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**EXTRAORDINARY
GOVERNMENT OF FIJI GAZETTE SUPPLEMENT**

No. 1

MONDAY, 10th JANUARY

2022

[LEGAL NOTICE NO. 1]

PUBLIC HEALTH ACT 1935

**Public Health (Infectious Diseases) (Infringement
Notices) (Amendment) Regulations 2022**

In exercise of the powers conferred on me by sections 82C and 83 of the Public Health Act 1935, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Public Health (Infectious Diseases) (Infringement Notices) (Amendment) Regulations 2022.

(2) These Regulations come into force on 10 January 2022.

(3) In these Regulations, the Public Health (Infectious Diseases) (Infringement Notices) Regulations 2021 is referred to as the “Principal Regulations”.

Regulation 7 amended

2. Regulation 7 of the Principal Regulations is amended by—

(a) after paragraph (a), deleting “; or”;

(b) in paragraph (b), deleting “,” and substituting “; or”; and

(c) after paragraph (b), inserting the following new paragraph—

“(c) a ship that operates under a coasting-trade licence.”.

Regulations 8A and 8B inserted

3. The Principal Regulations are amended after regulation 8 by inserting the following new regulations—

“Screening

8A. Any person who fails to comply with an order in relation to the requirement to screen staff, customers, clients, crew, pilots and masters for temperature, COVID-19 symptoms or COVID-19, commits a fixed penalty offence.

VAX-Check Tool

8B. Any person who fails to comply with an order in relation to the use of the VAX-Check Tool to verify the COVID-19 vaccination status of any vaccine eligible person, commits a fixed penalty offence.”.

Regulation 9 amended

4. The Principal Regulations are amended by deleting regulation 9 and substituting the following—

“Contact tracing

9. Any person who fails to comply with an order in relation to the requirement—
- (a) to display the QR Code for careFIJI check-in;
 - (b) that their employees, customers and clients display the careFIJI mobile application or check-in by scanning the QR Code for careFIJI check-in; or
 - (c) to register employee, customer and client details for contact tracing, commits a fixed penalty offence.”.

Regulations 11A, 11B and 11C inserted

5. The Principal Regulations are amended after regulation 11 by inserting the following new regulations—

“Spectators at contact sports engagement or tournament

11A. Any organiser of an organised contact sports engagement or tournament that fails to comply with an order to ensure that there are no spectators at the contact sports engagement or tournament, commits a fixed penalty offence.

Dancing

11B. Any business that fails to comply with an order to take reasonable steps to ensure that its customers do not dance, commits a fixed penalty offence.

Prohibition of dancing

11C. Any person who fails to comply with an order to not dance commits a fixed penalty offence.”.

Regulation 17A amended

6. Regulation 17A of the Principal Regulations is amended after “gathering” by inserting “or adhere to COVID-Safe operations for houses of worship”.

Regulation 17B inserted

7. The Principal Regulations are amended after regulation 17A by inserting the following new regulation—

“Display of maximum capacity in businesses and houses of worship

17B. Any business or house of worship that fails to comply with an order to display the maximum capacity of the premises of the business or house of worship, commits a fixed penalty offence.”.

Regulation 18 amended

8. Regulation 18 of the Principal Regulations is amended in the heading after “capacity” by inserting “in public service vehicles”.

Regulations 18A, 18B and 18C inserted

9. The Principal Regulations are amended after regulation 18 by inserting the following new regulations—

“Boarding public service vehicles

18A. Any person who fails to comply with an order to only board a public service vehicle that has less than 80 percent passenger capacity, commits a fixed penalty offence.

Passenger capacity in ships

18B. Any person who fails to comply with an order to limit passenger capacity in ships commits a fixed penalty offence.

Display of maximum capacity in public service vehicles and ships

18C. Any business that operates a public service vehicle or ship under a coasting-trade licence that fails to comply with an order to display the maximum capacity of the public service vehicle or ship, commits a fixed penalty offence.”.

Regulations 23A, 23B and 23C inserted

10. The Principal Regulations are amended after regulation 23 by inserting the following new regulations—

“COVID-19 vaccination

23A. Any high-risk business or business that operates a ship under a coasting-trade licence that fails to comply with an order in relation to the requirement to only permit vaccine eligible persons who have received 2 doses of the COVID-19 vaccine into the premises, commits a fixed penalty offence.

Care Fiji Commitment Certification

23B. Any business that provides accommodation services to visitors that fails to comply with an order to acquire and comply with conditions of Care Fiji Commitment Certification in order to provide its services, commits a fixed penalty offence.

COVID-Safe protocols

23C. Any person who fails to comply with an order in relation to a COVID-Safe protocol commits a fixed penalty offence.”.

Regulation 24 amended

11. Regulation 24(1) of the Principal Regulations is amended by—

- (a) deleting “commits” and substituting “is alleged to have committed”; and
- (b) after “the infringement notice”, inserting “within 7 days from the date of commission of the alleged offence”.

Regulation 25 amended

12. Regulation 25 of the Principal Regulations is amended by deleting “90” and substituting “21”.

Regulation 28 amended

13. Regulation 28 of the Principal Regulations is amended by deleting “12 months” and substituting “28 days”.

Regulation 29 amended

14. Regulation 29 of the Principal Regulations is amended by—

- (a) in the heading, deleting “third” and substituting “second”;
- (b) after “necessary” wherever it appears, inserting “using the form set out in Schedule 3”;
- (c) in subregulation (1)—
 - (i) deleting “3” and substituting “2”;
 - (ii) deleting “8, 9, 13, 14, 15, 16, 17, 19 or 20” and substituting “8, 8A, 8B, 9, 11B, 14, 15, 16, 17, 17A, 17B, 20, 23A, 23B or 23C (except in relation to land transport services and shipping services/ operations)”;
 - (iii) after “business”, inserting “or house of worship as applicable”; and
 - (iv) deleting “third” and substituting “second”; and
- (d) in subregulation (2)—
 - (i) deleting “8, 9, 13, 14, 15, 16, 17, 19 or 20” and substituting “8, 8A, 8B, 9, 11B, 14, 15, 16, 17, 17A, 17B, 20, 23A, 23B or 23C (except in relation to land transport services and shipping services/ operations)”;
 - (ii) deleting “third” and substituting “second”.

Schedule 1 amended

15. The Principal Regulations is amended by deleting Schedule 1 and substituting the following—

“SCHEDULE 1
(Regulation 2)

FIXED PENALTY OFFENCES AND FIXED PENALTIES

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
4	Failure to comply with an order in relation to curfew.	\$10,000 5 years	\$250	\$1000	
5	Failure to comply with an order in relation to entering or leaving a containment zone or lockdown zone.	\$10,000 5 years	\$250	\$1000	

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
6	Failure to comply with an order in relation to travel within a containment zone.	\$10,000 5 years	\$250	\$1000	
6A	Failure to comply with an order in relation to the requirements for travel.	\$10,000 5 years	\$250	\$1000	
7(a)	Failure to comply with an order in relation to the wearing of a face covering in a public place.	\$10,000 5 years	\$250	Not applicable	
7(b)	Failure to comply with an order in relation to the wearing of a face covering in a public service vehicle.	\$10,000 5 years	\$100	\$1000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
7(c)	Failure to comply with an order in relation to the wearing of a face covering in a ship that operates under a coasting-trading licence	\$10,000 5 years	\$250	\$1000	<ul style="list-style-type: none"> Coasting-trade licence/permit cancelled/ revoked pursuant to section 115 of the Maritime Transport Act 2013/ regulation 10 of the Maritime (Coasting-Trade) Regulations 2014; For persons other than natural persons, twice the amount of the applicable penalty fine, <p>for second or subsequent offence.</p>

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
8	Failure to comply with an order to require employees and customers to wear face coverings in order to enter premises.	\$10,000 5 years	\$250	\$1000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
8A	Failure to comply with an order in relation to the requirement to screen staff, customers, clients, crew, pilots and masters.	\$10,000 5 years	\$250	\$1000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
8B	Failure to comply with an order in relation to the use the VAX-Check Tool to verify the COVID-19 vaccination status of any vaccine eligible person.	\$10,000 5 years	\$250	\$1000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
9	Failure to comply with an order in relation to contact tracing.	\$10,000 5 years	\$250	\$1000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
10	Failure to comply with an order in relation any gathering.	\$10,000 5 years	\$250	\$1000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
11	Failure to comply with an order in relation to any contact sports engagement.	\$10,000 5 years	\$250	\$1000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
11A	Failure to comply with an order to ensure that no spectators are present at any contact sports engagement or tournament.	\$10,000 5 years	\$250	\$1000	
11B	Failure to comply with an order to take reasonable steps to ensure customers do not dance.	\$10,000 5 years	\$250	\$1000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
11C	Failure to comply with an order to not dance.	\$10,000 5 years	\$250	Not applicable	
12	Failure to comply with an order in relation to being 2 metres away from any other person in queue.	\$10,000 5 years	\$250	Not applicable	
13	Failure to comply with an order in relation to inter-island passenger shipping travel and flights.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> Coasting-trade licence/permit cancelled/ revoked pursuant to section 115 of the Maritime Transport Act 2013/ regulation 10 of the Maritime (Coasting-Trade) Regulations 2014; For persons other than natural persons, twice the amount of the applicable penalty fine <p>for second or subsequent offence.</p>

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
14	Failure to comply with an order in relation to the closure of businesses.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
15	Failure to comply with an order in relation to the closure of high-risk businesses.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> Permit to operate a high-risk business revoked; For persons other than natural persons, twice the amount of the applicable penalty fine, <p>for second or subsequent offence.</p>
16	Failure to comply with an order in relation to the closure of nightclubs.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
16A	Failure to comply with an order in relation to the closure of schools.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
17	Failure to comply with an order to limit customer capacity of customer-facing services	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
17A	Failure to comply with an order to limit the seating capacity of an indoor religious gathering or adhere to COVID-Safe operations for houses of worship.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
17B	Failure to comply with an order to display the maximum capacity of the premises of a business or house of worship.	\$10,000 5 years	\$100	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
18	Failure to comply with an order to limit passenger capacity in public service vehicles.	\$10,000 5 years	\$100	\$1,000	<ul style="list-style-type: none"> Public service vehicle impounded pursuant to section 73 of the Land Transport Act 1998; For persons other than natural persons, twice the amount of the applicable penalty fine, <p>for second or subsequent offence.</p>
18A	Failure to comply with an order to only board a public service vehicle if it has less than 80% passenger capacity.	\$10,000 5 years	\$100	Not applicable	
18B	Failure to comply with an order to limit passenger capacity in ships.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> Coasting-trade licence/permit cancelled/ revoked pursuant to section 115 of the Maritime Transport Act 2013/ regulation 10 of the Maritime (Coasting-Trade) Regulations 2014; For persons other than natural persons, twice the amount of the applicable penalty fine, <p>for second or subsequent offence.</p>

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
18C	Failure to comply with an order to display the maximum capacity of public service vehicle or ship.	\$10,000 5 years	\$100	\$1,000	<ul style="list-style-type: none"> • Public service vehicle impounded pursuant to section 73 of the Land Transport Act 1998; • Coasting-trade licence/permit cancelled/ revoked pursuant to section 115 of the Maritime Transport Act 2013/ regulation 10 of the Maritime (Coasting-Trade) Regulations 2014; • For persons other than natural persons, twice the amount of the applicable penalty fine, <p>for second or subsequent offence.</p>
19	Failure to comply with an order in relation to the operation of a public service vehicle within a containment zone.	\$10,000 5 years	\$100	\$1,000	<ul style="list-style-type: none"> • Public service vehicle impounded pursuant to section 73 of the Land Transport Act 1998; • For persons other than natural persons, twice the amount of the applicable penalty fine, <p>for second or subsequent offence.</p>

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
20	Failure to comply with an order in relation to in-person dining.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
21	Failure to comply with an order in relation to consumption of kava and liquor.	\$10,000 5 years	\$250	Not applicable	
22	Failure to comply with an order in relation to isolation or quarantine.	\$10,000 5 years	\$250	Not applicable	
23	Failure to comply with an order in relation to the treatment of persons subject to isolation or quarantine.	\$10,000 5 years	\$250	Not applicable	
23A	Failure to comply with an order in relation to the requirement to only permit vaccine eligible persons who have received 2 doses of the COVID-19 vaccine into the premises.	\$10,000 5 years	\$250	\$1,000	<ul style="list-style-type: none"> For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23B	Failure to comply with an order to acquire and comply with conditions of Care Fiji Commitment Certification in order to provide services.	\$10,000 5 years	\$500	\$4,000	<ul style="list-style-type: none"> Care Fiji Commitment Certification cancelled and the accommodation provider to be removed from the list of recognised CFC accommodation service providers; For persons other than natural persons, twice the amount of the applicable penalty fine, <p>for second or subsequent offence.</p>

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Business Operations.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Retail Operations.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Operations for Houses of Worship.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for Enhanced Ventilation.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Operations for Hairdressers and Salon Services.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Operations for Tattoo Parlours.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.

Regulation	Fixed penalty offence	Maximum penalty: Fine Imprisonment	Fixed penalty for natural persons	Fixed penalty for persons other than natural persons	
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Gym Operations.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Cinema/Movie Theatre Operations.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Operations of Bars and Taverns.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Gaming Venue Operations.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for COVID-Safe Tourism Accommodation Operations.	\$10,000 5 years	\$500	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.
23C	Failure to comply with an order in relation to the Protocol for Land Transport Services.	\$10,000 5 years	\$100	\$4,000	• For persons other than natural persons, twice the amount of the applicable penalty fine, for second or subsequent offence.”

Schedule 2 amended

16. Schedule 2 to the Principal Regulations is amended by—

- (a) deleting “90 days” wherever it appears and substituting “21 days”; and
- (b) deleting “12 months” and substituting “28 days”.

Schedule 3 inserted

17. The Principal Act is amended after Schedule 2 by inserting the following new schedule—

“SCHEDULE 3
(Regulation 29)

<p>CLOSING ORDER</p> <p style="text-align: right;">Reference:</p> <p>To [insert name of [owner/occupier/person in charge of premises] , of [insert name of or description of premises] situated at [insert address or description of premises sufficient to identify the premises].</p> <p>Pursuant to regulation 29 of the Public Health (Infectious Diseases) (Infringement Notices) Regulations 2021, you are hereby ordered to close business for a period not exceeding days/months having been issued infringement notices no. [insert reference of first infringement notice no.] and [insert reference of second infringement notice no.], with immediate effect subject to terms and conditions as listed below.</p> <p>The following terms and conditions apply:</p> <ul style="list-style-type: none"> • [insert terms and conditions] <p>Authorised officer:.....</p> <p>Signature:</p> <p>Date:”</p>
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Made this 10th day of January 2022.

I. WAQAINABETE
Minister for Health and Medical Services