

COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Bill

Government Bill

Explanatory note

General policy statement

The COVID-19 Public Health Response Act 2020 (the **Act**), enacted in May 2020, established a bespoke legal framework to manage the unprecedented circumstances of the COVID-19 epidemic in a co-ordinated and orderly way. The Act is an enabling framework that allows the Minister for COVID-19 Response to make orders to give effect to the public health response to COVID-19 (**COVID-19 orders**).

COVID-19 orders have been used to implement measures such as—

- setting the restrictions that apply to different regions of New Zealand under the Alert Level System;
- establishing isolation and quarantine requirements for people entering New Zealand via the air or maritime border;
- requiring vaccination and regular testing of workers if they are to undertake certain work in education and healthcare facilities, and at borders or at managed isolation or quarantine facilities (**MIQFs**).

Purpose

The Bill aims to enable the ongoing management of COVID-19 by continuing the legislative powers needed to implement public health measures to support the COVID-19 response.

Policies included in Bill

The Bill—

- amends the repeal date so that the Act will continue to apply until 2 years after the Royal assent of this Bill:

- removes the requirement for the House of Representatives to periodically resolve that the Act remain in force:
- removes the power for the Director-General of Health to make COVID-19 orders:
- limits the power for the Minister for COVID-19 Response to make COVID-19 orders to only include the following public health measures:

Context

In the community

Mandatory masks, self-isolation, and certain requirements for travellers to New Zealand

Public health measure

Self-isolation (for cases, household contacts, and close contacts) and masks

- Mask use on inbound flights to New Zealand
- Pre-departure and/or post-arrival testing requirements
- Requirement for airline or ship operators to take reasonable steps to ensure passengers comply with pre-departure travel requirements
- Requirement not to board a flight to New Zealand while exhibiting COVID-19 symptoms or if under a public health order in another country or if currently positive for COVID-19
- Self-isolation and self-quarantine for people arriving in New Zealand
- Provision of travel history and contact information to support contact tracing

- limits enforcement powers by—
 - removing the power for warrantless entry to private dwellings and marae, the power to close roads and public places and stop vehicles, and the power to direct a person to produce evidence of compliance with a specified measure; and
 - specifying the types of enforcement officers that can be authorised by the Director-General of Health consistently with authorisations used to date:
- reduces the maximum penalties for infringement offences and criminal offences:
- delays commencement of new penalty levels in the Act in order to allow time to amend penalties in the COVID-19 Public Health Response (Infringement Offences) Regulations 2021, and thereby ensure that penalties in those regulations remain consistent with the maximum infringement offence penalties in the Act:
- repeals section 145 and Schedule 5 of the Residential Tenancies Act 1986, used to activate tenancy termination restrictions during lockdowns, because lockdowns will not be enabled by the Act:
- removes all provisions relating to MIQFs, but includes a transitional provision to preserve the ability to recover existing MIQF debts.

The Bill retains some of the existing safeguards of the Act, such as the prerequisites for COVID-19 orders and the requirement that all COVID-19 orders be consistent with the New Zealand Bill of Rights Act 1990.

Departmental disclosure statement

The Ministry of Health is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=197>

Regulatory impact statement

The Ministry of Health produced a regulatory impact statement on 29 September 2022 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.health.govt.nz/about-ministry/information-releases/regulatory-impact-statements>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the Bill to come into force on the day after Royal assent, except that the changes to the maximum fines and fees for infringement offences and fines for individuals convicted of offences will come into force on the earlier of—

- a date set by Order in Council; and
- **28 February 2023.**

Clause 3 states that this Bill amends the COVID-19 Public Health Response Act 2020 (the **Act**).

Part 1

Amendments to COVID-19 Public Health Response Act 2020

Clause 4 replaces section 3, which provides that the Act is repealed—

- on the expiry of a relevant period if no resolution is passed to continue the Act by the House of Representatives within that period; or
- if not repealed sooner, on the close of 13 May 2023.

The amendment removes these provisions and provides instead that the Act is repealed 2 years after the Royal assent of this Bill.

Clause 5 amends section 4, which outlines the purpose of the Act. This amendment consequentially removes references to recovering managed isolation or quarantine facility (MIQF) costs.

Clause 6 amends section 5, which defines terms used in the Act. *Clause 6* repeals the defined terms that will no longer be used in the Act as amended and inserts new definitions. Section 5 is also amended to remove the Director-General's power to make notices regarding vaccination exemptions and vaccine doses.

Clause 7 repeals section 10, which empowers the Director-General to make an order under the Act (a **COVID-19 order**). The repeal of section 10 leaves only the Minister with the power to make COVID-19 orders.

Clause 8 replaces section 11, which specifies the purposes for which the Minister can make COVID-19 orders. This amendment repeals the existing powers of the Minister to make COVID-19 orders and replaces them with a narrower set of powers to make COVID-19 orders—

- to require COVID-19 cases, household contacts, close contacts, and persons arriving in New Zealand to self-isolate:
- to require a person conducting a business or undertaking (a **PCBU**) to maintain systems and processes to ensure that workers comply with requirements relating to self-isolation and to mitigate the risks of spreading COVID-19 that relate to a worker leaving their place of self-isolation to carry out work for the PCBU:
- to require persons to wear masks in specified places and ways:
- to require PCBUs to maintain systems and processes to ensure that workers comply with mask requirements and to mitigate the risks of spreading COVID-19 if a worker is unable to wear a mask:
- to require persons arriving in New Zealand to comply with certain requirements:
- to require persons to take reasonable steps to ensure that persons arriving in New Zealand comply with requirements:
- to prohibit persons from importing, manufacturing, supplying, selling, packing, or using a test or testing device, or to authorise them to do so only in specified circumstances.

Clause 9 repeals the following sections:

- section 11A (which relates to compensation and payments available to an owner of a requisitioned testing laboratory):
- sections 11AA and 11AB (which relate to the Minister's power to make orders to specify work that may not be carried out unless a worker meets specified requirements).

Clause 10 makes various consequential amendments to section 12, which sets out general provisions relating to COVID-19 orders.

Clauses 11 and 12 amend sections 14 and 15, which relate to the form and amendment of COVID-19 orders. These amendments consequentially remove references to the Director-General and COVID-19 orders made by the Director-General. The amendment to section 14 in *clause 11(1)* also clarifies that part of a COVID-19 order may come into force less than 48 hours after it is published if the Minister is satisfied that—

- that part of the order should come into force urgently to prevent or contain the outbreak or spread of COVID-19; or
- the effect of that part of the order is only to remove or reduce requirements imposed by a COVID-19 order.

Clause 13 consequentially amends section 16 to reflect that only the Minister will have the power to make COVID-19 orders.

Clause 14 repeals subpart 2A of Part 2. Subpart 2A sets out the duties of workers and persons conducting a business or undertaking in relation to work specified under section 11AB (which is repealed by *clause 9*).

Clause 15 replaces section 18(1), which sets out the persons the Director-General may authorise to carry out the functions and powers of an enforcement officer. The amendment narrows the scope of persons who may carry out those functions and powers.

Clause 16 amends section 20, which sets out enforcement officers' powers of entry. The amendments remove the power of enforcement officers to enter a marae or dwellinghouse without a warrant.

Clause 17 consequentially amends section 21 to remove a cross-reference to section 32Q, which is repealed by *clause 23*.

Clause 18 repeals section 22 to remove the power of an enforcement officer to close roads and public places and to stop vehicles if a COVID-19 order provides for restriction of access to those roads or public spaces. The replacement of section 11 removes the power of the Minister to make an order for those purposes (*see clause 8*).

Clause 19 repeals section 23A to remove the power of an enforcement officer to direct a person to produce evidence of compliance with a specified measure.

Clause 20 amends section 24 to remove reference to a COVID-19 order imposing conditions on the operation of a business or undertaking. The replacement of section 11 removes the power of the Minister to make an order for those purposes (*see clause 8*).

Clauses 21 and 22 amend sections 26 and 27. Those sections set out various offences under the Act and the fines associated with those offences. *Clauses 21 and 22* reduce the maximum fees and fines for infringement offences and the maximum fine for an individual convicted of an offence. *Clause 21* also consequentially amends section 26 to remove a reference to section 32Q (which is repealed by *clause 23*).

Clause 23 repeals subparts 3A and 3B of Part 2 (which relate to MIQF cost recovery and MIQF management).

Clause 24 amends section 33, which provides for regulation-making powers. The amendments reduce the maximum infringement fees and fines that regulations may set and consequentially remove regulation-making powers relating to provisions under subpart 3B of Part 2 (which is repealed by *clause 23*).

Clause 25 consequentially repeals sections 33A, 33AA, and 33AB (which contain regulation-making powers relating to MIQF cost recovery, PCBU assessment tools, and PCBU work assessments).

Clause 26 amends section 34A, which relates to protecting contact tracing information. This amendment reduces the maximum fines for an individual for offences against section 34A(3).

Clause 27 amends section 34B to consequentially remove references to vaccination and COVID-19 vaccine certificates. *Clause 27(4)* also reduces the maximum fines for an individual for offences under section 34B(1).

Clause 28 repeals Parts 3 and 4, which set out amendments to the Civil Defence Emergency Management Act 2002 and the Oranga Tamariki Act 1989 that were made by the Act in 2020. Parts 3 and 4 are spent. Repealing them does not undo the amendments they made.

Clause 29 amends Schedule 1, which contains the transitional, savings, and related provisions. The amendment, which is set out in the *Schedule* of the Bill, inserts a *new Part 4* into Schedule 1. *New Part 4* contains a transitional provision to enable outstanding MIQF charges to continue to be collected once the provisions relating to MIQFs are repealed. The transitional provision also enables the chief executive to continue to be able to waive or refund MIQF charges and the Minister to continue to be able to waive those charges.

Part 2

Amendments to, and revocation of, other legislation

Clauses 30 to 33 consequentially repeal provisions of the Residential Tenancies Act 1986 that empower the making of orders to prevent termination of residential tenancies if a COVID-19 order restricts people in the area from moving to a new home or other place of residence. The Act as amended will no longer empower COVID-19 orders to be made to restrict movement in that way.

Clause 34 consequentially revokes the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020.

Clauses 35 to 37 consequentially amend the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 to remove references to infringement offences that relate to repealed provisions of the Act.

Hon Dr Ayesha Verrall

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Part 2

Amendments to, and revocation of, other legislation

Residential Tenancies Act 1986

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*COVID-19 Public Health Response (Managed Isolation and
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*COVID-19 Public Health Response (Infringement Offences)
Regulations 2021*

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Schedule

New Part 4 inserted into Schedule 1

13

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act **2022**.
- 2 Commencement** 5
- (1) This Act comes into force on the day after Royal assent.
- (2) However, **sections 21(1) and (3) to (5), 22(3), 24(1) to (3), 26, and 27(4)** (which reduce the maximum fines and fees for infringement offences and fines for individuals convicted of offences) come into force—
- (a) on a date set by the Governor-General by Order in Council; or 10
- (b) to the extent not brought into force earlier, on **28 February 2023**.
- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 3 Principal Act**
This Act amends the COVID-19 Public Health Response Act 2020. 15

Part 1

Amendments to COVID-19 Public Health Response Act 2020

- 4 Section 3 replaced (Repeal of this Act)**
Replace section 3 with:
- 3 Repeal of this Act** 20
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**.
- 5 Section 4 amended (Purpose)**
In section 4(cb), delete “and allows for the recovery of MIQF costs”. 25
- 6 Section 5 amended (Interpretation)**
- (1) In section 5(1), repeal the definitions of **affected worker, authorised person, chief executive, COVID-19 vaccination authorisation, COVID-19 vaccination certificate, COVID-19 vaccination exemption, district, exempt person, managed isolation or quarantine facility or MIQF, MIQF costs, other place of isolation or quarantine, prescribed charge, public place, representative, responsible agency, road, room, specified COVID-19 vaccination exemption criteria, specified work, territorial authority, vaccinated, and workplace**. 30

- (2) In section 5(1), definition of **COVID-19 order**, delete “or 11AB”.
- (3) In section 5(1), replace the definition of **Minister** with:
- 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
- (4) In section 5(1), insert in their appropriate alphabetical order:
- 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 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
- COVID-19 case** has the meaning given to it by **subsection (3)**
- 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)**
- 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)**
- 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
- pack** has the meaning given to it by section 2(1) of the Medicines Act 1981
- 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)**
- (5) Replace sections 5(3) and (4) with:
- (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.
- 7 Section 10 repealed (Director-General may make COVID-19 orders)**
Repeal section 10.
- 8 Section 11 replaced (Orders that can be made under this Act)**
Replace section 11 with:

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— 5
- (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: 10
 - (i) they are a COVID-19 case: 10
 - (ii) they are a household contact: 10
 - (iii) they are a close contact: 10
 - (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: 15
 - (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: 20
 - (ii) permit a person to leave their place of self-isolation in accordance with any specified requirements or specified conditions: 20
 - (iii) impose any other restrictions or conditions that relate to the movement of persons to, from, and within a place of self-isolation: 25
 - (c) require a PCBU— 25
 - (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: 25
 - (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: 30
 - (d) specify any of the following:
 - (i) the evidence that constitutes definitive laboratory evidence that a person has COVID-19: 35
 - (ii) the tests that are authorised tests for the purposes of determining whether a person is a COVID-19 case: 35

(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.	
	<i>Masks</i>	5
(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:	10
(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—	15
(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:	20
(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:	25
(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.	
	<i>Persons arriving in New Zealand</i>	30
(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:	35
(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: 5
- (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: 10
- (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: 15
- (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. 20
- Tests*
- (5) An order may—
- (a) prohibit a person from importing, manufacturing, supplying, selling, packing, or using a specified test or testing device: 25
- (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— 30
- (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)**. 35
- (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.
- 9 Sections 11A to 11AB repealed** 10
- Repeal sections 11A to 11AB.
- 10 Section 12 amended (General provisions relating to COVID-19 orders)**
- (1) In section 12(1)(a), delete “(for example, different restrictions may be imposed on persons depending on whether they have a COVID-19 vaccination certificate or on their vaccination status)”.
- (2) In section 12(1)(d), delete “or the chief executive”. 15
- (3) In section 12(1)(e), delete “or 11AB”.
- (4) Replace section 12(2) with:
- (2) However, a COVID-19 order may not apply only to a specific individual.
- (5) After section 12(4), insert:
- (5) For the purposes of this section, **things** includes animals, goods, businesses, records, equipment, and supplies. 20
- 11 Section 14 amended (Form, publication, and duration of COVID-19 orders)**
- (1) Replace section 14(3) with:
- (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— 25
- (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. 30
- (2) Repeal section 14(4).
- (3) In section 14(5), delete “and the Director-General”.
- 12 Section 15 amended (Amendment or extension of COVID-19 orders)**
- (1) In section 15(1), delete “made by the Minister”. 35
- (2) Repeal section 15(2) and (3).

- 13 Section 16 amended (COVID-19 order made by Minister revoked if not approved by House of Representatives)**
- (1) In the heading to section 16, delete “made by Minister”.
 - (2) In section 16(1), delete “made by the Minister”.
- 14 Subpart 2A of Part 2 repealed** 5
- Repeal subpart 2A of Part 2.
- 15 Section 18 amended (Authorised enforcement persons)**
- Replace section 18(1) with:
- (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: 10
 - (a) WorkSafe New Zealand:
 - (b) the Aviation Security Service:
 - (c) the New Zealand Customs Service: 15
 - (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. 20
- 16 Section 20 amended (Powers of entry)**
- (1) In section 20(2), after “private dwellinghouse”, insert “or marae”.
 - (2) Repeal section 20(3) and (8).
- 17 Section 21 amended (Power to give directions)**
- (1) In section 21, delete “or a rule made under section 32Q”. 25
 - (2) In section 21(a), delete “or rule”.
- 18 Section 22 repealed (Power to close roads and public places and stop vehicles)**
- Repeal section 22.
- 19 Section 23A repealed (Power to direct person to produce evidence of compliance with specified measure)** 30
- Repeal section 23A.

- 20 Section 24 amended (Power to direct business or undertaking to close)**
 In section 24(1), replace “is operating in contravention of a COVID-19 order or contrary to any conditions imposed on its operation by a COVID-19 order” with “is in contravention of a COVID-19 order”.
- 21 Section 26 amended (Offences and infringement offences)** 5
 (1) In section 26(2)(a)(ii), replace “\$12,000” with “\$5,000”.
 (2) Replace section 26(3) with:
 (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.
 (3) In section 26(4)(a)(i), replace “\$4,000” with “\$1,000”. 10
 (4) In section 26(4)(a)(ii) and (b)(i), replace “\$12,000” with “\$3,000”.
 (5) In section 26(4)(b)(ii), replace “\$15,000” with “\$9,000”.
- 22 Section 27 amended (Offences relating to exercise of enforcement powers)**
 (1) Repeal section 27(3).
 (2) In section 27(4), replace “any of subsections (1) to (3)” with “subsection (1) or (2)”. 15
 (3) In section 27(4)(a)(ii), replace “\$12,000” with “\$5,000”.
- 23 Subparts 3A and 3B of Part 2 repealed**
 Repeal subparts 3A and 3B of Part 2.
- 24 Section 33 amended (Regulations)** 20
 (1) In section 33(1)(a)(i)(A), replace “\$4,000” with “\$1,000”.
 (2) In section 33(1)(a)(i)(B) and (ii)(A), replace “\$12,000” with “\$3,000”.
 (3) In section 33(1)(a)(ii)(B), replace “\$15,000” with “\$9,000”.
 (4) Replace section 33(1)(b) with:
 (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: 25
- 25 Sections 33A to 33AB repealed** 30
 Repeal sections 33A to 33AB.
- 26 Section 34A amended (Protection of contact tracing information)**
 In section 34A(4)(a)(ii), replace “\$12,000” with “\$5,000”.

- 27 Section 34B amended (Protection of evidence collected or obtained for purpose of determining whether person is vaccinated or has complied with Act or COVID-19 order)**
- (1) In the heading to section 34B, delete “**is vaccinated or**”.
- (2) In section 34B(1), delete “is vaccinated, has been issued with a COVID-19 vaccination certificate, or”.
- (3) Repeal section 34B(1)(a).
- (4) In section 34B(4)(a)(ii), replace “\$12,000” with “\$5,000”.
- 28 Parts 3 and 4 repealed**
Repeal Parts 3 and 4. 10
- 29 Schedule 1 amended**
In Schedule 1,—
- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- Part 2** 15
Amendments to, and revocation of, other legislation
- Residential Tenancies Act 1986*
- 30 Principal Act**
Sections 31, 32, and 33 amend the Residential Tenancies Act 1986.
- 31 Section 145 repealed (Provisions relating to COVID-19)** 20
Repeal section 145.
- 32 Schedule 1AA amended**
In Schedule 1AA, repeal clause 28(2).
- 33 Schedule 5 repealed**
Repeal Schedule 5. 25
- COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020*
- 34 Revocation of COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020**
The COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (LI 2020/186) are revoked. 30

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

35 Principal regulations

Sections 36 and 37 amend the COVID-19 Public Health Response (Infringement Offences) Regulations 2021.

36 Regulation 6 amended (Infringement offences for breach of COVID-19 order or section 32Q rule) 5

- (1) In the heading to regulation 6(1), delete “**or section 32Q rule**”.
- (2) In regulation 6(1), delete “or a rule made under section 32Q of the Act”.

37 Regulations 6A to 8 revoked

Revoke regulations 6A to 8. 10

Schedule
New Part 4 inserted into Schedule 1

s 29

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