



COVID-19 Public Health Response (Protection Framework) Amendment Order 2021

This order is made by the Minister for COVID-19 Response under sections 11 and 15 of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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Order

1 Title

This order is the COVID-19 Public Health Response (Protection Framework) Amendment Order 2021.

2 Commencement

This order comes into force on 4 December 2021.

Part 1
Preliminary provisions

3 Principal order

This order amends the COVID-19 Public Health Response (Protection Framework) Order 2021.

4 Clause 5 amended (Interpretation)

(1) In clause 5, insert in their appropriate alphabetical order:

high risk infringement offence means the high risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

low risk infringement offence means the low risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

medium risk infringement offence means the medium risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

(2) In clause 5, insert as subclause (2):

(2) *See* regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for the penalties for the classes of infringement offences.

Part 2

Amendments to Part 2 (COVID-19 provisions)

- 5 Clause 19 amended (QR code must be displayed in workplaces)**
In clause 19(4), replace “an infringement offence” with “a medium risk infringement offence”.
- 6 Clause 20 amended (QR code must be displayed on public transport services)**
In clause 20(4), replace “an infringement offence” with “a medium risk infringement offence”.
- 7 Clause 21 amended (Workplaces must have alternative contact record systems and processes)**
In clause 21(4), replace “an infringement offence” with “a medium risk infringement offence”.
- 8 Clause 23 amended (Person must comply with face covering rule in specified premises or circumstances)**
In clause 23(3), replace “an infringement offence” with “a medium risk infringement offence”.
- 9 Clause 26 amended (Regulated business or service must display CVC status)**
In clause 26(2), replace “an infringement offence” with “a medium risk infringement offence”.
- 10 Clause 27 amended (Regulated business or service must have systems and processes to check person carries CVC and to verify CVC compliance)**
In clause 27(3), replace “an infringement offence” with “a high risk infringement offence”.
- 11 Clause 29 amended (Person must produce CVC when requested at regulated premises that are CVC-only)**
In clause 29(4), replace “an infringement offence” with “a low risk infringement offence”.
- 12 Clause 35 amended (People must comply with 1-metre physical distancing rule in specified premises or circumstances)**
In clause 35(2), replace “an infringement offence” with “a medium risk infringement offence”.

- 13 Clause 36 amended (People must comply with 2-metre physical distancing rule in specified premises or circumstances)**
In clause 36(2), replace “an infringement offence” with “a medium risk infringement offence”.
- 14 Clause 37 amended (Workers must keep 1 metre away from each other and 2 metres away from other people)**
In clause 37(2), replace “an infringement offence” with “a medium risk infringement offence”.
- 15 Clause 43 amended (Gathering of CVC compliant people permitted)**
Replace clause 43(6) with:
- (6) A breach of subclause (2) is a low risk infringement offence, and a breach of subclause (5) is a medium risk infringement offence, for the purposes of section 26(3) of the Act.
- 16 Clause 44 amended (Gathering of fixed number of CVC compliant people permitted)**
Replace clause 44(8) with:
- (8) A breach of subclause (2) is a low risk infringement offence, and a breach of subclause (5) or (7) is a medium risk infringement offence, for the purposes of section 26(3) of the Act.
- 17 Clause 45 amended (Gathering of CVC compliant people permitted if capacity limit met)**
Replace clause 45(8) with:
- (8) A breach of subclause (2) is a low risk infringement offence, and a breach of subclause (5) or (7) is a medium risk infringement offence, for the purposes of section 26(3) of the Act.
- 18 Clause 46 amended (Gathering of CVC compliant people permitted if fixed capacity limit met)**
Replace clause 46(8) with:
- (8) A breach of subclause (2) is a low risk infringement offence, and a breach of subclause (5) or (7) is a medium risk infringement offence, for the purposes of section 26(3) of the Act.
- 19 Clause 47 amended (Fixed capacity gathering permitted)**
Replace clause 47(6) with:
- (6) A breach of subclause (3) is a high risk infringement offence, and a breach of subclause (5) is a medium risk infringement offence, for the purposes of section 26(3) of the Act.

20 Clause 48 amended (Fixed number gathering permitted)

Replace clause 48(6) with:

- (6) A breach of subclause (3) is a high risk infringement offence, and a breach of subclause (5) is a medium risk infringement offence, for the purposes of section 26(3) of the Act.

21 Clause 49 amended (Limited purpose gathering permitted)

In clause 49(6), replace “an infringement offence” with “a medium risk infringement offence”.

22 Clause 50 amended (Limited outdoor gathering permitted)

In clause 50(5), replace “an infringement offence” with “a medium risk infringement offence”.

23 Clause 52 amended (Event permitted for CVC compliant people only)

In clause 52(6), replace “an infringement offence” with “a low risk infringement offence”.

24 Clause 53 amended (Fixed capacity event permitted for CVC compliant people only)

Replace clause 53(8) with:

- (8) A breach of subclause (2) is a low risk infringement offence, and a breach of subclause (5) is a medium risk infringement offence, for the purposes of section 26(3) of the Act.

25 Clause 54 amended (Fixed capacity event permitted)

In clause 54(6), replace “an infringement offence” with “a high risk infringement offence”.

26 Clause 63 amended (Business or service must close premises)

In clause 63(3), replace “an infringement offence” with “a high risk infringement offence”.

27 Clause 64 amended (Business or service must be closed unless permitted to open (restrictive setting))

In clause 64(4), replace “an infringement offence” with “a high risk infringement offence”.

28 Clause 69 amended (Customers and clients at food and drink business or service must comply with seating requirements)

In clause 69(6), replace “an infringement offence” with “a medium risk infringement offence”.

- 29 Clause 71 amended (Worker delivering goods must wear face covering)**
In clause 71(2), replace “an infringement offence” with “a medium risk infringement offence”.
- 30 Clause 72 amended (Passengers on public transport services must be seated)**
In clause 72(4), replace “an infringement offence” with “a medium risk infringement offence”.
- 31 Clause 73 amended (Physical distancing requirements on public transport services on specified route)**
In clause 73(7), replace “an infringement offence” with “a medium risk infringement offence”.
- 32 Clause 74 amended (How face covering rule applies to education entities)**
In clause 74(2), replace “an infringement offence” with “a medium risk infringement offence”.
- 33 Clause 80 amended (Greengrocers, butchers, and fishmongers must be indoors and have fixed location)**
In clause 80(3), replace “an infringement offence” with “a high risk infringement offence”.
- 34 Clause 81 amended (Outdoor sports facilities must close indoor parts)**
In clause 81(3), replace “an infringement offence” with “a high risk infringement offence”.
- 35 Clause 86 amended (Person must stay at home except when undertaking permitted movement)**
In clause 86(3), replace “an infringement offence” with “a high risk infringement offence”.
- 36 Clause 89 amended (Person must not travel out of area unless undertaking permitted travel)**
In clause 89(3), replace “an infringement offence” with “a high risk infringement offence”.
- 37 Clause 90 amended (Person must not undertake cross-boundary travel unless permitted (restrictive setting))**
In clause 90(3), replace “an infringement offence” with “a high risk infringement offence”.

38 Clause 96 amended (Person must carry evidence of negative COVID-19 test result)

In clause 96(4), replace “an infringement offence” with “a medium risk infringement offence”.

39 Clause 97 amended (Person must carry evidence of having had COVID-19 test (non-work activities))

In clause 97(4), replace “an infringement offence” with “a medium risk infringement offence”.

40 Clause 98 amended (Person must carry evidence of having had COVID-19 test (work activities))

In clause 98(4), replace “an infringement offence” with “a medium risk infringement offence”.

Part 3 Amendment to Schedule 6 (Orange)

41 Part 2 of Schedule 6 amended

In Schedule 6, Part 2, after the heading “*Access must not be denied on vaccination grounds*”, insert the following item:

cl 31	Person must not be denied access to certain premises on vaccination grounds
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Dated at Wellington this 1st day of December 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This order, which comes into force on 4 December 2021, amends the COVID-19 Public Health Response (Protection Framework) Order 2021 (the **principal order**).

The purpose of the amendments is to assign each infringement offence in the principal order to 1 of the 3 infringement offence classes established by the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 (the **regulations**) for the purposes of section 26(3) of the COVID-19 Public Health Response Act 2020. The 3 classes are high risk, medium risk, and low risk and are defined by reference to how likely the offence is to lead to the transmission and spread of COVID-19.

The class that an infringement offence is assigned to determines which penalties apply to it under the regulations, with high risk offences having the highest potential infringement fees and fines for offenders and low risk offences having the lowest potential penalties.

The infringement fees (fees that can be imposed on an offender by infringement notice) for each class of infringement offence are prescribed by the regulations as follows:

Class of offence	Fee: individual (\$)	Fee: any other person (\$)
Low risk	500	1,500
Medium risk	1,000	4,000
High risk	4,000	12,000

The maximum fines (fines that may be imposed instead of infringement fees if the matter goes to court) for each class of infringement offence are prescribed by the regulations as follows:

Class of offence	Fine: individual (\$)	Fine: any other person (\$)
Low risk	1,500	4,500
Medium risk	4,000	12,000
High risk	12,000	15,000

This order also makes a correction to the schedules, to apply clause 31 of the principal order at Orange.

To continue in effect, this order must be approved by resolution of the House of Representatives before the expiry of the period described in section 16(2) of the COVID-19 Public Health Response Act 2020. If this does not happen, the order is revoked on the expiry of that period.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 1 December 2021.
This order is administered by the Ministry of Health.