



# COVID-19 Public Health Response (Infringement Offences) Regulations 2021

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 29th day of November 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 33(1)(a) and (b) of the COVID-19 Public Health Response Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for COVID-19 Response made after complying with section 33 of that Act.

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## Regulations

### 1 Title

These regulations are the COVID-19 Public Health Response (Infringement Offences) Regulations 2021.

### 2 Commencement

These regulations come into force on 4 December 2021.

### 3 Interpretation

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

### 4 Transitional, savings, and related provisions

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

### 5 Classes of infringement offences and related penalties

- (1) The prescribed classes of infringement offences under the Act are set out in the following table:

<b>Class of offence</b>	<b>Description of class</b>
Low risk	A breach of an administrative requirement or any other requirement where the worst potential outcome of the breach is a low likelihood of transmission and spread of COVID-19.
Medium risk	A breach of a requirement where the worst potential outcome of the breach is a possibility of transmitting or spreading COVID-19 or limiting the capability of the public health response, which does not otherwise meet the description for low risk or high risk.
High risk	A breach of a requirement where the risk of transmitting or spreading COVID-19 as a result of the breach is probable.

- (2) The prescribed infringement fees for each class of infringement offence are set out in the following table:

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

- (3) The prescribed maximum fines for each class of infringement offence are set out in the following table:

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

**6 Infringement offences for breach of COVID-19 order or section 32Q rule**

- (1) This regulation applies if a COVID-19 order or a rule made under section 32Q of the Act assigns a classification set out in regulation 5(1) for an infringement offence.
- (2) The penalties for the assigned class of offence are set out in regulation 5(2) and (3) for that class of offence.

**7 Infringement offences against section 32P of Act**

- (1) An infringement offence against section 32P(1) of the Act (requirement that a person remain in their room in the MIQF or other place of isolation or quarantine) is a high risk offence.
- (2) An infringement offence against section 32P(2) of the Act (requirement that a person allowed to leave their room in the MIQF or other place of isolation or quarantine comply with the chief executive's directions and conditions) is a high risk offence.
- (3) The penalties for the offences are as set out for individuals in regulation 5(2) and (3) for that class of offence.

**8 Infringement offences against section 32T of Act**

- (1) An infringement offence against section 32T(1) of the Act (requirement to provide contact information) is a low risk offence.
- (2) An infringement offence against section 32T(2) of the Act (requirement to update contact details that change) is a low risk offence.
- (3) The penalties for the offences are as set out for individuals in regulation 5(2) and (3) for that class of offence.

## Schedule 1

### Transitional, savings, and related provisions

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#### Part 1

##### Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Michael Webster,  
Clerk of the Executive Council.

#### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 4 December 2021, prescribe classes of infringement offences under the COVID-19 Public Health Response Act 2020 (the Act) and a graduated scale of related penalties.

Section 26 of the Act provides that an infringement offence under the Act is—

- a breach of the Act that is specified as an infringement offence in the Act; or
- a breach of a COVID-19 order that is specified as an infringement offence in the order; or
- a breach of a rule made under section 32Q of the Act.

In the case of an infringement offence against a COVID-19 order or a rule made under section 32Q, the order or rule may specify that the offence belongs to a class of offence prescribed in these regulations and attracts the infringement fee prescribed in these regulations for that class.

The following classes of infringement offence are prescribed:

- low risk:
- medium risk:
- high risk.

A low risk offence carries an infringement fee of \$500 for an individual and \$1,500 for any other person. The corresponding maximum fines for this class of offence are \$1,500 and \$4,500.

A medium risk offence carries an infringement fee of \$1,000 for an individual and \$4,000 for any other person. The corresponding maximum fines for this class of offence are \$4,000 and \$12,000.

A high risk offence carries an infringement fee of \$4,000 for an individual and \$12,000 for any other person. The corresponding maximum fines for this class of offence are \$12,000 and \$15,000.

An infringement offence against section 32P(1) or (2) of the Act by an individual (which relates to the requirement that a person remain in their room in the MIQF or other place of isolation or quarantine, and comply with the chief executive's directions and conditions if allowed to leave their room) is classified as high risk offence.

An infringement offence against section 32T(1) or (2) of the Act by an individual (which relates to the requirement to provide and update contact information for the purpose of managed isolation facility charges) is classified as a low risk offence.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 2 December 2021.

These regulations are administered by the Ministry of Health.