

**Version  
as at 26 September 2022**



## **COVID-19 Public Health Response (Vaccinations) Order 2021**

(LI 2021/94)

COVID-19 Public Health Response (Vaccinations) Order 2021: revoked, at 11.59 pm on 26 September 2022, by clause 3(2) of the COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254).

This order is made by the Minister for COVID-19 Response under section 11 of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

### **Contents**

	Page
1 Title	2
2 Commencement	2
3 Purpose	2
4 Interpretation	3
5 Transitional, savings, and related provisions	8
6 Application of order	8
<i>Duties in relation to vaccinations</i>	
7 Duty of affected person not to carry out certain work	8
7A Certain affected persons not vaccinated or who have not received booster dose authorised to carry out certain work	8
7A Exemption from duty under clause 7 [ <i>Revoked</i> ]	9
8 Duties of relevant PCBUs in relation to vaccinations	9
8A Exclusion from certain duties	10
9 Relevant chief executive may authorise affected persons not vaccinated or who have not received booster dose to carry out certain work [ <i>Revoked</i> ]	10

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#### **Note**

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

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

**This order is administered by the Ministry of Health.**

9A	Director-General may authorise affected persons not fully vaccinated or who have not received booster dose to carry out certain work	10
9B	Director-General may grant COVID-19 vaccination exemption	11
10	Duties of relevant PCBUs of affected persons belonging to groups specified in Parts 1 to 6 and item 8.1 of Part 8 of Schedule 2: vaccination records <i>[Revoked]</i>	12
11	Duties of affected person regarding vaccination records	12
11A	Duties of relevant PCBUs of affected persons: vaccine records	13
11B	Duties of relevant PCBUs of certain affected persons authorised under clause 7A to carry out work	15
12	Duties regarding vaccination register <i>[Revoked]</i>	15
	<i>Exemptions</i>	
12A	Power of Minister to grant exemptions	15
	<i>Infringement offences</i>	
13	Infringement offences	16
	<b>Schedule 1</b>	18
	<b>Transitional, savings, and related provisions</b>	
	<b>Schedule 2</b>	24
	<b>Groups of affected persons</b>	
	<b>Schedule 3</b>	25
	<b>Vaccinations</b>	
	<b>Schedule 4</b>	28
	<b>Booster doses</b>	

## Order

- 1 Title**  
This order is the COVID-19 Public Health Response (Vaccinations) Order 2021.
- 2 Commencement**  
This order comes into force at 11.59 pm on 30 April 2021.
- 3 Purpose**  
The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by requiring certain work to be carried out by affected persons who are vaccinated and have received a booster dose.

Clause 3: amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 3: amended, at 11.59 pm on 14 July 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

#### **4 Interpretation**

In this order, unless the context otherwise requires,—

**affected person** means a person who belongs to a group (or whose work would cause them to belong to a group)

**booster dose** means a dose of a COVID-19 vaccine specified in the first column of the table in Schedule 4 administered in accordance with the requirements specified for that dose in the second column of that table

**care and support services** means services that are funded by the Ministry of Health, a DHB, or ACC and provided to a person for the purpose of—

- (a) assisting the person to continue to live in the person’s home or in the community (such as personal care and household management services); or
- (b) providing mental health and addiction support services, or vocational and disability support services; or
- (c) if the person has a disability, assisting the person to work in the community; or
- (d) if the person has an injury covered by the Accident Compensation Act 2001, supporting the person’s rehabilitation from the injury or supporting them to achieve and sustain their maximum level of participation in everyday life

**care and support worker** means a person employed or engaged to provide care and support services within a home or place of residence

**certain work**, in relation to an affected person, means work that the affected person carries out (whether paid or unpaid) in respect of a group specified in Schedule 2

**certified provider** means a person who is certified under section 26(1) of the Health and Disability Services (Safety) Act 2001 to provide health care services of any kind

**COVID-19 vaccination exemption** means a COVID-19 vaccination exemption granted by the Director-General under clause 9B

**COVID-19 vaccination record**, in relation to an affected person, means the record of COVID-19 vaccinations received by the person that is held on the register

**COVID-19 vaccine** means a COVID-19 vaccine specified in the second column of the table in Schedule 3

**exempt person** means a person who has a COVID-19 vaccination exemption

**group** means a group of affected persons specified in the second column of an item of the table set out in Schedule 2

**health care services** has the same meaning as in section 4(1) of the Health and Disability Services (Safety) Act 2001

**health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**health service** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**home or place of residence** includes a residential care facility, retirement village, and rest home

**medical practitioner** means a health practitioner who—

- (a) is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine; and
- (b) holds a current practising certificate

**mental health and addiction support services** has the same meaning as in section 5 of the Support Workers (Pay Equity) Settlements Act 2017

**Minister** means the Minister for COVID-19 Response

**nurse practitioner** means a health practitioner who—

- (a) is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing and whose scope of practice permits the performance of nurse practitioner functions; and
- (b) holds a current practising certificate

**relevant PCBU** means the PCBU (within the meaning of section 17 of the Health and Safety at Work Act 2015) who employs or engages an affected person to carry out certain work

**specified COVID-19 vaccination exemption criteria** means the criteria for determining whether a person may be granted a COVID-19 vaccination exemption that are specified in a notice made by the Director-General under section 5(3)(a) of the Act

**vaccinated**, in relation to an affected person, means the person has received all of the doses of a COVID-19 vaccine or combination of COVID-19 vaccines specified in the second column of the table in Schedule 3 administered in accordance with the requirements specified for that vaccine or combination of vaccines in the third column of that table

**vocational and disability support services** has the same meaning as in section 5 of the Support Workers (Pay Equity) Settlements Act 2017

Clause 4 **affected aircraft**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **affected airport**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **affected education service**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **affected item**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **affected person**: replaced, at 11.59 pm on 14 July 2021, by clause 5(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **affected port**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **affected ship**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **aircraft**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **aircrew member**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **airside**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **booster dose**: inserted, at 11.59 pm on 23 January 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 4 **care and support services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **care and support worker**: replaced, at 11.59 pm on 6 November 2021, by clause 7(2) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **certain work**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **certified provider**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **close-proximity business or service**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **corrections prison**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **COVID-19 vaccination exemption**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **COVID-19 vaccination record**: inserted, at 11.59 pm on 17 October 2021, by clause 4(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **COVID-19 vaccine**: inserted, at 11.59 pm on 17 October 2021, by clause 4(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **crew**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **CVC**: revoked, on 17 June 2022, by clause 4 of the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order Revocation Order 2022 (SL 2022/179).

Clause 4 **Defence Force**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **early childhood service**: revoked, at 11.59 pm on 6 November 2021, by clause 7(3) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **enclosed space**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **excluded airport person**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **excluded port person**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **exempt person**: replaced, at 11.59 pm on 6 November 2021, by clause 7(4) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **food and drink business or service**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **government official**: revoked, at 11.59 pm on 14 July 2021, by clause 5(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **gym**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **have contact with**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **health care services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **health practitioner**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **health service**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **home-based education and care service**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **home or place of residence**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **hostel**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **international layover**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **landside**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **licensed early childhood service**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **managed isolation facility**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **managed quarantine facility**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **medical practitioner**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **mental health and addiction support services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **Minister**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **nurse practitioner**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **permitted event**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **physical distancing**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **place**: revoked, at 11.59 pm on 14 July 2021, by clause 5(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **playgroup**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **public service agency**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **QFT flight**: revoked, at 11.59 pm on 7 November 2021, by clause 10(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **QFT person**: revoked, at 11.59 pm on 7 November 2021, by clause 10(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **register**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **registered school**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **relevant aircrew member**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **relevant PCBU**: amended, at 11.59 pm on 14 July 2021, by clause 5(5) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **service worker**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **ship**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **specified COVID-19 vaccination exemption criteria**: inserted, on 26 November 2021, by section 18 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Clause 4 **specified visitor**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **staff member of a corrections prison**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **staff member of a prison**: revoked, at 11.59 pm on 6 November 2021, by clause 7(5) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **State services**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **statutory visitor**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **tertiary education premises**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **tertiary education provider**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 4 **vaccinated**: replaced, at 11.59 pm on 17 October 2021, by clause 4(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **vocational and disability support services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **workers who handle affected items**: revoked, at 11.59 pm on 2 July 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

## 5 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

## 6 Application of order

This order applies to the whole of New Zealand.

### *Duties in relation to vaccinations*

## 7 Duty of affected person not to carry out certain work

An affected person must not carry out certain work unless they are—

- (a) vaccinated and have received a booster dose; or
- (b) an exempt person.

Clause 7: replaced, at 11.59 pm on 7 November 2021, by clause 8 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 7(a): amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

### 7A Certain affected persons not vaccinated or who have not received booster dose authorised to carry out certain work

- (1) This clause applies to an affected person if they—
  - (a) test positive for COVID-19 at or after 11.59 pm on 15 May 2022 as evidenced by—
    - (i) definitive laboratory evidence; or
    - (ii) a positive result from an authorised rapid antigen test; and
  - (b) are not an exempt person.
- (2) Despite clause 7, the person may carry out certain work, for a period of 100 days after the date on which they receive the evidence specified in subclause (1)(a)(i) or (ii), without having been vaccinated or having received a booster dose.
- (3) In this clause,—



**authorised rapid antigen test** means a point-of-care test permitted to be used under the COVID-19 Public Health Response (Point-of-care Tests) Order 2021

**definitive laboratory evidence** means—

- (a) detection of SARS-CoV-2 from a clinical specimen using—
  - (i) a validated nucleic acid amplification test (NAAT) for COVID-19; or
  - (ii) a validated single target point of care nucleic acid amplification test (NAAT) for COVID-19; or
- (b) detection of coronavirus from a clinical specimen using a pan-coronavirus nucleic acid amplification test (NAAT) for COVID-19 and confirmation as SARS-CoV-2 by sequencing; or
- (c) detection from a clinical specimen of a significant rise in IgG antibody level to SARS-CoV-2 between paired sera; or
- (d) detection of SARS-CoV-2 from a clinical specimen using a validated laboratory multi-target nucleic acid amplification test (NAAT) for COVID-19

**nucleic acid amplification test (NAAT) for COVID-19** means a test for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) viral ribonucleic acid using—

- (a) reverse transcription polymerase chain reaction (RT-PCR); or
  - (b) transcription-mediated amplification (TMA).
- (4) For the purposes of paragraph (a) of the definition of definitive laboratory evidence, a very weak positive result is only definitive laboratory evidence if the result is confirmed in a second sample.

Clause 7A: inserted, at 11.59 pm on 15 May 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131).

## 7A Exemption from duty under clause 7

*[Revoked]*

Clause 7A: revoked, at 11.59 pm on 7 November 2021, by clause 9 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

## 8 Duties of relevant PCBUs in relation to vaccinations

- (1) A relevant PCBU must not allow an affected person to carry out certain work unless satisfied that the person—
  - (a) is vaccinated and has received a booster dose; or
  - (b) is an exempt person; or
  - (c) is authorised under clause 7A to carry out the work and has not previously relied on an authorisation under that clause to carry out work while engaged or employed by that PCBU.

- (2) A relevant PCBU—
- (a) must notify each affected person of their duty to be vaccinated and to receive a booster dose; and
  - (b) must not prevent the affected person from reporting for, and undergoing, vaccination during their working hours, if vaccinations are available during those hours.

(3) *[Revoked]*

Clause 8(1): replaced, at 11.59 pm on 15 May 2022, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131).

Clause 8(2)(a): amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 8(3): revoked, at 11.59 pm on 2 July 2022, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

#### **8A Exclusion from certain duties**

- (1) Despite clause 7, an affected person who is vaccinated may carry out certain work without receiving a booster dose if the affected person is under 18 years of age.
- (2) Despite clause 8, if subclause (1) applies to an affected person, a PCBU may allow the affected person to carry out certain work for the PCBU without a booster dose.

Clause 8A: inserted, at 11.59 pm on 23 January 2022, by clause 6 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 8A(1): replaced, at 11.59 pm on 4 April 2022, by clause 21 of the COVID-19 Public Health Response (Protection Framework and Vaccinations) Amendment Order 2022 (SL 2022/89).

#### **9 Relevant chief executive may authorise affected persons not vaccinated or who have not received booster dose to carry out certain work**

*[Revoked]*

Clause 9: revoked, at 11.59 pm on 2 July 2022, by clause 6 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

#### **9A Director-General may authorise affected persons not fully vaccinated or who have not received booster dose to carry out certain work**

- (1) This clause applies despite anything in clause 7 or 8.
- (2) The Director-General may, on the application of a relevant PCBU (the **applicant**), authorise an affected person who is not fully vaccinated or who has not received a booster dose to carry out certain work.
- (3) The Director-General may give an authorisation in respect of an affected person only if—
- (a) the person has received at least 1 dose of any vaccine for COVID-19; and

- (b) the Director-General is satisfied, taking into account the certain work to be carried out by the person, that the receipt of that vaccine adequately prevents, or limits the risk of,—
  - (i) an outbreak of COVID-19; or
  - (ii) the spread of COVID-19.
- (4) The Director-General may impose 1 or more conditions on an authorisation (for example, that the affected person meet the vaccination requirements set out in Schedule 3 or 4 within a specified time frame).
- (5) The Director-General must give the applicant written notice of the outcome of an application and, if an authorisation has been given, of any conditions imposed on the authorisation.
- (6) The applicant must give a copy of a written notice received under subclause (5) to the affected person who is the subject of the application.

Clause 9A: inserted, at 11.59 pm on 17 October 2021, by clause 7 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 9A heading: amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 9A(2): amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 9A(3)(a): amended, at 11.59 pm on 15 May 2022, by clause 6 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131).

Clause 9A(3)(a): amended, at 11.59 pm on 1 December 2021, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 9A(4): amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

## **9B Director-General may grant COVID-19 vaccination exemption**

- (1) A suitably qualified medical practitioner or nurse practitioner (the **applicant**) may apply to the Director-General for a COVID-19 vaccination exemption on behalf of an affected person if either or both of the following apply:
  - (a) the person is not vaccinated;
  - (b) the person has not received a booster dose.
- (2) An application may be made only on the ground that the person on whose behalf the application is made (the **person**) meets the specified COVID-19 vaccination exemption criteria.
- (3) The person must—
  - (a) certify that the information that they have provided to the applicant for the purposes of making the application is accurate; and
  - (b) sign the application.
- (4) An application must be accompanied by a certificate signed by the applicant certifying that they—

- (a) have reviewed the person's medical history and assessed the person's state of health; and
  - (b) have reasonable grounds for believing that the person meets the specified COVID-19 vaccination exemption criteria.
- (5) The applicant must state their grounds for believing that the person meets the specified COVID-19 vaccination exemption criteria.
- (6) On receiving an application, the Director-General may ask the applicant or person to provide any evidence or further information that the Director-General reasonably requires for the purposes of deciding whether to grant the application.
- (7) The Director-General may grant the application if the Director-General is satisfied, on the basis of the evidence or other information provided, that the person meets the specified COVID-19 vaccination exemption criteria.
- (8) A COVID-19 vaccination exemption is valid for the period that the Director-General determines, which must be no longer than 6 months.
- (9) The Director-General must notify the applicant and the person of the outcome of the application.
- (10) If the application is granted, the Director-General must provide a copy of the COVID-19 vaccination exemption in written or electronic form to the applicant and person that states the date on which the exemption expires.
- (11) At any time before or after a COVID-19 vaccination exemption expires, a new application for a further exemption may be made under this clause by any medical practitioner or nurse practitioner on behalf of the person in respect of whom an exemption was granted.
- (12) *[Revoked]*

Clause 9B: inserted, at 11.59 pm on 7 November 2021, by clause 11 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 9B(1): replaced, at 11.59 pm on 15 May 2022, by clause 7 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131).

Clause 9B(12): revoked, on 26 November 2021, by section 18 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

## **10 Duties of relevant PCBUs of affected persons belonging to groups specified in Parts 1 to 6 and item 8.1 of Part 8 of Schedule 2: vaccination records**

*[Revoked]*

Clause 10: revoked, at 11.59 pm on 2 July 2022, by clause 7 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

## **11 Duties of affected person regarding vaccination records**

- (1) An affected person who carries out certain work for a relevant PCBU must—
  - (a) allow the relevant PCBU to access any COVID-19 vaccination record that the Ministry of Health may have for the affected person; and

- (b) advise the relevant PCBU if they have received 1 or more doses of a COVID-19 vaccine or combination of COVID-19 vaccines outside New Zealand.
- (2) If an affected person who carries out certain work for a relevant PCBU considers that their COVID-19 vaccination record is not up to date because it does not include a record of any dose of a COVID-19 vaccine that they have received (whether inside or outside New Zealand), the affected person may—
  - (a) notify the relevant PCBU of that fact; and
  - (b) provide to the relevant PCBU evidence of having received that dose and of the date on which it was received.
- (3) An affected person who carries out certain work for a relevant PCBU must, if they are an exempt person, provide written confirmation of that fact to—
  - (a) the relevant PCBU; and
  - (b) an enforcement officer on request.
- (4) An affected person who carries out certain work for a relevant PCBU must, if they are authorised under clause 7A to carry out the work, provide the following to the relevant PCBU:
  - (a) the definitive laboratory evidence specified in clause 7A(1)(a)(i); or
  - (a) confirmation of the positive result referred to in clause 7A(1)(a)(ii).
- (4) *[Revoked]*

Clause 11: replaced, at 11.59 pm on 17 October 2021, by clause 9 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 11(4): inserted, at 11.59 pm on 15 May 2022, by clause 8 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131).

Clause 11(4): revoked, at 11.59 pm on 4 April 2022, by clause 24 of the COVID-19 Public Health Response (Protection Framework and Vaccinations) Amendment Order 2022 (SL 2022/89).

#### **11A Duties of relevant PCBUs of affected persons: vaccine records**

- (1) This clause applies to a relevant PCBU who employs or engages an affected person.
- (2) The relevant PCBU must, for each affected person employed or engaged by the PCBU, keep and maintain a record of the following information:
  - (a) the affected person's full name;
  - (b) the affected person's date of birth;
  - (c) a telephone number and email address by which the affected person may be contacted;
  - (d) whether the affected person is vaccinated;
  - (e) if the affected person is vaccinated,—
    - (i) the name of the COVID-19 vaccine or vaccines they have received; and

- (ii) the date or dates on which they received a dose of the vaccine or vaccines:
  - (f) if the affected person is not vaccinated because they have received a first, but not a second, dose of a COVID-19 vaccine, the latest date by which they must have the second dose of a COVID-19 vaccine to be vaccinated:
  - (g) if the affected person is not vaccinated because they have not received a dose of a COVID-19 vaccine, the latest dates by which they must have their first and second doses of a COVID-19 vaccine to be vaccinated:
  - (ga) if the affected person has received a booster dose,—
    - (i) the name of the COVID-19 vaccine they received; and
    - (ii) the date on which they received that dose:
  - (gb) if the affected person (other than an affected person who is under 18 years of age) is vaccinated but has not received a booster dose, the latest date by which they must receive the booster dose:
  - (h) if the affected person is not vaccinated or has not received a booster dose in reliance on an exemption under clause 9B or 12A, or an authorisation under clause 9A,—
    - (i) confirmation of that fact; and
    - (ii) a copy of the exemption or authorisation.
- (3) The record must be in writing or kept in a form or in a manner that allows the information in the record to be easily accessed and converted into written form.
- (4) For the purposes of this clause, the affected person must—
- (a) provide the relevant PCBU with (or give the relevant PCBU access to) the information specified in subclause (2)(a) to (h) as soon as practicable; and
  - (b) ensure that the information is updated as soon as practicable after it changes.

Clause 11A: inserted, at 11.59 pm on 25 October 2021, by clause 9 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 11A heading: amended, at 11.59 pm on 2 July 2022, by clause 8(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 11A heading: amended, at 11.59 pm on 4 April 2022, by clause 25(1) of the COVID-19 Public Health Response (Protection Framework and Vaccinations) Amendment Order 2022 (SL 2022/89).

Clause 11A(1): amended, at 11.59 pm on 2 July 2022, by clause 8(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 11A(2)(ga): inserted, at 11.59 pm on 23 January 2022, by clause 8(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 11A(2)(gb): inserted, at 11.59 pm on 23 January 2022, by clause 8(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 11A(2)(gb): amended, at 11.59 pm on 2 July 2022, by clause 8(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 11A(2)(h): amended, at 11.59 pm on 2 July 2022, by clause 8(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 11A(2)(h): amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 11A(2)(h): amended, at 11.59 pm on 12 November 2021, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2021 (SL 2021/366).

### **11B Duties of relevant PCBUs of certain affected persons authorised under clause 7A to carry out work**

- (1) This clause applies to a relevant PCBU who employs or engages an affected person authorised under clause 7A to carry out certain work.
- (2) The relevant PCBU must—
  - (a) notify the person of the date on which the period described in clause 7A(2) ends; and
  - (b) notify the Ministry of Health before the end of each quarter of the number of persons notified during that quarter under paragraph (a).
- (3) In this clause, **quarter** means the 3-month period ending on 20 January, 20 April, 20 July, or 20 October.

Clause 11B: inserted, at 11.59 pm on 15 May 2022, by clause 9 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131).

### **12 Duties regarding vaccination register**

*[Revoked]*

Clause 12: revoked, at 11.59 pm on 2 July 2022, by clause 9 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

### *Exemptions*

Heading: inserted, on 12 August 2021, by clause 12 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

### **12A Power of Minister to grant exemptions**

- (1) A relevant PCBU may, by notice in writing to the Minister, apply for an exemption for a person specified in the application from any other provision of this order.
- (2) The relevant PCBU must, in writing, inform the person specified in the application of the application.
- (3) If the Minister receives an application, the Minister may ask the relevant PCBU to provide any evidence or other information that the Minister reasonably requires for the purposes of deciding whether to grant the exemption.
- (4) The Minister may exempt the person specified in the application from any provision of this order for a specified period if satisfied, on the basis of the evidence or other information provided, that—

- (a) the exemption is necessary or desirable to promote the purposes of the Act and prevent significant disruption to health services; and
  - (b) the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the exemption.
- (5) Before granting an exemption, the Minister must take into account—
- (a) *[Revoked]*
  - (b) the extent to which the work carried out by the person is necessary, including whether it could reasonably be—
    - (i) delayed to facilitate the vaccination of the persons needed to carry out work; or
    - (ii) performed by other persons who have been vaccinated or have received a booster dose; and
  - (c) the public health risk associated with the work.
- (6) The Minister may impose conditions on the exemption as the Minister considers necessary.
- (7) The Minister must, in writing, inform the relevant PCBU and the person specified in the application of the outcome of the application and, if the exemption is granted, when the exemption expires.
- (8) If an exemption is granted under this clause, the relevant PCBU must provide the person exempted with written notice of the exemption that states when the exemption expires.
- (9) Subclause (4)(a)(ii)(D) and (E) are revoked on 1 January 2022.

Compare: LI 2021/6 cl 46

Clause 12A: inserted, on 12 August 2021, by clause 12 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 12A(4)(a): replaced, at 11.59 pm on 2 July 2022, by clause 10(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 12A(5)(a): revoked, at 11.59 pm on 2 July 2022, by clause 10(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 12A(5)(b): amended, at 11.59 pm on 2 July 2022, by clause 10(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 12A(5)(b)(ii): amended, at 11.59 pm on 23 January 2022, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

Clause 12A(9): inserted, at 11.59 pm on 7 November 2021, by clause 12(3) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

### *Infringement offences*

## **13 Infringement offences**

- (1) A breach of clause 7, 8, 11, or 11A is an infringement offence for the purposes of section 26(3) of the COVID-19 Public Health Response Act 2020.
- (2) An infringement offence against—



- (a) clause 7 or 8 is a high risk offence:
  - (b) *[Revoked]*
  - (c) clause 11, or 11A is a low risk offence.
- (3) The penalties for the offences are set out in regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for those classes of offence.
- (4) In this clause,—

**high risk offence** means the high risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

**low risk offence** means the low risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

**medium risk offence** means the medium risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021.

Clause 13: replaced, on 4 December 2021, by clause 19 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

Clause 13(1): amended, at 11.59 pm on 2 July 2022, by clause 11(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 13(2)(b): revoked, at 11.59 pm on 2 July 2022, by clause 11(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Clause 13(2)(c): amended, at 11.59 pm on 2 July 2022, by clause 11(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

## Schedule 1

### Transitional, savings, and related provisions

cl 5

#### Part 1

##### Provisions relating to this order as made

##### 1 Transitional provision for affected persons on or before commencement

If, on or before the commencement of this clause, an affected person has had 1 injection of the Pfizer/BioNTech COVID-19 vaccine, the affected person must be treated as being vaccinated until the close of 4 June 2021.

##### 2 Transitional provision for persons who become affected persons after commencement

- (1) This clause applies to a person who becomes an affected person on or after 1 May 2021.
- (2) The person must, until the date that is 35 days after the date on which they become an affected person, be treated as being vaccinated if they have had 1 injection of the Pfizer/BioNTech COVID-19 vaccine before becoming an affected person.

#### Part 2

##### Provisions relating to COVID-19 Public Health Response (Vaccinations) Amendment Order 2021

*[Revoked]*

Schedule 1 Part 2: revoked, at 11.59 pm on 2 July 2022, by clause 12(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

##### 3 Transitional provision for affected persons on or before commencement

*[Revoked]*

Schedule 1 clause 3: revoked, at 11.59 pm on 2 July 2022, by clause 12(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

##### 4 Transitional provision for persons who become affected persons after commencement

*[Revoked]*

Schedule 1 clause 4: revoked, at 11.59 pm on 2 July 2022, by clause 12(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**Part 3**  
**Provisions relating to COVID-19 Public Health Response**  
**(Vaccinations) Amendment Order (No 3) 2021**

Schedule 1 Part 3: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

*Health and disability sector*

Heading: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

**5 Transitional provision for affected persons working in health and disability sector before commencement**

- (1) If an affected person who belongs to a group specified in Part 7 of the table in Schedule 2 is not vaccinated before the commencement of this clause, the affected person must—
  - (a) be treated as vaccinated until 15 November 2021 if they have their first dose of a COVID-19 vaccine before the close of that date;
  - (b) be treated as vaccinated until 1 January 2022 (and after that date) if they—
    - (i) have their first dose of a COVID-19 vaccine before the close of 15 November 2021; and
    - (ii) have their second dose of a COVID-19 vaccine before the close of 1 January 2022.
- (2) If an affected person who belongs to a group specified in Part 7 of the table in Schedule 2 is not vaccinated before the commencement of this clause and does not have their first dose of a COVID-19 vaccine before the close of 15 November 2021, the affected person must be treated as vaccinated—
  - (a) on the date on which they have their first dose of a COVID-19 vaccine; and
  - (b) from that date until 1 January 2022 (and after 1 January 2022) if they have their second dose of a COVID-19 vaccine before the close of 1 January 2022.

Schedule 1 clause 5: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

*Corrections prisons**[Revoked]*

Heading: revoked, at 11.59 pm on 2 July 2022, by clause 12(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**6 Transitional provision for affected persons working in corrections prisons before commencement***[Revoked]*

Schedule 1 clause 6: revoked, at 11.59 pm on 2 July 2022, by clause 12(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

*Affected education services**[Revoked]*

Heading: revoked, at 11.59 pm on 2 July 2022, by clause 12(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**7 Transitional provision for affected persons working in affected education services before commencement***[Revoked]*

Schedule 1 clause 7: revoked, at 11.59 pm on 2 July 2022, by clause 12(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**8 Transitional provision for relevant PCBUs of affected education services***[Revoked]*

Schedule 1 clause 8: revoked, at 11.59 pm on 2 July 2022, by clause 12(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**Part 4****Provisions relating to COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021***[Revoked]*

Schedule 1 Part 4: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**9 Transitional provision for Police employees working where health services are provided or at or for affected education services before commencement***[Revoked]*

Schedule 1 clause 9: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**10 Transitional provision for affected workers who are exempt persons before commencement of Amendment Order**

*[Revoked]*

Schedule 1 clause 10: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**Part 5**

**Provision relating to COVID-19 Public Health Response  
(Vaccinations) Amendment Order (No 4) 2021**

*[Revoked]*

Schedule 1 Part 5: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**11 Transitional provision for FENZ personnel working where health services are provided or at or for affected education services before commencement**

*[Revoked]*

Schedule 1 clause 11: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**Part 6**

**Provision relating to COVID-19 Public Health Response  
(Vaccinations) Amendment Order (No 5) 2021**

*[Revoked]*

Schedule 1 Part 6: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**12 Transitional provision for certain affected persons**

*[Revoked]*

Schedule 1 clause 12: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**13 Transitional provision for certain relevant PCBUs**

*[Revoked]*

Schedule 1 clause 13: revoked, at 11.59 pm on 2 July 2022, by clause 12(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**Part 7****Provisions relating to COVID-19 Public Health Response  
(Vaccinations) Amendment Order (No 6) 2021***[Revoked]*

Schedule 1 Part 7: revoked, on 17 June 2022, by clause 4 of the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order Revocation Order 2022 (SL 2022/179).

**14 Transitional provision for affected persons working in settings where CVC required for persons to enter place or receive service before commencement***[Revoked]*

Schedule 1 clause 14: revoked, on 17 June 2022, by clause 4 of the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order Revocation Order 2022 (SL 2022/179).

**Part 8****Provisions relating to COVID-19 Public Health Response  
(Vaccinations) Amendment Order 2022**

Schedule 1 Part 8: inserted, at 11.59 pm on 23 January 2022, by clause 9(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4).

**15 Transitional provision for affected persons who belong to a group in Parts 1 to 6 of Schedule 2: booster dose***[Revoked]*

Schedule 1 clause 15: revoked, at 11.59 pm on 2 July 2022, by clause 12(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**15A Transitional provision for affected persons who belong to a group in Part 7 of Schedule 2: booster dose**

- (1) Subclause (2) applies to an affected person who—
  - (a) is 18 years of age or older; and
  - (b) belongs to a group specified in Part 7 of the table in Schedule 2; and
  - (c) was vaccinated on or before the commencement of this clause; and
  - (d) has not received a booster dose.
- (2) The affected person must be treated as a person who has received a booster dose (and may continue to carry out certain work) if,—
  - (a) before 25 February 2022, they receive a booster dose; or
  - (b) on or after 25 February 2022, they receive a booster dose before the close of the date that is 183 days after the date on which they were vaccinated.

Schedule 1 clause 15A: inserted, at 11.59 pm on 14 February 2022, by clause 4(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2022 (SL 2022/15).

**16 Transitional provision for affected persons who belong to a group in Part 8 or 9 of Schedule 2: booster dose**

*[Revoked]*

Schedule 1 clause 16: revoked, at 11.59 pm on 2 July 2022, by clause 12(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

**17 Transitional provision for affected persons who are treated as vaccinated under clause 9 or 12 of this schedule**

*[Revoked]*

Schedule 1 clause 17: revoked, at 11.59 pm on 2 July 2022, by clause 12(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

## Schedule 2

### Groups of affected persons

cl 4

Schedule 2: replaced, at 11.59 pm on 14 July 2021, by clause 15 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

<b>Item</b>	<b>Group</b>
	<i>Part 7: Groups in relation to health and disability sector</i>
7.1	Health practitioners providing health services to patients in person
7.2	Workers who are employed or engaged by a general practice or a pharmacy and whose role involves being within 2 metres or less of a health practitioner or a member of the public for a period of 15 minutes or more
7.3	Workers who are employed or engaged by a certified provider and who, as part of their ordinary duties, come within 2 metres or less of a health practitioner or a person to whom health care services are provided for a period of 15 minutes or more
7.4	Care and support workers

Schedule 2 Part 1: revoked, at 11.59 pm on 2 July 2022, by clause 13(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 2: revoked, at 11.59 pm on 2 July 2022, by clause 13(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 3: revoked, at 11.59 pm on 2 July 2022, by clause 13(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 4: revoked, at 11.59 pm on 2 July 2022, by clause 13(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 5: revoked, at 11.59 pm on 2 July 2022, by clause 13(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 6: revoked, at 11.59 pm on 2 July 2022, by clause 13(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 7: inserted, at 11.59 pm on 25 October 2021, by clause 14 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Schedule 2 Part 7: amended, at 11.59 pm on 7 July 2022, by clause 13(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 7: amended, at 11.59 pm on 7 November 2021, by clause 14(1) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Schedule 2 Part 8: revoked, at 11.59 pm on 2 July 2022, by clause 13(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207).

Schedule 2 Part 9: revoked, at 11.59 pm on 4 April 2022, by clause 26 of the COVID-19 Public Health Response (Protection Framework and Vaccinations) Amendment Order 2022 (SL 2022/89).

Schedule 2 Part 10: revoked, at 11.59 pm on 4 April 2022, by clause 26 of the COVID-19 Public Health Response (Protection Framework and Vaccinations) Amendment Order 2022 (SL 2022/89).



## Schedule 3 Vaccinations

cls 4, 9A

Schedule 3: replaced, at 11.59 pm on 25 March 2022, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2022 (SL 2022/77).

Item	Doses of COVID-19 vaccine	Administration requirements
1	2 doses of Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2)	Either— (a) both doses received before carrying out certain work; or (b) 1 dose received before carrying out certain work and the second dose received within 35 days of having the first dose
2	2 doses of AstraZeneca (Oxford/AstraZeneca, Vaxzevria, AZD1222, ChAdOx1 nCoV-19)	Either— (a) both doses received before carrying out certain work; or (b) 1 dose received before carrying out certain work and the second dose received within 35 days of having the first dose
3	2 doses of AstraZeneca (Covishield, Serum Institute India formulation)	Both doses received before carrying out certain work
4	2 doses of Moderna (Spikevax, mRNA-1273)	Both doses received before carrying out certain work
5	2 doses of Sinopharm, Beijing (BBIBP-CorV, BIBP vaccine, Covilo)	Both doses received before carrying out certain work
6	2 doses of Sinovac (CoronaVac, PiCoVacc)	Both doses received before carrying out certain work
7	2 doses of Bharat Biotech (Covaxin, BBV152)	Both doses received before carrying out certain work
8	1 dose of Janssen / Johnson & Johnson (Janssen COVID-19 Vaccine, Ad26.COV2.S1, JNJ-78436735)	Dose received before carrying out certain work
9	2 doses of Novavax (Nuvaxovid, NVX-CoC2373)	Both doses received before carrying out certain work
10	2 doses of Covovax (Serum Institute India Novavax formulation)	Both doses received before carrying out certain work
11	2 doses of any combination of the following: <ul style="list-style-type: none"> <li>• Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2):</li> <li>• Moderna (Spikevax, mRNA-1273):</li> <li>• AstraZeneca (Oxford/AstraZeneca, Vaxzevria, AZD1222, ChAdOx1 nCoV-19):</li> <li>• AstraZeneca (Covishield, Serum Institute India formulation):</li> <li>• Sinopharm, Beijing (BBIBP-CorV, BIBP vaccine, Covilo):</li> <li>• Sinovac (CoronaVac, PiCoVacc):</li> </ul>	Either— (a) both doses received before carrying out certain work; or (b) 1 dose received before carrying out certain work and the second dose received within 35 days of having the first dose

<b>Item</b>	<b>Doses of COVID-19 vaccine</b>	<b>Administration requirements</b>
	<ul style="list-style-type: none"> <li>• Bharat Biotech (Covaxin, BBV152):</li> <li>• Novavax (Nuvaxovid, NVX-CoC2373):</li> <li>• Covovax (Serum Institute India Novavax formulation)</li> </ul>	
12	<p>If a person has received 1 or more doses (or for Zydus Cadila or Rasi Cov Pars, 1, 2, or 3 doses) of any of the following, then 1 additional dose of Pfizer/BioNTech, Moderna, AstraZeneca (Vaxzevria or Covishield), or Janssen vaccine is required:</p> <ul style="list-style-type: none"> <li>• Sinopharm, Wuhan (WIBP-CorV. Inactivated Vero Cells):</li> <li>• Sputnik V (Gamaleya Research Institute of Epidemiology and Microbiology Gam-COVID-Vac):</li> <li>• Gamaleya Research Institute of Epidemiology and Microbiology (Sputnik light):</li> <li>• Takeda (TAK-919) (<b>note:</b> this is a Moderna formulation):</li> <li>• CanSino (Convidecia, PakVac, Ad5-nCoV):</li> <li>• Zydus Cadila (ZyCoV-D):</li> <li>• Anhui Zhifei Longcom (Zifivax, ZF2001, ZF-UZ-VAC-2001):</li> <li>• Minhai Biotechnology Co (Beijing) (KCONVAC, Minhai COVID-19 vaccine):</li> <li>• Shifa Pharmed Industrial Co (COVIran Barekat, BIV1-CoVIran):</li> <li>• Federal Budgetary Research Institution State Research Center of Virology and Biotechnology VECTOR FBRI (EpiVacCorona, Aurora-CoV):</li> <li>• Chumakov Centre (KoviVac):</li> <li>• Khazakstan Research Institute for Biological Safety Problems, RIBSP (QazVac, QazCovid-in):</li> <li>• Medigen Vaccine Biologics Corporation, MVC (MVC COVID-19 vaccine, MVC-COV1901):</li> <li>• Center for Genetic Engineering and Biotechnology, CIGB (Abdala, CIGB-66):</li> <li>• Vaxine/CinnaGen Co COVAX-19 (SpikoGen):</li> <li>• Biological E. (BioE) Limited (Corbevax, BECOV2D, BECOV2A, BioE COVID-19):</li> <li>• Federal Budgetary Research Institution State Research Center of Virology and Biotechnology VECTOR, FBRI (EpiVacCorona-N, EpiVacCorona):</li> <li>• Health Institutes of Turkey (Turkovac, ERUCOV-VAC):</li> <li>• Instituto Finlay de Vacunas Cuba (Soberana 02, FINLAY-FR-2, Pasteurcovac):</li> </ul>	All doses must be received before carrying out certain work

<b>Item</b>	<b>Doses of COVID-19 vaccine</b>	<b>Administration requirements</b>
	<ul style="list-style-type: none"><li>• National Vaccine and Serum Institute, China (Recombinant SARS-COV-2 Vaccine (CHO Cell), NVSI-0608, Recombinant COVID-19 Vaccine (CHO cell, NVSI-06-08)):</li><li>• Organization of Defensive Innovation and Research, Iran (FAKHRAVAC, MIVAC):</li><li>• Razi Vaccine and Serum Research Institute, Iran (Rasi Cov Pars)</li></ul>	
13	If a person has received 2 doses of Instituto Finlay de Vacunas Cuba (Soberana 02, FINLAY-FR-2, Pasteurcovac) and 1 dose of Instituto Finlay de Vacunas Cuba (Soberana Plus, FINLAY-FR-1A), then 1 additional dose of Pfizer/BioNTech, Moderna, AstraZeneca (Vaxzevria or Covishield), or Janssen vaccine is required	All doses must be received before carrying out certain work

## Schedule 4 Booster doses

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Schedule 4: replaced, at 11.59 pm on 15 May 2022, by clause 10 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131).

<b>Item</b>	<b>Booster doses of COVID-19 vaccine</b>	<b>Administration requirements</b>
1	1 dose of Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
2	1 dose of AstraZeneca (Oxford/AstraZeneca, Vaxzevria, AZD1222, ChAdOx1 nCoV-19)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
3	1 dose of AstraZeneca (Covishield, Serum Institute India formulation)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
4	½ (half) or 1 dose of Moderna (Spikevax, mRNA-1273)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
5	1 dose of Sinopharm, Beijing (BBIBP-CorV, BIBP vaccine, Covilo)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
6	1 dose of Sinovac (CoronaVac, PiCoVacc)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
7	1 dose of Bharat Biotech (Covaxin, BBV152)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
8	1 dose of Janssen/Johnson & Johnson (Janssen COVID-19 Vaccine, Ad26.COV2.S1, JNJ-78436735)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
9	1 dose of Novavax (Nuvaxovid, NVX-CoC2373)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
10	1 dose of Covovax (Serum Institute India Novavax formulation)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated

Dated at Wellington this 28th day of April 2021.

Hon Dr Ayesha Verrall,  
Associate Minister of Health.

Version as at  
26 September 2022

**COVID-19 Public Health Response (Vaccinations)  
Order 2021**

Schedule 4

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Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 28 April 2021.

## Notes

### 1 *General*

This is a consolidation of the COVID-19 Public Health Response (Vaccinations) Order 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### 2 *Legal status*

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

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

### 3 *Editorial and format changes*

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

### 4 *Amendments incorporated in this consolidation*

COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254): clause 3(2)

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2022 (SL 2022/207): Part 1

COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order Revocation Order 2022 (SL 2022/179): clause 4

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022 (SL 2022/131)

COVID-19 Public Health Response (Protection Framework and Vaccinations) Amendment Order 2022 (SL 2022/89): Part 2

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2022 (SL 2022/77)

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2022 (SL 2022/15)

COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 (SL 2022/4)

COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387): clause 19

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384)

COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51): section 18

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2021 (SL 2021/366)

COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358): Part 2

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345): clause 10

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325)

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315)

COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182)