

Reprint
as at 8 December 2020



COVID-19 Public Health Response Act 2020

Public Act 2020 No 12
Date of assent 13 May 2020
Commencement see section 2

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Health.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the COVID-19 Public Health Response Act 2020.

2 Commencement

This Act comes into force on Royal assent.

Part 1

Preliminary provisions

3 Repeal of this Act

- (1) This Act is repealed on the expiry of a relevant period if no resolution is passed to continue the Act by the House of Representatives within that period.
- (2) The **relevant period** is the longer of the following:
 - (a) the period of 90 days after the commencement date or the date of the most recent resolution referred to in subsection (1);
 - (b) any other period specified by a resolution of the House of Representatives.
- (3) If not repealed sooner under subsection (1), this Act is repealed on the date that is 2 years after the date of its commencement.

4 Purpose

The purpose of this Act is to support a public health response to COVID-19 that—

- (a) prevents, and limits the risk of, the outbreak or spread of COVID-19 (taking into account the infectious nature and potential for asymptomatic transmission of COVID-19); and
- (b) avoids, mitigates, or remedies the actual or potential adverse effects of the COVID-19 outbreak (whether direct or indirect); and
- (c) is co-ordinated, orderly, and proportionate; and
- (ca) allows social, economic, and other factors to be taken into account where it is relevant to do so; and
- (cb) is economically sustainable and allows for the recovery of MIQF costs; and
- (d) has enforceable measures, in addition to the relevant voluntary measures and public health and other guidance that also support that response.

Section 4(ca): inserted, on 6 August 2020, by section 4 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 4(cb): inserted, on 6 August 2020, by section 4 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

5 Interpretation

- (1) In this Act, unless the context otherwise requires,—
authorised person means a person authorised under section 18
Commissioner has the meaning given to it by section 4 of the Policing Act 2008
constable has the meaning given to it by section 4 of the Policing Act 2008

COVID-19 order means an order made under section 11 (as may be amended or extended from time to time under section 15)

Director-General means the Director-General of Health

district has the meaning given to it by section 5(1) of the Local Government Act 2002

enforcement officer means—

- (a) the Director-General:
- (b) a medical officer of health:
- (c) a constable:
- (d) in relation to any function or power, a person authorised to perform that function or power under section 18 or a person in a class of persons authorised to perform that function or power under section 18

infringement offence means an infringement offence against section 26(3)

managed isolation or quarantine facility or **MIQF** means a facility that is designated by the New Zealand Government for use as a place of isolation or quarantine

MBIE means the Ministry of Business, Innovation, and Employment

Minister means 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

MIQF costs means costs incurred by the New Zealand Government in respect of persons staying at MIQFs

New Zealand includes all waters within the outer limits of the territorial sea of New Zealand (as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)

Police uniform has the meaning given to it by section 4 of the Policing Act 2008

premises includes any commercial premises and private premises

prescribed charge means a charge prescribed by regulations made under section 33A

public place has the meaning given to it by section 2(1) of the Summary Offences Act 1981

relevant Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of subpart 3A of Part 2

road has the meaning given to it by section 35(2) of the Policing Act 2008

territorial authority has the meaning given to it by section 5(1) of the Local Government Act 2002.

- (2) Terms and expressions used and not defined in this Act, but defined in the Health Act 1956, have the same meanings as in the Health Act 1956.

Section 5(1) **COVID-19 order**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **managed isolation or quarantine facility** or **MIQF**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **MBIE**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **Minister**: replaced, on 8 December 2020, by section 4 of the COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64).

Section 5(1) **MIQF costs**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **prescribed charge**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **relevant Minister**: inserted, on 6 August 2020, by section 5(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 5(1) **section 11 order**: repealed, on 6 August 2020, by section 5(2) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

6 Transitional, savings, and related provisions

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

7 Act binds the Crown

This Act binds the Crown.

Part 2

Provisions to limit the risk of outbreak or spread of COVID-19

Subpart 1—COVID-19 orders

Subpart 1 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

8 Prerequisites for all COVID-19 orders

A COVID-19 order may be made under this Act only—

- (a) while an epidemic notice under section 5 of the Epidemic Preparedness Act 2006 is in force for COVID-19; or
- (b) while a state of emergency or transition period in respect of COVID-19 under the Civil Defence Emergency Management Act 2002 is in force; or
- (c) if the Prime Minister, by notice in the *Gazette*, after being satisfied that there is a risk of an outbreak or the spread of COVID-19, has authorised the use of COVID-19 orders (either generally or specifically) and the authorisation is in force.

Section 8 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 8: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 8(c): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

9 Minister may make COVID-19 orders

- (1) The Minister may make a COVID-19 order in accordance with the following provisions:
 - (a) the Minister must have had regard to advice from the Director-General about—
 - (i) the risks of the outbreak or spread of COVID-19; and
 - (ii) the nature and extent of measures (whether voluntary or enforceable) that are appropriate to address those risks; and
 - (b) the Minister may have had regard to any decision by the Government on the level of public health measures appropriate to respond to those risks and avoid, mitigate, or remedy the effects of the outbreak or spread of COVID-19 (which decision may have taken into account any social, economic, or other factors); and
 - (ba) the Minister must be satisfied that the order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990; and
 - (c) the Minister—
 - (i) must have consulted the Prime Minister, the Minister of Justice, and the Minister of Health; and
 - (ii) may have consulted any other Minister that the Minister (as defined in this Act) thinks fit; and
 - (d) before making the order, the Minister must be satisfied that the order is appropriate to achieve the purpose of this Act.
- (2) Nothing in this section requires the Minister to receive specific advice from the Director-General about the content of a proposed order or proposal to amend, extend, or revoke an order.

Section 9 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 9(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 9(1)(ba): inserted, on 6 August 2020, by section 6 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 9(1)(c): replaced, on 8 December 2020, by section 5 of the COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64).

10 Director-General may make COVID-19 orders

The Director-General may make a COVID-19 order that meets both of the following requirements:

- (a) the order may apply only within the boundaries of a single territorial authority district:
- (b) in the opinion of the Director-General, the order—
 - (i) is urgently needed to prevent or contain the outbreak or spread of COVID-19; and
 - (ii) is the most appropriate way of addressing those matters at the time.

Section 10 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 10: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

11 Orders that can be made under this Act

- (1) The Minister or Director-General may in accordance with section 9 or 10 (as the case may be) make an order under this section for 1 or more of the following purposes:
 - (a) to require persons to refrain from taking any specified actions that contribute or are likely to contribute to the risk of the outbreak or spread of COVID-19, or require persons to take any specified actions, or comply with any specified measures, that contribute or are likely to contribute to preventing the risk of the outbreak or spread of COVID-19, including (without limitation) requiring persons to do any of the following:
 - (i) stay in any specified place or refrain from going to any specified place:
 - (ii) refrain from associating with specified persons:
 - (iii) stay physically distant from any persons in any specified way:
 - (iv) refrain from travelling to or from any specified area:
 - (v) refrain from carrying out specified activities (for example, business activities involving close personal contact) or require specified activities to be carried out only in any specified way or in compliance with specified measures:
 - (vi) be isolated or quarantined in any specified place or in any specified way:
 - (vii) refrain from participating in gatherings of any specified kind, in any specified place, or in specified circumstances:
 - (viii) report for and undergo a medical examination or testing of any kind, and at any place or time, specified and in any specified way or specified circumstances:

- (ix) provide, in specified circumstances or in any specified way, any information necessary for the purpose of contact tracing:
 - (x) satisfy any specified criteria before entering New Zealand from a place outside New Zealand, which may include being registered to enter an MIQF on arrival in New Zealand:
- (b) in relation to any places, premises, crafts, vehicles, animals, or other things, to require specified actions to be taken, require compliance with any specified measures, or impose specified prohibitions that contribute or are likely to contribute to preventing the risk of the outbreak or spread of COVID-19, including (without limitation) any of the following:
- (i) require things to be closed or only open if specified measures are complied with:
 - (ii) prohibit things from entering any port or place, or permit the entry of things into any port or place only if specified measures are complied with:
 - (iii) prohibit gatherings of any specified kind in any specified places or premises, or in any specified circumstances:
 - (iv) require things to be isolated, quarantined, or disinfected in any specified way or specified circumstances:
 - (v) require the testing of things in any specified way or specified circumstances.
- (2) An order made by the Minister may specify which breaches of an order made by the Minister or the Director-General are infringement offences for the purposes of section 26(3).
- (3) For the purpose of this section and section 12, **things** means any things mentioned in subsection (1)(b), including places, premises, ports, crafts, vehicles, and animals.

Section 11(1): amended, on 6 August 2020, by section 7(1) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 11(1)(a)(viii): replaced, on 6 August 2020, by section 7(2) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 11(1)(a)(x): inserted, on 6 August 2020, by section 7(3) of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

12 General provisions relating to COVID-19 orders

- (1) A COVID-19 order may—
- (a) impose different measures for different circumstances and different classes of persons or things:
 - (b) apply,—
 - (i) in relation to people, generally to all people in New Zealand or to any specified class of people in New Zealand:

- (ii) in relation to things that can be specified under section 11, to any class of those things or to all of those things:
 - (iii) in relation to anything else,—
 - (A) generally throughout New Zealand:
 - (B) in any area, however described:
 - (c) exempt (with or without conditions) from compliance with or the application of any provisions of the order any person or thing or class of persons or things:
 - (d) authorise any person or class of persons to—
 - (i) grant an exemption (with or without conditions) referred to in paragraph (c); or
 - (ii) authorise (with or without conditions) a specified activity that would otherwise be prohibited by the order:
 - (e) if any thing can be prohibited under section 11, permit that thing but only subject to specified conditions.
- (2) However, a COVID-19 order—
- (a) may not apply only to a specific individual:
 - (b) if made by the Director-General, may apply only within the boundaries of a single territorial authority district:
 - (c) may not be made under section 11(1)(b)(i) in relation to—
 - (i) any premises that are, or any part of any premises that is, used solely as a private dwellinghouse:
 - (ii) any premises that are, or are part of, a prison (within the meaning of section 3(1) of the Corrections Act 2004):
 - (d) may not be made under section 11(1)(b)(i) or (iii) in relation to—
 - (i) any premises within the parliamentary precincts (within the meaning of section 3 of the Parliamentary Service Act 2000):
 - (ii) any premises whose principal or only use is as a courtroom or Judge’s chambers or a court registry.
- (3) A breach of a condition of an exemption or a condition of an authorisation is a breach of the provision of the order to which that exemption or authorisation relates.

Section 12 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 12(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 12(2): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

13 Effect of COVID-19 orders

- (1) A COVID-19 order may not be held invalid just because—
 - (a) it is, or authorises any act or omission that is, inconsistent with the Health Act 1956 or any other enactment relevant to the subject matter of the order; or
 - (b) it confers any discretion on, or allows any matter to be determined, approved, or exempted by any person.
- (2) However, subsection (1)(a) does not limit or affect the application of the New Zealand Bill of Rights Act 1990.
- (3) To avoid doubt, nothing in this Act prevents the filing, hearing, or determination of any legal proceedings in respect of the making or terms of any COVID-19 order.

Section 13 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 13(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 13(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Subpart 2—Further provisions relating to COVID-19 orders

Subpart 2 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Form of orders, etc

14 Form, publication, and duration of COVID-19 orders

- (1) A COVID-19 order must—
 - (a) be in writing; and
 - (b) state the area to which it applies; and
 - (c) state when it comes into force.
- (2) A COVID-19 order must, at least 48 hours before it comes into force,—
 - (a) be published on a publicly accessible Internet site maintained by or on behalf of the New Zealand Government; and
 - (b) be notified in the *Gazette*.
- (3) However, the Minister or Director-General (as the case may be) need not comply with the 48-hour time limit in subsection (2) if satisfied that—
 - (a) the order should come into force urgently to prevent or contain the outbreak or spread of COVID-19 (but in that case must comply with subsection (2)(a) and (b) as soon as practicable); or
 - (b) the effect of the order is only to remove or reduce requirements imposed by a COVID-19 order.

- (4) A COVID-19 order made by the Director-General expires 1 month after the date on which it comes into force, unless it is sooner revoked or extended.
- (5) The Minister and the Director-General must keep their COVID-19 orders under review.

Section 14 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 14(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 14(2): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 14(3): replaced, on 8 December 2020, by section 6 of the COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64).

Section 14(4): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 14(5): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

15 Amendment or extension of COVID-19 orders

- (1) The Minister may, at any time, amend, extend, or revoke any COVID-19 order made by the Minister.
- (2) The Director-General may, at any time, amend, extend by up to 1 month on each occasion, or revoke any COVID-19 order made by the Director-General.
- (3) The Minister may, at any time, revoke any COVID-19 order made by the Director-General.
- (4) Requirements that apply in relation to the making of a COVID-19 order also apply, with all necessary modifications, in relation to its amendment or extension.

Section 15 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(2): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 15(4): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Parliamentary approval

16 COVID-19 order made by Minister revoked if not approved by House of Representatives

- (1) A COVID-19 order made by the Minister is revoked (unless it is earlier revoked) on the expiry of the relevant period if no resolution of the House of Representatives is passed to approve the order within that period.

- (2) The **relevant period** is the longer of the following:
 - (a) the period of 10 sitting days of the House of Representatives after the date on which the order is made:
 - (b) the period of 60 days after the date on which the order is made:
 - (c) any other period specified by a resolution of the House of Representatives.
- (3) An order that is revoked under subsection (1) immediately ceases to be of any effect unless a resolution of the House provides otherwise.
- (4) Revocation under subsection (1) does not affect the validity of any action taken to give effect to or enforce the order.

Section 16 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 16(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Application of Legislation Act 2012

17 COVID-19 orders to be disallowable instruments

A COVID-19 order is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives as soon as practicable.

Section 17 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 17: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Subpart 3—Enforcement, offences, and penalties

Authorised persons

18 Authorised persons

- (1) The Director-General may authorise a suitably qualified and trained person who is employed or engaged by the Crown or a Crown entity (if specified in Part 1 of Schedule 1 of the Crown Entities Act 2004), or a class of suitably qualified and trained persons who are employed or engaged by the Crown or a Crown entity (if specified in Part 1 of Schedule 1 of the Crown Entities Act 2004), to carry out any functions and powers of an enforcement officer under this Act.
- (2) An authorisation under subsection (1) must—
 - (a) be in writing; and
 - (b) specify—
 - (i) the authorised person or the class of persons; and

- (ii) the functions and powers that may be carried out by the authorised person or class of persons; and
 - (iii) the term of the authorisation.
- (3) The Director-General may renew any authorisation given under subsection (1).
- (4) The Director-General may revoke an authorisation given under this section—
 - (a) in the case of an individual, for incapacity, neglect of duty, or misconduct; or
 - (b) in the case of an individual, on the written request of the authorised person; or
 - (c) if the Director-General considers that the authorisation is no longer necessary or desirable.
- (5) If a person ceases to be an authorised person, they must surrender to the Director-General all articles and documents received by the person in relation to the authorisation.

19 Evidence of identity

Every enforcement officer (other than a constable in Police uniform) exercising any of the powers conferred by or under this Act must, at the time of exercising that power, and subsequently on request, produce—

- (a) evidence of that person's appointment as an enforcement officer; and
- (b) evidence of that person's identity.

Enforcement

20 Powers of entry

- (1) An enforcement officer may enter, without a warrant, any land, building, craft, vehicle, place, or thing if they have reasonable grounds to believe that a person is failing to comply with any aspect of a COVID-19 order.
- (2) However, subsection (1) does not apply to a private dwellinghouse.
- (3) A constable may enter a private dwellinghouse without warrant only if they have reasonable grounds to believe that people have gathered there in contravention of a COVID-19 order and entry is necessary for the purpose of giving a direction under section 21.
- (4) A constable exercising a power of entry under this section may use reasonable force in order to effect entry into or onto the land, building, craft, vehicle, place, or thing if, following a request, a person present refuses entry or does not allow entry within a reasonable time.
- (5) Any constable who exercises a warrantless entry power under this section must provide a written report on the exercise of that power to the Commissioner or a Police employee designated to receive reports of that kind by the Commissioner, as soon as practicable after exercising the power.

- (6) Any enforcement officer (other than a constable) who exercises a warrantless entry power under this section must provide a written report on the exercise of that power to the Director-General, or an employee designated to receive reports of that kind by the Director-General, as soon as practicable after exercising the power.
- (7) A report referred to in subsection (5) or (6) must contain—
 - (a) a short summary of the circumstances surrounding the exercise of the power, and the reason or reasons why the power needed to be exercised; and
 - (b) a description of any other action undertaken.
- (8) If a marae is entered under subsection (1), the person exercising the power must also send a copy of the report referred to in subsection (5) or (6) (as the case may be) to the committee of the relevant marae.

Section 20(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 20(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

21 Power to give directions

An enforcement officer who has reasonable grounds to believe that a person is contravening or likely to contravene a COVID-19 order may—

- (a) direct that person to stop any activity that is contravening or likely to contravene the order;
- (b) direct that person to take any action to prevent or limit the extent of the person's non-compliance.

Section 21: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

22 Power to close roads and public places and stop vehicles

- (1) Subsection (2) applies if a COVID-19 order provides for the total or partial prohibition or restriction of public access, with or without vehicles, to any road or public place within an area specified in the order for the purpose of this section.
- (2) For the purpose of enforcing those measures contained in the order, a constable or an enforcement officer acting under the authority of the constable may totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place in that area.
- (3) For the purpose of a COVID-19 order that provides for restriction of movement, a constable may stop a vehicle.
- (4) Sections 128 and 129 of the Search and Surveillance Act 2012 (duty to remain stopped and to provide information), with any necessary modifications, apply

to the powers conferred by subsection (3) and apply in addition to the requirement to provide evidence of identity in section 19.

Section 22(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 22(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

23 Power to direct person to provide identifying information

For the purpose of exercising powers under this subpart, an enforcement officer may direct a person to give the person's full name, full address, date of birth, occupation, and telephone number, or any of those particulars that the enforcement officer may specify.

24 Power to direct business or undertaking to close

- (1) An enforcement officer who has reasonable grounds to believe that a business or undertaking, or part of a business or undertaking, is operating in contravention of a COVID-19 order or contrary to any conditions imposed on its operation by a COVID-19 order may direct any person who appears to be in charge of the business or undertaking, or that part, to close and cease operation until a later time stated in the direction that does not exceed 24 hours after it is given.
- (2) As soon as a direction is given, the owner or manager or person to whom it is given may appeal to the District Court for the revocation of the direction.
- (3) The Court—
 - (a) may revoke the direction either unconditionally or subject to any conditions that it thinks fit to impose; or
 - (b) may refuse to revoke the direction.
- (4) The filing of an appeal does not suspend, interfere with, or affect the application of the direction concerned.

Section 24(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

25 Directions may be given verbally or in writing

A direction under this subpart may be given verbally or in writing.

Offences

26 Offences relating to compliance with orders

- (1) A person commits an offence if the person intentionally fails to comply with a COVID-19 order.
- (2) A person who commits an offence against subsection (1) is liable on conviction to—
 - (a) imprisonment for a term not exceeding 6 months; or
 - (b) a fine not exceeding \$4,000.

- (3) A person commits an infringement offence if the person does anything specified as an infringement offence in a COVID-19 order.
- (4) A person who commits an infringement offence is liable to—
 - (a) an infringement fee of \$300; or
 - (b) a fine imposed by a court not exceeding \$1,000.

Section 26(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 26(3): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

27 Offences relating to exercise of enforcement powers

- (1) A person commits an offence if the person obstructs or intentionally threatens, assaults, or hinders an enforcement officer in the exercise or performance of powers or functions under sections 20 to 24.
- (2) A person commits an offence if the person intentionally fails to comply with a direction, prohibition, or restriction given or imposed under any of sections 21 to 24.
- (3) A person commits an offence if the person—
 - (a) fails to stop as soon as practicable when required to do so by a constable exercising the power under section 22(3) to stop a vehicle; and
 - (b) knows or ought reasonably to have known that the person exercising the power is a constable.
- (4) A person who commits an offence against any of subsections (1) to (3) is liable on conviction to—
 - (a) imprisonment for a term not exceeding 6 months; or
 - (b) a fine not exceeding \$4,000.

Provisions relating to infringement offences

28 Proceedings for infringement offences

- (1) A person who is alleged to have committed an infringement offence may—
 - (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or
 - (b) be served with an infringement notice issued under section 30.
- (2) If an infringement notice has been issued under section 30, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.

29 Who may issue infringement notices

An enforcement officer may issue infringement notices under this Act.

30 Infringement notices

- (1) An enforcement officer may issue an infringement notice to a person if the officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.
- (2) The enforcement officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.
- (3) An infringement notice (or a copy of it) sent by post to a person under subsection (2) is to be treated as having been served on that person when it was posted.
- (4) An infringement notice must be in the form prescribed by regulations made under section 33 or (in the absence of a form prescribed by regulations) in form 1 set out in Schedule 3.

31 Reminder notices

A reminder notice must be in the form prescribed by regulations made under section 33 or (in the absence of a form prescribed by regulations) in form 2 set out in Schedule 3.

32 Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Subpart 3A—Cost recovery

Subpart 3A: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32A Purpose of subpart

The purpose of this subpart is to enable the New Zealand Government to recover MIQF costs.

Section 32A: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32B MIQF costs subject to recovery

The relevant Minister may recommend the making of regulations under section 33A prescribing charges only if satisfied that the charges concerned relate to MIQF costs (including direct and indirect costs).

Section 32B: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32C Criteria for cost recovery

The relevant Minister may recommend that regulations be made under section 33A only if the Minister is satisfied of the following matters:

- (a) the prescribed charges recover from any class of persons no more than an estimate of the actual and reasonable MIQF costs incurred in relation to that class (including both direct and indirect costs); and
- (b) there is appropriate provision to grant relief from the payment of the prescribed charges in circumstances where payment of the charges would cause undue financial hardship; and
- (c) the prescribed charges do not limit or are justified limits on the rights and freedoms in the New Zealand Bill of Rights Act 1990.

Section 32C: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32D Methods of cost recovery

- (1) The methods by which MIQF costs may be recovered are as follows:
 - (a) fixed charges, or a method of calculating or ascertaining the charges:
 - (b) charges based on a scale or formula or at a rate determined on a unit basis:
 - (c) charges based on costs incurred from third parties:
 - (d) charges of estimated actual and reasonable costs to be spent on or in connection with the use of an MIQF.
- (2) Without limiting the way in which a charge may be set, a charge may be set at a level or in a way that—
 - (a) is determined by calculations that involve an averaging of costs:
 - (b) takes account of costs or potential costs that are not directly incurred in relation to the use of an MIQF by the person paying the charge, but which are costs or potential costs arising indirectly in relation to the use of an MIQF by 1 or more classes of persons.

Section 32D: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32E Persons in respect of whom prescribed charges payable

- (1) A prescribed charge is payable by or on behalf of a person, in accordance with regulations made under section 33A, if—
 - (a) the person—
 - (i) has arrived in New Zealand from a place outside New Zealand and is required by or under a COVID-19 order to stay at an MIQF; and
 - (ii) is a member of any prescribed class of persons; and
 - (iii) is not an exempt person; or
 - (b) the person—
 - (i) has elected to enter an MIQF for isolation or quarantine; and

- (ii) is not an exempt person.
- (2) An **exempt person** is a person who—
- (a) is, for the time being, accorded privileges and immunities under—
 - (i) the Vienna Convention on Diplomatic Relations in accordance with the Diplomatic Privileges and Immunities Act 1968; or
 - (ii) the Vienna Convention on Consular Relations in accordance with the Consular Privileges and Immunities Act 1971; or
 - (b) is officially recognised as accompanying family of a person described in paragraph (a); or
 - (c) is an official of a government entity travelling to New Zealand to conduct business with—
 - (i) New Zealand Ministers of the Crown; or
 - (ii) a ministry or department of the New Zealand Government; or
 - (d) is a holder of a diplomatic or other official passport entering or transiting through New Zealand—
 - (i) en route to, or returning from, a diplomatic posting in a country other than New Zealand; or
 - (ii) for the purpose of assisting with the operations of the embassy or consulate (in New Zealand or elsewhere) of the country for which the person holds a passport on which the person is travelling; or
 - (e) is an official of a government entity entering or transiting through New Zealand en route to, or returning from, a third country—
 - (i) where the purpose of the visit to the third country was or is to conduct official government-to-government business; and
 - (ii) the person is able to provide evidence to verify that purpose; or
 - (f) is, or is a member of a class of persons that is, exempted by or under regulations made under section 33A from paying the prescribed charges.

Section 32E: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32F Exemptions, waivers, and refunds

- (1) Regulations made under section 33A may provide for exemptions from, or waivers or refunds of, the whole or part of any prescribed charge in any class or classes of cases.
- (2) Regulations made under section 33A may authorise the relevant Minister or the chief executive of MBIE to exempt, waive, or refund the whole or part of any prescribed charge, or defer the time for payment, in any particular case or any class or classes of cases (and may or may not prescribe criteria to be applied by the relevant Minister or the chief executive in doing so).

Section 32F: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32G Payment of charge

- (1) A prescribed charge is payable by a person—
 - (a) in the manner prescribed (for example, by instalments); and
 - (b) at the time prescribed.
- (2) Regulations made under section 33A may authorise the chief executive of MBIE to specify in relation to 1 or more classes of persons, or all persons, the manner and time of payment of any prescribed charge.
- (3) All prescribed charges received by or on behalf of the New Zealand Government must be paid into a Crown Bank Account.

Section 32G: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32H Express authorisation for purpose of section 65K of Public Finance Act 1989

To the extent that this subpart and any regulations made under section 33A enable the relevant Minister or the chief executive of MBIE on behalf of the Crown to lend money (as that term is defined in section 2(1) of the Public Finance Act 1989) to a person or organisation, this subpart is an express authorisation for the purpose of section 65K of that Act.

Section 32H: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

32I Prescribed charges to constitute debt due to Crown

A prescribed charge or part of a charge that is not paid by the due date is recoverable in a court of competent jurisdiction as a debt to the Crown.

Section 32I: inserted, on 6 August 2020, by section 8 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Subpart 4—Miscellaneous provisions

33 Regulations

The Governor-General may, by Order in Council, make regulations—

- (a) prescribing the form of infringement notices and reminder notices, and the information to be included in the notices:
- (b) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

33A Regulations relating to cost recovery

- (1) The Governor-General may, by Order in Council made on the recommendation of the relevant Minister made after consultation with the Minister (as defined in this Act),—

- (a) make regulations prescribing charges for MIQF costs in accordance with the provisions of subpart 3A:
 - (b) make regulations for the purposes of section 32E:
 - (c) make regulations for the purposes of section 32F:
 - (d) make regulations for the purposes of section 32G:
 - (e) make regulations prescribing how the charges may be collected:
 - (f) make regulations providing for the payment of increased or additional charges in the event of late payment or non-payment:
 - (g) make regulations providing for any other matters necessary or desirable for the efficient recovery of MIQF costs.
- (2) The charges may be prescribed using any 1 or more of the methods specified in section 32D, or any combination of those methods.
- (3) Different charges, or different rates or types of charges, may be prescribed in respect of—
- (a) different classes of persons:
 - (b) persons in different circumstances:
 - (c) different types of MIQFs:
 - (d) different locations of MIQFs.
- (4) Any regulations made under this section may not be held invalid just because they confer a discretion on, or allow any matter to be determined by, any person whether or not there are prescribed criteria.

Section 33A: inserted, on 6 August 2020, by section 9 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Section 33A(1): amended, on 8 December 2020, by section 7 of the COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64).

34 Protection of persons acting under authority of this Act

- (1) Section 129 of the Health Act 1956 (which relates to the protection of persons acting under authority of that Act) applies as if that Act included a reference to this Act.
- (2) However, this section does not limit any other protections from liability that apply under any other enactment.

Part 3

Amendments to Civil Defence Emergency Management Act 2002

35 Amendments to Civil Defence Emergency Management Act 2002

This Part amends the Civil Defence Emergency Management Act 2002.

36 Section 66 amended (Minister may declare state of national emergency)

After section 66(3), insert:

- (4) Despite subsection (3), if a state of national emergency for COVID-19 is declared after the commencement of this subsection, subsection (3) does not terminate any local state of emergency for other emergencies that are not related to COVID-19.
- (5) Subsection (4) is repealed when the COVID-19 Public Health Response Act 2020 is repealed.

37 Section 68 amended (Declaration of state of local emergency)

After section 68(5), insert:

- (6) Nothing in this section authorises a state of local emergency to be declared for COVID-19 without the prior approval of the Minister, but this subsection does not prevent a state of local emergency being declared for any purpose that is not related to COVID-19.
- (7) Despite subsection (5), if a state of national emergency is in force for COVID-19, subsection (5) does not prevent a state of local emergency being declared for any other emergency that is not related to COVID-19.
- (8) Subsections (6) and (7) are repealed when the COVID-19 Public Health Response Act 2020 is repealed.

38 Section 94B amended (Notice of local transition period)

After section 94B(11), insert:

- (12) Nothing in this section authorises notice of a local transition period to be given for any part of New Zealand for COVID-19 without the prior approval of the Minister, but this subsection does not prevent notice of a local transition period being given for any other purpose.
- (13) Despite subsection (11), if a national transition period is in force for COVID-19, subsection (11) does not prevent a local transition period being given for any other emergency that is not related to COVID-19.
- (14) Subsections (12) and (13) are repealed when the COVID-19 Public Health Response Act 2020 is repealed.

39 Section 94E amended (Termination of transition periods)

After section 94E(7), insert:

- (8) Subsection (7) does not terminate any national transition period that relates to COVID-19 if a state of local emergency is declared as a result of an emergency that is not related to COVID-19.
- (9) Subsection (8) is repealed when the COVID-19 Public Health Response Act 2020 is repealed.

Part 4

Amendment to Oranga Tamariki Act 1989

40 Amendment to Oranga Tamariki Act 1989

This Part amends the Oranga Tamariki Act 1989.

41 Section 272 amended (Jurisdiction of Youth Court and children’s liability to be prosecuted for criminal offences)

(1) After section 272(3)(ba), insert:

(bb) an infringement offence against the COVID-19 Public Health Response Act 2020; or

(2) In section 272(5), replace “Notwithstanding subsection (3)(ba) or (c) or (d), where a young person is charged with an infringement offence referred to in subsection (3)(ba) or a traffic offence that is an infringement offence referred to in subsection (3)(c) or an infringement offence referred to in subsection (3)(d)” with “Notwithstanding subsection (3)(ba), (bb), (c), or (d), where a young person is charged with an infringement offence referred to in subsection (3)(ba) or an infringement offence against the COVID-19 Public Health Response Act 2020 referred to in subsection (3)(bb) or a traffic offence that is an infringement offence referred to in subsection (3)(c) or an infringement offence referred to in subsection (3)(d)”.

Schedule 1 Transitional, savings, and related provisions

s 6

Part 1 Provisions relating to this Act as enacted

1 Orders made under section 70 of Health Act 1956

- (1) Every order made under section 70 of the Health Act 1956 that is listed in Schedule 2 and every amendment or extension of the order—
 - (a) continues in force as if made under this Act for the purposes of amending, extending, revoking, or enforcing it; and
 - (b) may be amended, extended, or revoked by a COVID-19 order made by the Minister; and
 - (c) may be enforced as if it were a COVID-19 order.
- (2) To avoid doubt, nothing in this Act prevents the filing, hearing, or determination of any legal proceedings in respect of the making or terms of any order listed in Schedule 2.

Schedule 1 clause 1(1)(b): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Schedule 1 clause 1(1)(c): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

2 COVID-19 order may be prepared before enactment or commencement of this Act

- (1) Any action taken before the enactment or commencement of this Act by or on behalf of the Minister or Director-General or the Government in relation to a COVID-19 order must be treated as having been taken by the relevant person under and for the purposes of this Act (as if this Act was already enacted and in force).
- (2) However, section 14(2) does not apply to the first COVID-19 order made under this Act.

Schedule 1 clause 2 heading: amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Schedule 1 clause 2(1): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

Schedule 1 clause 2(2): amended, on 6 August 2020, by section 10 of the COVID-19 Public Health Response Amendment Act 2020 (2020 No 57).

3 Existing proceedings

Nothing in this Act affects any proceedings commenced before the commencement of this Act, and those proceedings must be decided as if this Act had not been enacted.

4 Application of amendments to Civil Defence Emergency Management Act 2002

- (1) Section 68(7) of the Civil Defence Emergency Management Act 2002 applies in relation to a state of national emergency that is already in force at the commencement of that provision as if that provision were in force when the emergency was declared.
- (2) Section 94E(8) of the Civil Defence Emergency Management Act 2002 applies in relation to a national transition period relating to COVID-19 that is already in force at the commencement of that provision as if that provision were in force when notice of the transition period was given.

Schedule 2

Orders under section 70 of Health Act 1956 relating to COVID-19

s 6

Date	Description or title of order
31 March 2020	Section 70(1)(f) notice to arrivals
9 April 2020	Section 70(1)(e), (ea), and (f) notice to arrivals
24 April 2020	Health Act (COVID-19 Alert Level 3) Order 2020 (LI 2020/69)

Schedule 3

Infringement notice and reminder notice

ss 30, 31

Form 1

Infringement notice

Section 30, COVID-19 Public Health Response Act 2020

Infringement notice No:

Date of notice:

Enforcement authorityThis infringement notice is issued by [*name or identification number of authorised person*].

Address for correspondence:

Details of person to whom infringement notice issued

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

†Not required if the notice is served on a company or other body corporate.

*Specify only if known.

Alleged infringement offence detailsThe offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Service detailsThis infringement notice was served by [*method of service*] at [*full address of service*] on [*date*].

Payment of infringement fee

The infringement fee is payable within 28 days after [*date infringement notice served*].

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

Information

If there is anything in these notes you do not understand, you should consult a lawyer.

1 This notice sets out an alleged infringement offence.

Payments

2 If you pay the infringement fee for the alleged infringement offence within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] in the manner specified in this notice.

3 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into an arrangement with [*name of enforcement authority*] allowing you to pay the infringement fee by instalments, paragraphs 5(b) and (c) and 6 to 9 below do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Defence

4 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, you are served with a reminder notice in respect of the alleged offence. Late payment or payment made in any other manner is not a defence.

Further action, including right to request hearing

5 You may—

- (a) raise any matter relating to the circumstances of the alleged offence for consideration by [*name of enforcement authority*]; or
- (b) deny liability for the alleged offence and request a court hearing; or
- (c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.

6 To take an action listed in paragraph 5, you must write to [*name of enforcement authority*] at the address for correspondence shown on this notice. You must sign the letter and it must be delivered within 28 days after you are served with this notice, or within any further time that [*name of enforcement authority*] allows.

- 7 If, in your letter, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

Note: If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty, and you will be required to pay a hearing fee.

- 8 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the written submissions you wish the court to consider.

- 9 [*Name of enforcement authority*] will then file your letter with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, costs will be imposed in addition to any penalty.

Non-payment of fee

- 10 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you are served with this notice or within any further time that [*name of enforcement authority*] allows, you will be served with a reminder notice (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). Please note that in some circumstances, if you do not receive a reminder notice, you may still become liable to pay a fine and court costs.
- 11 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you are served with the reminder notice,—
- (a) [*name of enforcement authority*] may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
 - (b) if so, you will become liable to pay court costs as well as a fine.

- 12 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Correspondence

- 13 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the infringement notice number; and
 - (c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

- 14 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Form 2
Reminder notice

Section 31, COVID-19 Public Health Response Act 2020

Reminder notice No:

Date of notice:

This notice is to remind you that you have been issued with an infringement notice. The details of the infringement notice are as follows.

Enforcement authority

The infringement notice was issued by [*name or identification number of authorised person*].

Address for correspondence:

Details of person to whom infringement notice issued

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

†Not required if the notice is served on a company or other body corporate.

*Specify only if known.

Alleged infringement offence details

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Amount of infringement fee remaining unpaid:

Service details

(To be provided for filing in court)

The infringement notice was served by [*method of service*] on [*date*].

This reminder notice was served by [*method of service*] on [*date*].

Payment of infringement fee

The infringement fee was payable to [*name of enforcement authority*] within 28 days after [*date infringement notice served*]. The infringement fee has not been paid.

The last day for payment of the infringement fee is [*date*], being 28 days after the date of service of this notice.

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

Information

If there is anything in these notes you do not understand, you should consult a lawyer.

- 1 You have not paid the infringement fee described in this notice, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

Payments

- 2 If you pay the infringement fee for the alleged infringement offence within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] in the manner specified in this notice.
- 3 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into an arrangement with [*name of enforcement authority*] allowing you to pay the infringement fee by instalments, paragraphs 5(b) and (c) and 6 to 9 below do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Defence

- 4 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, you are served with this notice. Late payment or payment made in any other manner is not a defence.

Further action, including right to request hearing

- 5 You may—
 - (a) raise any matter relating to the circumstances of the alleged offence for consideration by [*name of enforcement authority*]; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.
- 6 To take an action listed in paragraph 5, you must write to [*name of enforcement authority*] at the address for correspondence shown on this notice. You must

sign the letter and it must be delivered within 28 days after you are served with this notice, or within any further time that [*name of enforcement authority*] allows.

- 7 If, in your letter, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

Note: If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty, and you will be required to pay a hearing fee.

- 8 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your letter,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the written submissions you wish the court to consider.

- 9 [*Name of enforcement authority*] will then file your letter with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, not just the infringement fee. In that case, the court may impose a fine that is greater than the infringement fee (but you still cannot get a conviction). Also, costs will be imposed in addition to any penalty.

Non-payment of fee

- 10 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after you are served with this notice, you will become liable to pay court costs as well as a fine (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).

- 11 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Correspondence

- 12 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the reminder notice number; and

(c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

13 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Reprints notes

1 *General*

This is a reprint of the COVID-19 Public Health Response Act 2020 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

COVID-19 Public Health Response Amendment Act (No 2) 2020 (2020 No 64)

COVID-19 Public Health Response Amendment Act 2020 (2020 No 57)