



# Briefing

## QUARANTINE-FREE TRAVEL CONDITIONS - MAXIMUM PENALTIES FOR NON-COMPLIANCE

To: Hon Chris Hipkins  
Minister for COVID-19 Response

Date	16/07/2021	Priority	High
Deadline	19/07/2021	Briefing Number	DPMC-2020/21-1265

### Purpose

This briefing provides information about the infringement regime for non-compliance with Quarantine-Free Travel conditions, specifically the maximum penalties available to address non-compliance.

### Recommendations

1. **Note** your office has requested information on the current infringement regime for non-compliance with Quarantine-Free Travel conditions, including advice on options to increase the maximum penalties outlined in section 26 of the COVID-19 Public Health Response Act 2020.
2. **Note** a person who fails to comply with a COVID-19 requirement that has been identified as an infringement offence in the COVID-19 Orders commits an infringement offence and is currently liable for an infringement fee of \$300 or a court imposed fine of up to \$1,000.
3. **Note** a person who intentionally fails to comply with a COVID-19 order is liable on conviction for a fine not exceeding \$4,000 or a term of imprisonment of up to six months.
4. **Note** that the infringement penalties outlined in recommendation 2 apply to a breach of a COVID-19 Order specified as an infringement offence, whereas the penalties on conviction outlined in recommendation 3 apply to an intentional breach of any requirement in a COVID-19 Order. Non-compliance with face covering, evidence and questioning requirements for Quarantine-Free Travel travellers are infringement offences.

5. **Note** you previously agreed to amend the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 to include a new infringement offence of arriving in New Zealand contrary to relevant Quarantine-Free Travel conditions, and add Customs officers as a "relevant official" in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020.
6. **Note** that once the amendments outlined in recommendation 5 come into effect (expected 23 July 2021), the penalties outlined in recommendations 2 and 3 will also apply to arriving in New Zealand in breach of a Quarantine-Free Travel condition.
7. **Note** the Cabinet Social Wellbeing Committee agreed to amend the COVID-19 Public Health Response Act 2020 to strengthen the infringement regime by increasing the maximum penalties outlined in section 26 of the Act.
8. **Note** that, based on the amendments agreed to by the Cabinet Social Wellbeing Committee, the COVID-19 Public Health Response Amendment Bill 2021 will propose to amend the COVID-19 Public Health Response Act 2020 to increase:
  - 8.1. the maximum penalties for an infringement offence to include an infringement fee of \$1,000 (currently \$300) and court imposed fine of \$3,000 (currently \$1,000) for individuals; and
  - 8.2. the maximum criminal conviction fine in section 26 of the Act to remain consistent with the increase in infringement offence fees and fines outlined in recommendation 8.1.
9. **Note** that Cabinet Social Wellbeing Committee also agreed that the COVID-19 Public Health Amendment Bill 2019 create a power to make regulations that set out an infringement fee framework (i.e. graduated levels of infringement fees).
10. **Note** the Ministry of Health will provide you with separate advice on the proposed increase to the maximum criminal conviction fine mentioned in recommendation 8.2 on 16 July 2021.
11. **Note** the proposed new maximum penalties that will be proposed by the COVID-19 Public Health Response Amendment Bill 2021 will not take effect until the associated regulations establishing a graduated infringement regime commence (expected 29 October 2021).
12. **Note** individuals who arrive in New Zealand contrary to Quarantine-Free Travel conditions are required to enter managed isolation under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, to manage the public health risk of these individuals not complying with Quarantine-Free Travel conditions.
13. **Note** that individuals who enter managed isolation under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 are liable to pay MIQ charges under the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020.

14. **Note** increasing the maximum section 26 penalties above what the COVID-19 Public Health Response Amendment Bill 2021 will propose is possible, but is not recommended due to logistical, equity and proportionality considerations.

15. **Direct** officials to **EITHER**:

15.1. progress work to increase the section 26 maximum penalties above what the COVID-19 Public Health Response Amendment Bill 2021 will propose (**not recommended**)

YES /  NO

**OR**

15.2. continue to deter non-compliance with Quarantine-Free Travel conditions by continuing to focus on education and engagement, and continuing to manage the public health risk of those who do not comply with these conditions through managed isolation, which is subject to charges.

YES /  NO

16. **Direct** officials to report back to you on an enforcement strategy for non-compliance with QFT conditions.

YES /  NO

*pp.*  
*MS.*

Alice Hume  
**Acting Head of Strategy & Policy,  
COVID-19 Group, DPMC**

*16/7/2021*

*[Signature]*

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

*23/7/2021*

Contact for telephone discussion if required:

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Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

Proactively Released

# QUARANTINE-FREE TRAVEL CONDITIONS - MAXIMUM PENALTIES FOR NON-COMPLIANCE

## Executive Summary

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1. Several Quarantine-Free Travel (QFT) requirements are in place to mitigate the public health risk associated with QFT, including use of face coverings and providing evidence or answering questions about eligibility for QFT.
2. The general framework for the infringement regime for non-compliance with QFT conditions is provided for in Section 26 of the COVID-19 Public Health Response Act 2020 (the Act). Depending on the breach, a non-compliant individual will commit either an infringement offence or a criminal offence. Maximum penalties for the infringement offence are an infringement fee of \$300 or a court imposed fine of up to \$1,000. A person who commits a criminal offence (which requires intentional breach) is liable on conviction for a fine not exceeding \$4,000 or term of imprisonment not exceeding six months. These penalties currently apply to breaches of COVID-19 orders, including non-compliance with the face covering, evidence and questioning requirements for QFT.
3. To ensure these maximum penalties are fit for purpose, and that there are enforcement tools available to address non-compliance with Orders, including QFT conditions, the following pieces of work are underway to strengthen the infringement regime:
  - a) Amendments to the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order), which you agreed to in June 2021 [DPMC-2020/21-1104 refers]. These amendments will create an offence of arriving in New Zealand in breach of a QFT condition and will extend the definition of "relevant official" to include Customs officers, enabling them to request evidence of QFT eligibility. These changes will take effect from 23 July 2021.
  - b) Amendments to the Act that will be proposed by the COVID-19 Public Health Response Act Amendment Bill 2021 (the Bill), which Cabinet Social Wellbeing Committee has agreed to [SWC-21-MIN-0067 refers]. These amendments will increase the maximum infringement fee for an individual to \$1,000 (currently \$300) and court imposed fine to \$3,000 (currently \$1,000), and will ensure the maximum criminal conviction fine remains consistent with these increases (you will receive separate advice on any proposed increase to the criminal conviction fine from the Ministry of Health).
  - c) Additionally, Cabinet also approved the use of a graduated approach to infringement fees empowered by regulations (providing for different categories of fees up to the maximum allowed, based on factors like seriousness of the breach and repeat offending). The new regulations cannot come into effect any earlier than 28 days after the passing of the primary legislation empowering them. Therefore, the regulations are anticipated to come into force by 29 October (based on the Bill commencing 30 September). The new maximum penalties will also not come into effect until 29 October, as it would be inequitable to impose increased penalties without the graduated response detailed in the regulations.
4. Anecdotally, compliance with QFT requirements has been high to date. However, outbreaks of COVID-19 in the Australian community have heightened the transmission risk of QFT and this, along with being required to enter managed isolation following non-

compliance with QFT requirements, prompted your request for advice on how this infringement regime could be strengthened further. Increasing the maximum penalties beyond what will be proposed in the Bill would require amending primary legislation and is not recommended due to logistical, equity and proportionality considerations. Any additional adjustments to the maximum penalties would delay the progress of the substantive Bill and regulations to set a graduated infringement regime.

5. Instead, officials recommend that compliance with QFT requirements and conditions is encouraged by continuing to focus on education and engagement, including making QFT requirements, and the consequences of not complying with them, clearer prior to booking and at point of departure. Those who do not comply with these requirements are considered to not have managed their public health risk, and managed isolation is the alternative way to manage this risk. A person required to enter managed isolation or quarantine is liable to pay MIQ charges under the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020.
6. There are also options to pause QFT more regularly and for longer periods, or suspend QFT with Australia when clusters or patterns of non-compliance result in heightened public health risk (any pause or suspension would need to be based on public health and system advice), as well as relying more heavily on the option to prosecute individuals who do not comply with QFT requirements (a decision for the Police and other prosecution agencies).

## Overview of the current infringement regime

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### *Section 26 of the COVID-19 Public Health Response Act 2020*

7. The infringement regime for non-compliance with QFT requirements is provided for in section 26 of the Act. There are two categories of offence covered by the section, each with corresponding maximum penalties:
  - a) **Infringement offence:** a person who fails to comply with a COVID-19 requirement that has been identified as an infringement offence commits an offence and is liable for an infringement fee of \$300 or a court imposed fine not exceeding \$1,000.
  - b) **Criminal offence:** a person who intentionally fails to comply with a COVID-19 order is liable *on conviction* for a fine not exceeding \$4,000 or term of imprisonment not exceeding six months.
8. These penalties apply to non-compliance with the following QFT obligations, as set out in clause 8B of the Air Border Order:
  - a) **Face coverings:** wearing a face covering on a QFT flight to New Zealand, and on the airside of the airport in New Zealand (subject to specific exemptions); and
  - b) **Evidence and questions:** providing appropriate evidence to a relevant official when requested, or answering questions put to the person by officials, relating to whether the person is eligible for QFT.
9. In June 2021, you agreed to amend the Air Border Order to create an infringement offence of arriving in New Zealand contrary to relevant conditions for QFT [DPMC-2020/21-1104 refers]. The Air Border Order will be amended to include this new infringement offence by 23 July 2021. Following 23 July 2021, the above penalties will also apply to:

- a) **Arriving in New Zealand in breach of a QFT condition:** it will be an offence to arrive in New Zealand without e.g. the required evidence of a PDT and failing to declare being in a named location of interest.

*Compliance and monitoring*

10. Anecdotally, there are three broad groups of travellers who do not meet QFT requirements. These include:
- a) travellers not complying with PDT requirements (numbers in this category are unclear, due to the spectrum of requirements that individuals could fail to comply with);
  - b) individuals travelling across Australian states (i.e. out of states where QFT is not currently available) to get back to New Zealand (fourteen individuals fell into this category over the weekend commencing 9 July); and
  - c) people who have travelled from Queensland between 9 July and 13 July 2021 who did not meet the eligibility criteria for managed return travel to New Zealand (i.e. they are not ordinarily resident here), but who travelled anyway (eight individuals fell into this category over weekend commencing 9 July).
11. As at 16 July 2021, there are 69 people in MIQ who breached QFT requirements. There has been a total of 80 people who have entered MIQ following a QFT requirement breach since QFT commenced in March 2021.
12. More information and education is likely to reduce the number of travellers in categories (a) and (c). Insufficient information is currently available about those in category (b) and to what extent these individuals are intentionally evading border restrictions. To date, a high-trust declaration-based model is used to operate QFT, with the onus placed on the individual to meet these requirements.
13. Travellers make self-declarations at the departure airport (usually via an electronic check-in system), with the issuing of a boarding pass contingent on passengers confirming requirements are met. Travellers must also confirm that they meet QFT requirements upon arrival to New Zealand.
14. Compliance spot checks are being undertaken by airlines (PDT only, where required) and by Immigration New Zealand airline liaison officers at the point of departure. PDT compliance is also checked randomly by Customs officers at the New Zealand border, where PDT is required. You have received separate advice on options to increase the level of compliance checks, and further work is underway on this (Border Executive Board briefing 21/029 refers).
15. From 12 July 2021, an additional measure was initiated by Immigration New Zealand (INZ). INZ and airlines now screen airline manifests before QFT flights depart, helping to identify people who do not meet entry requirements to travel to New Zealand, and deter those who are travelling between states from travelling to New Zealand.

*Enforcement*

16. Following the 23 July amendments to the Air Border Order, enforcement options to address non-compliance with QFT conditions identified at the New Zealand border will include infringement fees, infringement fines and prosecution.

17. A person who is identified as having committed an infringement offence can be issued with an infringement notice and may be liable for a \$300 fine. Under the Act, infringement notices can be issued by any of the following enforcement officers:
- a) The Director-General of Health
  - b) A medical officer of health
  - c) A constable
  - d) A person authorised to perform a function or power under section 18 of the Act (*Authorised persons*) or a person in a class of persons authorised to perform a function or power under section 18. For example, Customs officers being authorised to issue infringement notices for e.g. people who fail to comply with PDT requirements for red flights.
  - e) From 23 July 2021 (when the agreed amendments to the Air Border Order come into effect), Customs officers will also be added as relevant officials who can require evidence from passengers related to whether they are a QFT person.
18. A border agency can pursue prosecution for non-compliance independently of the Police, on referral from an enforcement officer. If it is considered appropriate to lay a charging document (e.g. for instances of repeat offending or where multiple breaches have taken place), the individual who allegedly committed the offence would appear in court and would be liable to a court imposed fine of up to \$1,000 and court costs (as opposed to the \$300 infringement fee that can be issued by an enforcement officer on the spot).
19. Likewise, a person who is identified as intentionally failing to comply with a COVID-19 order may be referred to the appropriate border agency by one of the abovementioned enforcement officers. If found guilty by the court, the person could be sentenced to pay a fine of up to \$4,000 or to a term of imprisonment not exceeding six months.
20. It is appropriate that fees or fines above \$1,000 are imposed by a Court, as this allows for factors such as reasonable belief, to be taken into account. Consideration of these elements is not possible with an infringement offence because they are strict liability. This aligns with current best practice when creating penalties above \$1,000.

*Other responses to manage risk - managed isolation*

21. Though not a penalty, a person who fails to comply with a relevant QFT requirement will also be required to enter managed isolation. QFT requirements are in place to manage or mitigate the public health risk associated with QFT. A person who fails to comply with the conditions, fails to mitigate this public health risk and, as a consequence, will be required to enter managed isolation to manage this risk (adding further MIQ capacity pressures). The charges associated with managed isolation carry a significant financial cost. While the purposes of MIQ charges is cost-recovery, not to act as a penalty, they are likely to have a deterrent effect on non-compliance with QFT requirements.
22. The Ministry of Business, Innovation and Employment and the Ministry of Health will provide you with separate advice on the suitability of managed isolation for individuals who do not comply with QFT conditions in the coming weeks.



## Current proposed changes to strengthen the infringement regime

### *Agreed Air Border Order amendments*

23. As previously mentioned, in June 2021 you agreed to amend the Air Border Order to create an infringement offence of arriving in New Zealand contrary to relevant conditions for QFT and to empower Customs officers to request evidence about QFT eligibility [DPMC-2020/21-1104 refers].
24. These Air Border amendments are expected to take effect on 23 July 2021.

### *COVID-19 Public Health Response Act Amendment Bill 2021*

25. The Bill seeks to ensure that the Act is future-proofed by giving greater flexibility and strength to the provisions empowering the COVID-19 response. Most relevant to this briefing are the changes the Bill will propose to strengthen the infringement regime.
26. The Bill proposes to amend the Act to increase the maximum penalties that an individual who commits an infringement and criminal offence is liable for under section 26 of the Act, as follows:
  - a) **Infringement offence:** the Cabinet Social Wellbeing Committee agreed that the Act be amended to increase the maximum infringement fee to \$1,000 for an individual (currently \$300) and the court-imposed infringement fine to a maximum of \$3,000 for an individual (currently \$1,000) [SWC-21-MIN-0067 refers].
  - b) **Criminal offence:** the Cabinet Social Wellbeing Committee also agreed that the maximum criminal conviction fine in section 26 of the Act be revised to remain consistent with the increase in the infringement offence fees and fines. The Ministry of Health will provide you with separate advice on 16 July 2021 outlining the proposed increase to the maximum criminal conviction fine, providing you with an opportunity to influence the amount of the increase proposed.
27. The Bill creates a power to make regulations that will set out an infringement fee framework (i.e. graduated levels of infringement fees). The regulations are being developed in parallel and will provide for a differentiation in infringement offence level (within the maximums), based on different factors such as risk to the public.
28. The Bill will be considered for introduction in the week commencing 2 August 2021. The new maximum penalties would not apply until the Act has been amended and the regulations have been enacted - anticipated to be 29 October 2021).
29. Any increased maximum penalties introduced by this Bill would apply to the same QFT requirements as outlined above. It is expected that the approach to compliance monitoring and enforcement, as outlined in paragraphs 10 to 20 above, will also remain unchanged following these amendments to the Act. Officials will report back to you if this changes and a new approach is required.

## Options to further strengthen the infringement regime by increasing the section 26 maximum penalties by a larger amount

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30. In light of the currently heightened transmission risk associated with QFT, officials understand Ministers are considering increasing the maximum penalties in section 26 of the Act further, beyond the increases already being proposed by the Bill.
31. While this change is possible, it would be challenging for logistical, equity and proportionality reasons.

### *Logistical challenges*


32. Any adjustment to the maximum penalties in section 26 of the Act would require legislative amendment, and therefore further Cabinet decisions. Considering the current status of the Bill, any further changes would need to be progressed via either:
  - a) a Supplementary Order Paper, if Ministers were happy for the higher maximum penalties to come into force when the supporting regulations do (currently planned for 29 October 2021, but will be pushed out if an SOP is introduced, due to increased complexity with Select Committee, legislative drafting and Bill processes).
  - b) a separate urgent amendment bill, if Ministers wanted these higher maximum penalties to come into force sooner.
33. Because of resourcing constraints, both options would delay the overall delivery of the Bill. This is because resource will need to be diverted away from progressing the Bill at pace, to progressing the SOP or urgent amendment bill and related work. Most notably, the complete re-working of the infringement regime and other penalties in the Act to ensure the QFT elements are not fundamentally inconsistent with what is being proposed in the Bill, and increased time for Select Committee as submissions volumes will increase based on the controversial nature of this change. As a result, the Bill would not come into effect at the end of September 2021 as currently planned.
34. The last urgent Amendment Bill related to COVID-19 that was progressed (the COVID-19 Public Health Response Amendment Bill (No 2) 2020) was not controversial but still took three weeks to progress from the time of commissioning to commencement. This was without a Select Committee process (which is not recommended for a change of this nature, relating to maximum penalties) and progressing in the House under urgency. Increasing the maximum penalties in section 26 of the Act may be controversial and would therefore likely take longer than three weeks to progress.
35. To ensure infringement schemes are a fair, equitable, consistent and proportionate means of encouraging compliance with the law, the Legislation Design and Advisory Committee has set expectations for their design and operation. One of those expectations is that the maximum penalty level is set in Primary legislation. As a result, it is not advisable to set the section 26 maximum levels in secondary legislation in an effort to enable increased flexibility to adjust the maximum levels. This principle is more pronounced when the penalties involved are higher than is normally considered appropriate for infringement offences.

### *Equity considerations – infringement fees and fines*

36. Infringement fees have a greater impact on lower socio-economic groups. Financial penalties are inherently inequitable, given they have a proportionately larger impact on lower socio-

economic households. This is further exacerbated when the reason for non-compliance in the first place was related to an inability to pay for requirements (such as a pre-departure test, or rescheduled flights). Steps to educate and encourage compliance should be strengthened before any further increases to these maximum penalties are proposed.

*Proportionality considerations – infringement fees and fines*

37. When increasing infringement fees, consideration should be given to whether the increase is proportionate to the conduct.
38. Generally, infringement fees are in the realm of a maximum of \$1,000. This is so that the penalty is proportionate to the way in which infringement regimes are constructed. This is because:
  - a) Infringements are designed as a penalty that operate outside of the courts, to lower the burden on the courts in terms of handling less serious conduct;
  - b) As infringement fees are handed out by an enforcement officer and not a member of the judiciary, there isn't neutral oversight in how these fees are handed out, to whom, and in what circumstances. This means that ensuring consistency and proportionality across the regime is one consideration when setting specific penalty levels; and
  - c) In situations that require a higher penalty, it may be more appropriate for the matter to go by way of the court in order to ensure there is an appropriate environment to allow for judicial oversight of the matter.
39. COVID-19 has created an unprecedented situation and so increasing penalties beyond \$1000 is possible. However, it will need to be considered as to whether it will achieve the desired behaviour change. <sup>section 9(h)</sup>  

40. If a standalone provision is sought through a separate urgent amendment bill, and QFT infringement offences alone have an increased fee or fine, this risks creating an internal inconsistency in the Act where relatively low risk behaviour (QFT breaches) are liable for a disproportionately high maximum fee or fine i.e. higher than other breaches that may pose a higher risk, such as breaching Alert Level requirements or returning false test results as a border worker. QFT arrangements will typically be paused or suspended when public health risk is high in either QFT location, making this point more pronounced.
41. Currently, there is no evidence that infringement offences are not acting as a deterrent. There is anecdotally high compliance with QFT requirements and because of the high number of QFT changes since its commencement, current non-compliance is likely, at least partly, the result of traveller confusion. For example, not knowing what is required of them, and when, as QFT requirements evolve to respond to changing public health risk. Clearer communications at point of departure is being developed to address this.

*Procedural considerations*

42. Introducing significantly higher maximum penalties, with limited consultation and engagement, and without robust policy rationale, may also be problematic from the Regulations Review Committee's point of view.

## Other options to deter and prevent non-compliance with QFT requirements

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43. To supplement the amendments to the Act proposed by the Bill, consideration could be given to deterring non-compliance with QFT requirements by:
- a) Continuing to focus on engagement and education to encourage compliance with QFT requirements. As mentioned earlier in the paper, clearer communications are currently being developed at the point of departure to make QFT requirements clear and understandable to travellers.
  - b) Continuing to require non-compliers to enter managed isolation (subject to further advice to be provided by the Ministry of Business, Innovation and Employment and the Ministry of Health on the suitability of this) and the charges associated with that. While it is not a penalty, the financial cost of entering managed isolation to manage the public health risk of not complying with a QFT requirement is likely to deter at least some QFT passengers from breaching QFT requirements.
  - c) More regularly prosecuting those who do not comply with QFT. This is ultimately a decision for the Police and other prosecution agencies. Prosecutions would need to be in the public interest and proportionate to the offending.
  - d) More frequent or longer QFT pauses, or suspension of QFT from Australia, in response to clusters or patterns of non-compliance that heighten public health risk. Public Health and broader system advice would need to support these pauses and suspensions, but this option would send a clear signal that QFT is a privilege and non-compliance with QFT requirements will not be tolerated due to heightened risk exposure for New Zealand generally.
44. The previously mentioned communications and collateral being developed to make QFT requirements clearer are also expected to contribute to improved compliance with QFT requirements.
45. Development of an interagency strategy for enforcement of non-compliance with QFT requirements would also support an efficient response to instances of non-compliance. Officials will report back to you on next steps to develop an enforcement strategy for non-compliance with QFT conditions.

### Next Steps

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46. Agreed amendments to the Air Border Order will come into effect on 23 July 2021. Following this date, it will be an offence to arrive in New Zealand in breach of a QFT condition and Customs officers will be empowered to request evidence of QFT eligibility.
47. Customs officers, and any other agencies with law enforcement capability, would need to be given section 18 authorisation (from the Director-General of Health) to ensure they are able to issue infringement notices. Separate work will be progressed by officials to ensure these officers are appropriately authorised.
48. If you decide to progress additional adjustments to the maximum penalties in section 26 of the Act, officials will report back to you on next steps to achieve this by 23 July 2021.
49. You will separately receive the following pieces of related advice:

- a) The Ministry of Health will provide advice on proposed increase to the criminal conviction fine in section 26 of the Act using the Bill. This advice is expected on 16 July 2021.
- b) The Ministry of Business, Innovation and Employment and Ministry of Health will provide advice on the suitability of managed isolation for individuals identified as not complying with QFT requirements. This advice is expected in the coming weeks.

### Consultation

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- 50. The Ministry of Health, Ministry of Justice, Ministry of Business, Innovation and Employment (MIQ), Ministry of Transport, New Zealand Police, Crown Law Office, Parliamentary Counsel Office, and Customs New Zealand were consulted on this briefing.

### Communications

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- 51. As previously advised, the Air Border Order amendments that come into effect on 23 July 2021 will be communicated to the public and key stakeholders via official Unite Against COVID-19 channels.
- 52. The Ministry of Health will prepare and provide a communications plan for the Bill.

<b>Attachments:</b>	
<b>Attachment A:</b>	Key dates for changes to section 26 maximum penalties

## ATTACHMENT A

### Key dates for changes to section 26 maximum penalties

Date	Activity	Notes
12 July 2021	Immigration New Zealand and airlines commenced a new initiative to screen airline manifests prior to departure of QFT flights.	This new initiative is an additional QFT compliance check.
23 July 2021	COVID-19 Public Health Response (Air Border) Order (No 2) 2020 amended to include new infringement offence of arriving in New Zealand contrary to relevant conditions for QFT.	Once this amendment comes into effect, anyone who commits this new offence would be liable for the current s 26 max penalties (\$300 fee and \$1000 court imposed fine).  Customs officers will be included as relevant officials who can require evidence from passengers about their QFT status, and issue infringement notices.
w/c 2 August 2021	COVID-19 Public Health Response Amendment Bill 2021 considered for introduction.	Any adjustments to max penalties ideally decided before the Bill is introduced.
29 September 2021	COVID-19 Public Health Response Amendment Bill 2021 on track to come into force at the end of September 2021.	
29 October 2021	Regulations associated with the COVID-19 Public Health Response Amendment Bill will establish a graduated infringement regime and are expected to commence from 29 October 2021.	New maximum penalties would apply from this date.