(a) on and from the repeal of old subpart 3A of Part 2 and the revocation of the MIQ regulations by sections 23 and 34 of the 2022 amendment Act; and

(b) as if old subpart 3A of Part 2 and the MIQ regulations were still in force.

(2) A person continues to be liable to pay any existing charges.

(3) The chief executive may continue to do the following in accordance with the MIQ regulations:

(a) waive, in whole or in part, the payment of existing charges:

(b) refund, in whole or in part, existing charges (whether or not those charges are paid before or after the commencement of this clause).

(4) The Minister may continue to waive, in accordance with the MIQ regulations, the payment of existing charges.

(5) In this clause,—

2022 amendment Act means the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022

chief executive has the meaning given in section 5(1) of the COVID-19 Public Health Response Act 2020 before the commencement of section 6 of the 2022 amendment Act

existing charges means charges that a person is liable to pay under old subpart 3A of Part 2

MIQ regulations means the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 as in force before their revocation by section 34 of the 2022 amendment Act

old subpart 3A of Part 2 means subpart 3A of Part 2 of this Act as in force before its repeal by section 23 of the 2022 amendment Act.

Schedule 1 clause 14: inserted, on 26 November 2022, by section 29(a) of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66).

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

s 6

Date	Description or title of order
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 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 (2022 No 66): Part 1

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)

COVID-19 Public Health Response Act 2020 (2020 No 12): section 3

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