



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021	Date to be published	1 April 2022

List of documents that have been proactively released		
Date	Title	Author
December 2021	<i>COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021</i>	<i>Office of the Minister for Workplace Relations and Safety</i>
20 December 2021	<i>COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021</i> <i>CAB-21-MIN-0540</i>	<i>Cabinet Office</i>

Information redacted

NO

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Cabinet

Minute of Decision

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

Portfolio **Workplace Relations and Safety**

On 20 December 2021, Cabinet:

- 1 **noted** that on 13 December 2021, Cabinet agreed to amend the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 to classify breaches of the following provisions of the COVID-19 Public Health Response Act 2020 accordingly:
 - 1.1 section 17B (duty on Persons Conducting a Business or Undertaking (PCBUs) to keep vaccination records): low risk, matching the approach taken in the COVID-19 Public Health Response (Vaccinations) Order 2021;
 - 1.2 section 17C (duty on PCBUs to prevent workers from carrying out work unless vaccinated): high risk, matching the approach taken in the COVID-19 Public Health Response (Vaccinations) Order 2021;
 - 1.3 section 17D (duty on workers not to do work without vaccination): high risk, matching the approach taken in the COVID-19 Public Health Response (Vaccinations) Order 2021;

[CAB-21-MIN-0533]
- 2 **noted** that the COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021 give effect to the decisions referred to above;
- 3 **authorised** the submission to the Executive Council of the COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021 [PCO 24376/6.0];
- 4 **noted** that a waiver of the 28-day rule is sought:
 - 4.1 so that amendments to the COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021 can come into force on 21 December 2021;
 - 4.2 on the grounds that they validate irregularities, and will confer only benefits on the public;
- 5 **agreed** to a waiver of the 28-day rule so that the COVID-19 Public Health Response (Infringement Offences) Amendment Regulations 2021 can come into force on 21 December 2021;

- 6 **noted** that under section 33(2) of the COVID-19 Public Health Response Act, before prescribing different penalties for different infringement offences or classes of infringement offences, the Minister for COVID-19 Response must consider the following, if relevant:
- 6.1 the severity and impact of the breaches specified as infringement offences or classes of infringement offences;
 - 6.2 the appropriateness of the penalty for any group likely to be affected by the specified offences or specified classes of offences, including equity considerations; and
 - 6.3 penalties for comparable offences or classes of offences in legislation (if any).
- 7 **noted** the advice of the Minister for Workplace Relations and Safety, on behalf of the Minister for COVID-19 Response, that this requirement has been met.

Michael Webster
Secretary of the Cabinet