

Version
as at 15 December 2022



COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022

Public Act 2022 No 66
Date of assent 25 November 2022
Commencement see section 2

Contents

	Page
1 Title	3
2 Commencement	3
3 Principal Act	3
Part 1	
Amendments to COVID-19 Public Health Response Act 2020	
4 Section 3 replaced (Repeal of this Act)	3
3 Repeal of this Act	4
5 Section 4 amended (Purpose)	4
6 Section 5 amended (Interpretation)	4
7 Section 10 repealed (Director-General may make COVID-19 orders)	5
8 Section 11 replaced (Orders that can be made under this Act)	5
11 Orders that can be made under this Act	5
9 Sections 11A to 11AB repealed	9
10 Section 12 amended (General provisions relating to COVID-19 orders)	9

Note

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

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

This Act is administered by the Ministry of Health.

11	Section 14 amended (Form, publication, and duration of COVID-19 orders)	9
12	Section 15 amended (Amendment or extension of COVID-19 orders)	9
13	Section 16 amended (COVID-19 order made by Minister revoked if not approved by House of Representatives)	9
14	Subpart 2A of Part 2 repealed	9
15	Section 18 amended (Authorised enforcement persons)	10
16	Section 20 amended (Powers of entry)	10
17	Section 21 amended (Power to give directions)	10
18	Section 22 repealed (Power to close roads and public places and stop vehicles)	10
19	Section 23A repealed (Power to direct person to produce evidence of compliance with specified measure)	10
20	Section 24 amended (Power to direct business or undertaking to close)	10
21	Section 26 amended (Offences and infringement offences)	10
22	Section 27 amended (Offences relating to exercise of enforcement powers)	11
23	Subparts 3A and 3B of Part 2 repealed	11
24	Section 33 amended (Regulations)	11
25	Sections 33A to 33AB repealed	11
26	Section 34A amended (Protection of contact tracing information)	11
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)	11
28	Parts 3 and 4 repealed	11
29	Schedule 1 amended	12

Part 2

Amendments to, and revocation of, other legislation

Residential Tenancies Act 1986

30	Principal Act	12
31	Section 145 repealed (Provisions relating to COVID-19)	12
32	Schedule 1AA amended	12
33	Schedule 5 repealed	12

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	12
----	---	----

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

35	Principal regulations	12
----	-----------------------	----

36	Regulation 6 amended (Infringement offences for breach of COVID-19 order or section 32Q rule)	12
37	Regulations 6A to 8 revoked	12
	Schedule	13
	New Part 4 inserted into Schedule 1	

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

- (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
 - (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).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(2)(a): sections 21(1) and (3) to (5), 22(3), 24(1) to (3), 26, and 27(4) brought into force, on 15 December 2022, by clause 2 of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act Commencement Order 2022 (SL 2022/330).

3 Principal Act

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

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

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”.

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**.

- (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—
 - (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:
 - (i) they are a COVID-19 case:
 - (ii) they are a household contact:
 - (iii) they are a close contact:
 - (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:
 - (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:
 - (ii) permit a person to leave their place of self-isolation in accordance with any specified requirements or specified conditions:

- (iii) impose any other restrictions or conditions that relate to the movement of persons to, from, and within a place of self-isolation:
- (c) require a PCBU—
 - (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:
 - (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:
- (d) specify any of the following:
 - (i) the evidence that constitutes definitive laboratory evidence that a person has COVID-19:
 - (ii) the tests that are authorised tests for the purposes of determining whether a person is a COVID-19 case:
 - (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.

Masks

- (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:
 - (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,—
 - (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:
 - (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:
- (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.

Persons arriving in New Zealand

- (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:
 - (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:
 - (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:
 - (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:
 - (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.

Tests

- (5) An order may—

- (a) prohibit a person from importing, manufacturing, supplying, selling, packing, or using a specified test or testing device:
- (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—
 - (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).
- (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.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (8)

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (9)(a)

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021, unless it is published by PCO	LA19 ss 69, 73, 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives, unless it is excluded by section 114(2) of the Legislation Act 2019	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives, unless it is excluded by section 115 of the Legislation Act 2019	LA19 ss 115, 116

This note is not part of the Act.

9 Sections 11A to 11AB repealed

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”.
- (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.

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—
 - (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.
- (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”.
- (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

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:
 - (a) WorkSafe New Zealand;
 - (b) the Aviation Security Service;
 - (c) the New Zealand Customs Service;
 - (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.

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”.
- (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)

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)

- (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”.
- (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)”.
- (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)

- (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 Sections 33A to 33AB repealed

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.

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**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)

Repeal section 145.

32 Schedule 1AA amended

In Schedule 1AA, repeal clause 28(2).

33 Schedule 5 repealed

Repeal Schedule 5.

*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.

*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)**

- (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.

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.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

COVID-19 Public Health Response (Extension of Act and Reduction of Powers) Amendment Act Commencement Order 2022 (SL 2022/330)