

# Briefing

## COVID-19 Public Health Response Amendment Bill (No 2): proactive release, Initial Briefing, and secondary legislation to support enforcement

<b>Date due to MO:</b>	22 September 2021	<b>Action required by:</b>	N/A
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	20211709
<b>To:</b>	Hon Chris Hipkins, Minister for COVID-19 Response		

### Contact for telephone discussion

Name	Position	Telephone
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### Minister's office to complete:

- |   |                                    |  |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Decline   | <input type="checkbox"/> Noted               |
| <input type="checkbox"/> Needs change         | <input type="checkbox"/> Seen      | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |  |

Comment:

# COVID-19 Public Health Response Amendment Bill (No 2): proactive release, Initial Briefing, and secondary legislation to support enforcement

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**Security level:** IN CONFIDENCE      **Date:** 22 September 2021

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**To:** Hon Chris Hipkins, Minister for COVID-19 Response

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## Purpose of report

1. This report provides you with documents related to the COVID-19 Public Health Response Amendment Bill (No 2) (the Bill) for your information. This includes the draft Initial Briefing for the Health Select Committee, information relating to the secondary legislation to support enforcement, and a package of papers related to the Bill which is intended for proactive release.

## Summary

2. The Bill includes a number of amendments to the COVID-19 Public Health Response Act 2020 (the Act) to ensure that the public health response to COVID-19 continues to function in an orderly and co-ordinated way. Work on the Bill continues to progress. This health report provides an update and a range of documents for your information.
3. The Bill was considered by the Cabinet Business Committee on Wednesday 15<sup>th</sup> September 2021. The Bill was introduced on Tuesday 21<sup>st</sup> September 2021 and will have its first reading and be referred to select committee by the end of next week.
4. A high-level timeline has been attached at **Appendix Four** for your information.

### *Initial briefing*

5. The Initial Briefing for the Health Select Committee has been attached at **Appendix One** for your information. The Initial Briefing is presented to the Health Select Committee after referral and upon the request of the Clerk of the Committee. It provides an overview of the content of the Bill and what issues are likely to be focussed on in submissions.

### *Secondary legislation to support enforcement*

6. The Bill includes powers to make new secondary legislation to complement the existing COVID-19 enforcement regime:
  - a. regulations to set levels of infringement penalties within the new maximums prescribed in the Bill
  - b. rules made by the Chief Executive of MBIE relating to the day-to-day running of managed isolation and quarantine facilities (MIQFs).
7. MBIE is also looking to amend the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 to attach infringement offences to conduct in MIQFs. Currently, there are no infringement offences in MIQFs, only full criminal offences.
8. The regulations and rules are being developed in parallel to the Bill, and we expect that the select committee may take an interest in their development. An update regarding the secondary legislation being developed to support enforcement is attached at **Appendix Two** for your information. This update covers the development of regulations to give effect to a graduated penalty framework for infringement offences and rules for the effective and orderly operation of MIQFs.
9. You have indicated your preference for high penalties to serve as a suitable deterrent to breaches occurring that result in a public health risk and associated social and economic consequences. The proposed regulations to set levels of infringement penalties support this deterrent approach and propose penalties that are sufficiently high to deter behaviours that pose different levels of risk.

### *Proactive release*

10. Officials propose that Cabinet material related to the Bill is proactively released five days after the Bill is introduced in the House, as this was agreed in the Cabinet papers themselves.
11. Officials will publish the package of papers on the Ministry of Health website five working days after introduction (28 September 2021), unless you indicate otherwise.

## **Recommendations**

We recommend you:

### *Initial Briefing*

- a) **Note** the contents of the attached Initial Briefing. **Noted**

### *Secondary legislation to support enforcement*

- b) **Note** the attached proposed framework for secondary legislation to support enforcement. **Noted**
- c) **Note** that Ministry of Health officials intend to undertake agency consultation on the proposed framework for graduated infringement offence classes in late September. **Noted**

- d) **Note** that Ministry of Health Officials intend to provide refined proposals for a graduated infringement regime for your policy decisions in early October, conditional on the passage of the Bill. **Noted**
- e) **Note** that MBIE is developing rules for the effective and orderly operation of Managed Isolation and Quarantine Facilities, so that they can be made upon passage of the Bill. **Noted**
- f) **Note** that MBIE is considering attaching infringement offences to MIQ requirements set out in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 and will seek your decision to amend the Order to achieve this at an appropriate time. **Noted**

*Proactive release*

- g) **Note** that the attached Cabinet papers will be proactively released, with the proposed redactions, five working days (28 September 2021) after introduction of the Bill to the House. **Noted**



Maree Roberts  
Deputy Director-General  
**System Strategy and Policy**  
Date:

Hon Chris Hipkins  
**Minister for COVID-19 Response**  
Date:

# COVID-19 Public Health Response Amendment Bill (No 2): Initial Briefing, secondary legislation to support enforcement, and proactive release

## Initial briefing

1. The COVID-19 Public Health Response Amendment Bill (No 2) (the Bill) is due to have its first reading and be referred to select committee next week (week of 27 September 2021). An Initial Briefing has been prepared to provide the Health Select Committee with an overview of the Bill.
2. The Initial Briefing sets out the legislative framework affected by this Bill, the need for changes to the COVID-19 Public Health Response Act 2020 (the Act), the proposed amendments contained in the Bill, and the policy rationale for these. It has been attached at **Appendix One** for your noting.
3. The Initial Briefing has been jointly authored by officials from the Ministry of Health (the Ministry) and the Ministry of Business, Innovation and Employment (MBIE). The Ministry and MBIE will be joint advisors to the Select Committee.

## Secondary legislation to support enforcement

4. The COVID-19 Public Health Response Act 2020 (the Act) provides a combination of mechanisms to set requirements to prevent transmission or spread of COVID-19, and to penalise people for not following those requirements. The core mechanisms are:
  - a. COVID-19 Orders: subject to an epidemic notice being in place, a state of emergency relating to COVID-19, or by notice in the Gazette, you and the Director-General of Health are authorised to make Orders for specific purposes related to containing the transmission or spread of COVID-19. Orders create requirements for certain groups of people to follow.
  - b. Criminal offences: a person commits an offence if the person intentionally fails to comply with a COVID-19 Order, and is liable on conviction to a term of imprisonment or a fine.
  - c. Infringement offences: an administratively efficient mechanism for breaches for straightforward matters of fact that do not require court proceedings. An infringement notice (imposing an infringement fee) can be issued where a person breaches requirements specified as infringement offences in the Act and COVID-19 Orders.
5. The Bill proposes new powers to make secondary legislation to complement the existing COVID-19-related enforcement regime. This proposed legislation, set out below, is being developed concurrent to the Bill process.

Secondary legislation	Purpose
Infringement offence penalties	
New Regulations: infringement offence graduated penalty framework	<p>Cabinet agreed that the Bill enable regulations that create graduated penalties for infringement offences, within the new maximum penalties set in the Bill.</p> <p>The graduated penalty framework proposes to set several infringement classes with corresponding penalties for each class. These regulations would be applied to all infringement offences set in Orders and the Act so that the penalties for different infringement offences are high enough to be a sufficient deterrent while still being proportionate to the public health risk the conduct poses. In developing the penalty framework, officials will be guided by Cabinet’s clear policy intent in increasing the maximum fees and fines in the Bill [SWC-21-MIN-0067 and CBC-21-MIN-0102 refer].</p>
Enforcement of requirements in MIQFs	
New Rules: rules for the effective and orderly operation of MIQFs	<p>The Bill enables the Chief Executive responsible for MIQ (currently MBIE) to make rules for the effective and orderly operation of MIQFs.</p> <p>Rules relate (without limitation) to prohibition or restriction of things (e.g. alcohol or goods) that can be brought into, or sent out of, MIQFs, and of specified behaviours of people going to or from or within an MIQF.</p> <p>The rules are intended to cover day-to-day things that may not directly relate to public health (these are covered by the Orders), but are required to make sure facilities operate effectively and in an orderly way to achieve their public health purpose.</p> <p>The Bill specifies that a person commits an infringement offence if they breach a rule. Such breaches will be subject to the penalty classes set in the regulations (above).</p>

6. Creating rules presents an opportunity to institute a coherent enforcement package in MIQFs.
7. In parallel to the Bill, MBIE is considering attaching infringement offences to MIQ requirements set out in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020. Infringement offence fees would hook into the penalty classes set out in the

regulations. Currently there are no infringement offences for conduct in MIQFs, only criminal offences. This leaves a gap in MIQ's enforcement toolbox to be able to address conduct in a proportionate way.

8. We expect that the select committee may take an interest in the development of the regulations, rules and creation of new infringement offences since they implement the powers in the Bill. The work in progress provides useful examples (with appropriate caveats) of how powers in the Bill are intended to be used and to support the select committee's understanding of the powers in the Bill they are considering.
9. **Appendix Two** sets out the proposed approach to creating each piece of secondary legislation introduced in the table above for your feedback, including indicative policy proposals, equity considerations and next steps.
10. Subject to any feedback you may have on the proposed framework, Ministry of Health officials will undertake agency consultation beyond the working group membership in late September.
11. The Cabinet Business Committee on Wednesday 16 September provided you with delegated authority to make policy decisions for the drafting of these regulations. Therefore, following agency consultation, you will be provided with final proposals for your policy decision in early October. Due to the Bill process running concurrently, policy decisions will be conditional on any amendments required resulting from the Select Committee process.

## Proactive release

### Background

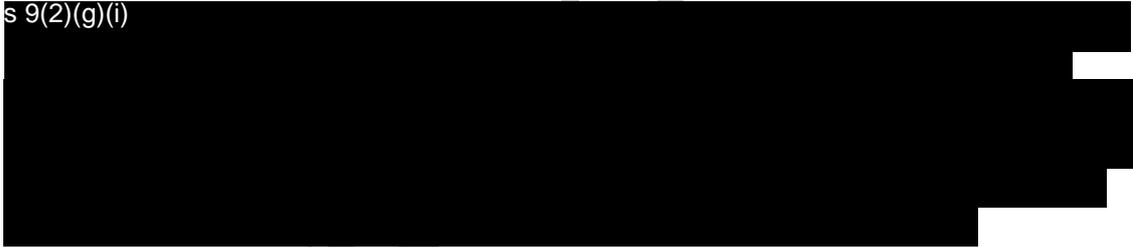
12. CO (18) 4: *Proactive Release of Cabinet Material: Updated Requirements* states that, in the interests of transparency, Cabinet material (excluding APH papers) should be released online within 30 business days of final decisions being taken by Cabinet, unless there is a good reason not to publish all or part of the material or to delay the release beyond 30 business days.
13. The following Cabinet material is proposed to be proactively released in conjunction with the introduction of the COVID-19 Public Health Response Bill (the Bill) to the House.
  - a. Cabinet Social Wellbeing Committee paper entitled *Proposed COVID-19 Public Health Response Amendment Bill* and associated minute of decision [SWC-21-MIN-0067].
  - b. Cabinet Social Wellbeing Committee paper entitled *Management of Police Checkpoints during Restricted Movements under COVID-19 Response* and associated minute of decision [SWC-21-MIN-0100.01].
  - c. Cabinet Business Committee paper entitled *COVID-19 Public Health Response Amendment Bill: Further Policy Approvals and Approval for Introduction* and associated minute of decision [CBC-21-MIN-0102] (the CBC paper).

## Considerations

### *Cabinet material*

14. The three papers proposed for release cover the following topics:
  - a. the paper presented to the Cabinet Social Wellbeing Committee entitled *Proposed COVID-19 Public Health Response Amendment Bill*, contains the majority of the policy proposals that have been included in the Bill,
  - b. the supplementary paper presented to the Cabinet Social Wellbeing Committee entitled *Management of Police Checkpoints during Restricted Movements under COVID-19 Response*, drafted by the Department of Prime Minister and Cabinet (DPMC) and New Zealand Police (Police), requests amendments to the provisions in the Act relating to stopping vehicles by enforcement officers, and
  - c. the Cabinet Business Committee paper entitled *COVID-19 Public Health Response Amendment Bill: Further Policy Approvals and Approval for Introduction* requests Cabinet's approval to higher penalties for infringement and criminal offences, and seeks approval to introduce the Bill to the House.
15. In each of those papers it was indicated that they would be released publicly five days after introduction of the Bill to the House. Officials considers that it is appropriate for this Cabinet material to be proactively released, with one redaction in the CBC paper.

### *Redactions*

16. s 9(2)(g)(i) 
17. s 9(2)(g)(i) 

## Consultation

18. The Ministry and MBIE are joint advisors on the Bill, and therefore the proactive release of these documents is collaborative. MBIE and Ministry officials have no concerns with the proactive release of the documents with the proposed redaction.
19. Police and the DPMC are the authors of the paper entitled *Management of Police Checkpoints during Restricted Movements under COVID-19 Response*. The Ministry is proactively releasing this paper on their behalf with their express approval, given the relevance to the rest of the documents.

## Next steps

20. The Initial Briefing will be presented to the Health Select Committee in due course. Officials will keep you updated with the progress of the Bill.
21. Work will continue with the secondary legislation to support enforcement in parallel with the Bill's progression through the House, including agency consultation anticipated in late September. A high-level timeline has been attached at **Appendix Four** for your information.
22. Officials will publish the package of documents five working days after the date of this briefing (on 28 September 2021) unless you indicate otherwise.

ENDS.

PROACTIVELY RELEASED

## Appendix One: Initial Briefing

This is publicly available at:  
[https://www.parliament.nz/resource/en-NZ/53SCHE\\_ADV\\_115898\\_HE11734/2ecf49b929a0f6f87cefc241ac31a5ff55c8549f](https://www.parliament.nz/resource/en-NZ/53SCHE_ADV_115898_HE11734/2ecf49b929a0f6f87cefc241ac31a5ff55c8549f)

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## Appendix Two: Secondary legislation to support enforcement

### Developing regulations to set graduated infringement offence penalties

#### *Background*

1. The COVID-19 Public Health Response Amendment Bill (No 2) (the Bill) includes an empowering provision to make regulations that create graduated classes of infringement offences and corresponding penalty fees and fines up to the maximum penalty limits set in the Act.
2. The Bill proposes that the maximum penalties for infringement offences are:
  - a. for an individual, an infringement fee of up to \$4,000 or a fine imposed by a court not exceeding \$12,000, or
  - b. for any other person, an infringement fee of up to \$12,000 or a fine imposed by a court not exceeding \$15,000.
3. Penalties are higher for criminal offences, where requirements in Orders are breached intentionally. Criminal offence penalties are subject to conviction in the court, rather than an instant fee or fine as for infringement offences. Subject to conviction, criminal offence penalties are proposed in the Bill as:
  - a. for individuals, imprisonment for a term not exceeding six months, or a fine not exceeding \$12,000, or
  - b. for any other person, a fine not exceeding \$15,000.

#### *Proposed approach to differentiating classes of infringement*

4. A cross-agency working group of officials has been established to develop a framework that differentiates infringement classes and assigns a penalty for each infringement class. Members include representatives from the Ministry of Health, MBIE, Ministry of Justice, Crown Law Office, New Zealand Customs Service, New Zealand Police, WorkSafe and Ministry for Pacific Peoples.
5. The working group proposes that the basis for differentiating infringement classes and therefore penalties should be based on the public health risk that a breach poses, both regarding the transmission and spread of COVID-19 and/or the capability of the response. This approach aligns with the purpose of the Act set out in section 4 as supporting a public health response to COVID-19 that:
  - a. prevents and limits the risk of the outbreak or spread of COVID-19
  - b. avoids, mitigates or remedies the actual or potential adverse effects of the COVID-19 outbreak (whether direct or indirect)
  - c. is coordinated, orderly and proportionate
  - d. allows social, economic and other factors to be taken into account where it is relevant to do so
  - e. is economically sustainable and allows for the recovery of MIQF costs
  - f. has enforceable measures, in addition to the relevant voluntary measures and public health and other guidance that also support that response.
6. The working definitions of these classes are set out in the table below.

Proposed infringement class	Draft inclusion criteria	Example infringement offence
Low risk	For infringement offences where a breach is administrative and the worst potential outcome of that breach has a low likelihood of transmission and spread of COVID-19.	If a person breaches the proposed new requirement to provide contact details for MIQ charges.
Medium risk	The risk of transmitting or spreading COVID-19 as a result of breaching an infringement offence in this class is not immediate, however the worst potential outcome of that breach has a possibility of transmitting or spreading COVID-19 or limiting the <i>capability</i> of the public health response.	If a port company breaches the requirement to display visible isolation and quarantine signage immediately adjacent to every point of egress between the ship and shore.
High risk	The risk of transmitting or spreading COVID-19 as a result of breaching an infringement offence in this class is probable, i.e. the risk is not managed.	If a person disembarking a ship breaches the requirement to maintain physical distancing from any person who did not arrive in New Zealand on the same ship or the requirement to wear personal protective equipment if it is necessary for the person to come into close contact with another person who did not arrive in New Zealand on the same ship.

7. Each infringement offence listed in the Act and Orders will be classified as one of the proposed classes, based on the inclusion criteria and subject to the applicable fee/fine for that class. Public health officials have considered the proposed classes and inclusion criteria and will review the consistency of application in classifying each infringement offence.
8. It is anticipated that the same behaviour, such as mask wearing, may be classified differently at different alert levels to reflect the increased risk associated with breaching this requirement when there is known community transmission occurring.
9. Enabling proportionate penalties for the severity of behaviour is important to:
  - a. deter non-compliance
  - b. maintain a just, fair and equitable infringement regime

c. meet expectations of accountability (i.e. that the rules are enforced).

10. The following penalties are proposed for each class:

Infringement offence class	Infringement fee		Maximum court fine	
	Individual	Any other person	Individual	Any other person
Low risk	\$500	\$1,500	\$1,500	\$4,500
Medium risk	\$1,000	\$4,000	\$4,000	\$12,000
High risk	\$4,000	\$12,000	\$12,000	\$15,000

11. The penalties for low-risk behaviours are slightly higher than current penalties to increase the deterrent effect, however, remain proportionate to what is considered an administrative breach with relatively low risk.

12. The penalty proposed for the medium-risk class is \$1,000. The Ministry of Justice guidance states that, as a general rule, every offence which is subject to an infringement notice should not normally exceed a fee of \$1000 unless being used to deter offending where *significant economic benefit can result from the offending*. As medium-risk behaviours are classified as resulting in an indirect risk of transmission or spread of COVID-19 or impacting the capability of the public health response, this amount is considered suitable. On this basis, the heightened risk presented by breaches classified in the high-risk class warrants the maximum penalties.

*Other options considered and not recommended*

13. The working group have considered several alternative ways to differentiate classes of infringement, including:

- a. whether a fee/fine is a deterrent and whether there are other, additional, incentives for compliance
- b. whether the breach is the first or subsequent offence
- c. the frequency of infringement notices being issued for specific infringement offences
- d. the maximum fines set in the Act (and proposed to increase in the Bill) for every infringement offence without having graduated levels.

14. These alternative approaches are not being developed further at this stage, as analysis for each has determined they either do not align with the way infringement mechanisms are typically intended for use, have significant information gaps making their application limited in practice, have the potential to perpetuate inequity, or do not align with earlier Cabinet decisions relating to the infringement regime.

*Equity*

15. Generally, infringement offence fees and fines are a reasonably blunt enforcement mechanism, whereby discretion is enabled through the enforcement approach rather than in the penalty system itself.

16. It is imperative that an education-first approach continues to ensure the response to infringement offences is not inequitable, for example, where a person is unable to avoid breaching a requirement for a legitimate reason, such as affordability or systemic barriers. For example, a low skilled worker who is not given permission to take time off from work for testing or to isolate, whereby compliance with the requirements would place their employment in jeopardy.
17. Further analysis of the current public health risk-based delineation of classes against the principles of Te Tiriti o Waitangi is ongoing. This analysis will supplement the information provided for your policy decision.

#### *Next steps*

18. Following agency consultation, you will be provided with final proposals for your policy decision in early October. Due to the Bill process running concurrently, policy decisions will be conditional on any amendments required resulting from the Select Committee process.
19. These regulations will be subject to the 28-day rule, unless waived.

### **Enforcement of requirements in MIQFs**

#### *Background*

20. Returnees in MIQ are subject to a range of requirements within MIQFs. Requirements that relate directly to matters of public health (e.g. physical distancing) are set out in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, and requirements that relate to ensuring the effective day-to-day operation of MIQFs (e.g. alcohol limits) are set out in the Operations Framework.
21. There are a range of Standard Operating Procedures that give effect to these requirements (e.g. delivery policies). Returnees are advised of relevant requirements and policies via the Welcome Pack.

#### *Compliance with requirements in MIQFs is variable*

22. Ensuring returnees in MIQ comply with requirements is critical to ensuring MIQ both fulfils its public health function, and is effective in its day-to-day operation.
23. The vast majority of returnees voluntarily comply with requirements in MIQFs. Best efforts are made to de-escalate potential issues, recognising that people may be under considerable stress in MIQ (by virtue of the environment, or given their reasons for return to New Zealand).
24. There has, however, been a set of returnees who breach MIQ requirements, and, within that cohort, a subset who repeatedly do so – consuming considerable MIQ workforce and New Zealand Police resource, and placing other people, staff, and the community at large, at risk of COVID-19.
25. The table below provides an indication of the types of breaches recorded by MBIE for the period June 2020 to June 2021:

Breach	Count
Bubble breach (e.g. failing to physical distance)	168
Non-compliance (with Standard Operating Procedures)	135
Aggressive behaviour or harassment	133
PPE (unavailable, damaged, or failure to use)	77
Alcohol or drug use	73
Unauthorised access (members of the public entering MIQFs, returnees accessing smoking or exercise areas without an allocated time)	21
Smoking in rooms	18
Incorrect/missing wristband	14

Note: Breaches do not count the number of people involved, only the number of events. The Events Register from which this data is obtained is manually updated and managed, and so data is subject to a range of caveats. Other sources may hold data that differs from that held by MBIE.

*There is a gap in the MIQ enforcement package*

26. Currently, there are no specific infringement offence provisions related to the contravention of requirements within MIQFs.
27. *Intentional* contravention of requirements set out in Orders constitutes a criminal offence under the COVID-19 Public Health Response Act 2020. By way of example, a returnee who absconds from MIQ has intentionally breached the requirement to remain in their room at their place of isolation or quarantine, as set out in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, and can be charged accordingly.
28. The New Zealand Police can also rely on the general law to address criminal conduct within MIQFs. For example, drug law, common assault, intimidation, and wilful damage.
29. In many instances, a person's conduct may not be sufficiently serious to warrant full imposition of the criminal law.
30. On the other hand, certain requirements in MIQFs have no legal 'teeth' (i.e. recourse to *any* penalty) because a criminal offence would be disproportionate to the level of offending and a prosecution is unlikely to be brought.
31. Infringement offences would serve as a more proportionate response to returnees' failure to comply with most requirements in MIQFs (akin to failing to comply with physical distancing or face covering requirements under alert level 4 constituting an infringement offence under the COVID-19 Public Health Response (Alert Level Requirements) Order (No 9) 2021).

*We propose introducing infringement offences and rules in MIQFs*

32. To address this gap in the MIQ enforcement package, following Select Committee we expect to propose that:
  - a. Certain requirements of returnees set out in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 have infringement offences attached to them, and
  - b. Certain requirements set out in the Operations Framework be made into rules for returnees in standalone secondary legislation – the contravention of which constitutes an infringement offence.
33. Together, these proposals would provide recourse to a broader suite of regulatory enforcement tools in MIQ.
34. The proposal at (a) would require amending the Order to specify which breaches of the Order are infringement offences, as currently provided for under the Act.
35. To give effect to the proposal at (b), the COVID-19 Public Health Response Amendment Bill seeks to introduce a power enabling the Chief Executive of MBIE to make rules for the purpose of ensuring the effective and orderly operation of MIQFs, and to render contravention of a rule an infringement offence.
36. The rules are intended to cover day-to-day things that may not directly relate to public health (these are covered by the Orders), but are required to make sure facilities operate effectively and in an orderly way to achieve their public health purpose.
37. In concert with this rule-making power, the Bill seeks to enable the Chief Executive of MBIE to hold anything that a returnee possesses in a MIQF, or attempts to bring into a MIQF, in breach of rules (where the power to hold items only lasts for the remainder of a person’s stay in MIQ).

*Conduct captured by infringement offences and rules*

38. Table Two provides an indication of officials’ current thinking on which requirements under the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 infringement offences could be attached to, and potential rules.

<b>Requirements under the IQO</b>	<b>Potential rules</b>
Failure to comply with the general requirement to remain in one’s room at their place of isolation or quarantine (note: the Bill proposes lifting this requirement into the Act)	A person must not possess or use items that pose health and safety risk (e.g. electrical cooking appliances)
Failure to wear PPE correctly	A person must not possess or consume, on any one day, alcohol of a quantity in excess of stated limits
Failure to maintain physical distancing	A person must not smoke in places that aren’t otherwise designated as places where smoking is permissible

Members of the public entering MIQFs without requisite permissions	A person must not use sporting or exercise equipment outside one's room
Members of the public who have entered MIQFs without requisite permissions failing to remain on-site for a risk assessment	A person must not share items with a person from outside of their bubble in a MIQF*
Relevant workers failing to comply with requirements for self-isolation	A person must not deposit items from inside of an MIQF outside of an MIQF*
Failure to follow directions to use PPE during transfers to and from MIQ (note: this requirement will enter into force as a consequence of the COVID-19 Public Health Response (Air Border) Order 2020 Q3 omnibus amendments)	

39. The Bill also seeks to introduce two separate infringement offences in the Act: failing to provide onward contact information for MIQ invoicing purposes, and failing to update one's contact details to that end.

*Next steps*

40. Where potential rules attend to matters of public health (such as those starred in Table Two, concerning fomite transmission), officials will determine whether it is more appropriate to place such requirements on the face of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, and attach infringement offences to them.
41. All infringement offences – whether attached to requirements in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, or rules – would have corresponding infringement penalties, as set out in (new) regulations.
42. There are a range of details to be worked through related to the operationalisation of infringement offences and rules (e.g. who would have enforcement powers). Officials will canvass these matters with relevant agencies in parallel to the Bill process.
43. We note that the rules are made by the Chief Executive of MBIE. Officials will update you with final proposals for the rules in due course.

## Appendix Three: Documents proposed for proactive release

These documents have been attached separately. A 'red box' version has been attached to demonstrate the intended redactions in the CBC paper.

These documents are publicly available at: <https://www.health.govt.nz/about-ministry/information-releases/release-ministerial-decision-making-documents/cabinet-material-relating-covid-19-public-health-response-amendment-bill-no-2>

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**Appendix Four: High level timeline**

This has been attached separately.

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# COVID-19 PUBLIC HEALTH RESPONSE AMENDMENT BILL AND SECONDARY LEGISLATION TO SUPPORT ENFORCEMENT

NOTE: these timeframes are indicative only, and are subject to change

