



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

Cindy Kiro, Governor-General

Order in Council

At Wellington this 20th day of December 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(2) of that Act.

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Regulations

1 Title

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

2 Commencement

These regulations come into force on 21 December 2021.

3 Principal regulations

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

4 New regulations 6A to 6C inserted

After regulation 6, insert:

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.

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.

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.

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 21 December 2021, amend the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 (the **principal regulations**).

The principal regulations are made under the COVID-19 Public Health Response Act 2020 (the **Act**). They prescribe classes of infringement offences under the Act and the related penalties for each class of infringement offence.

The amendments prescribe the infringement fees and maximum fines for infringement offences against sections 17B, 17C, and 17D(1) of the Act by assigning each of those infringement offences to one of the 3 classes of infringement offences prescribed in the principal regulations.

An infringement offence against section 17B of the Act, which requires a person conducting a business or undertaking (a **PCBU**) to keep and update records about the vaccination status of certain workers who carry out specified types of work, is classified as a low risk offence. A low risk offence incurs an infringement fee of \$500 for an individual and \$1,500 for any other person. The corresponding maximum fines for that class of offence are \$1,500 and \$4,500.

Infringement offences against the following provisions of the Act are classified as high risk offences:

- section 17C, which—
 - requires a PCBU to prevent certain workers from carrying out specified types of work unless satisfied they are vaccinated, have a COVID-19 vaccination exemption, or are authorised by a COVID-19 order to carry out that work despite being unvaccinated:
 - requires a PCBU to notify certain workers who carry out specified types of work about the vaccination requirements that apply to them and to allow those workers to be vaccinated during their normal working hours:
- section 17D(1), which prohibits certain workers from carrying out specified types of work unless they are vaccinated, have a COVID-19 vaccination exemption, or are authorised by a COVID-19 order to carry out that work despite being unvaccinated.

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

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

2021/425

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 20 December 2021.
These regulations are administered by the Ministry of Health.

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2021