

Version
as at 21 December 2021



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

(SL 2021/393)

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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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Health.

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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:

Class of offence	Description of class
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:

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

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

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

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.

6A Infringement offences against section 17B of Act

- (1) An infringement offence against section 17B of the Act (duty of a PCBU to keep and update records about the vaccination status of affected workers who carry out specified work) is a low risk offence.
- (2) The penalties for the offence are set out in regulation 5(2) and (3) for that class of offence.

Regulation 6A: inserted, on 21 December 2021, by regulation 4 of the COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021 (SL 2021/425).

6B Infringement offences against section 17C of Act

- (1) An infringement offence against section 17C of the Act (duty of a PCBU not to allow an affected worker to carry out specified work unless satisfied they are vaccinated, exempt, or authorised, and to notify affected workers about vaccination requirements and not prevent them from being vaccinated during their normal working hours) is a high risk offence.
- (2) The penalties for the offence are set out in regulation 5(2) and (3) for that class of offence.

Regulation 6B: inserted, on 21 December 2021, by regulation 4 of the COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021 (SL 2021/425).

6C Infringement offences against section 17D(1) of Act

- (1) An infringement offence against section 17D(1) of the Act (duty of an affected worker not to carry out specified work unless vaccinated, exempt, or authorised) is a high risk offence.

- (2) The penalties for the offence are set out in regulation 5(2) and (3) for that class of offence.

Regulation 6C: inserted, on 21 December 2021, by regulation 4 of the COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021 (SL 2021/425).

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

r 4

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.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 2 December 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 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 (Infringement Offences) Amendment Regulations 2021 (SL 2021/425)