



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

This order is made by the Minister for COVID-19 Response under sections 11 and 15(1) of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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	New Schedule 3 inserted	

Order

1 Title

This order is the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021.

2 Commencement

This order comes into force at 11.59 pm on 17 October 2021.

3 Principal order

This order amends the COVID-19 Public Health Response (Vaccinations) Order 2021.

4 Clause 4 amended (Interpretation)

(1) In clause 4, definition of **aircrew member**, paragraph (b)(iii), delete “(whether airside or landside)”.

(2) In clause 4, replace the definition of **vaccinated** with:

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 first column of the table in Schedule 3 administered in accordance with the requirements specified for that vaccine or combination of vaccines in the second column of that table

(3) In clause 4, insert in their appropriate alphabetical order:

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 first column of the table in Schedule 3

exempt person means an affected person who, under clause 7A, is exempt from the duty in clause 7

international layover means a stay in accommodation provided by an accommodation service (for example, a stay in a hotel) at any place outside New Zealand for a period of 6 hours or more

5 Clause 8 amended (Duties of relevant PCBUs in relation to vaccinations)

In clause 8(1), after “affected person”, insert “(other than an exempt person)”.

6 Clause 9 amended (Exceptions)

(1) Replace the heading to clause 9 with “**Chief executive may authorise affected persons not vaccinated to carry out certain work**”.

(2) In clause 9(2), replace “authorise a person” with “authorise an affected person”.

(3) In clause 9(3) and (4), replace “A person” with “An affected person”.

7 New clause 9A inserted (Director-General may authorise affected persons not fully vaccinated to carry out certain work)

After clause 9, insert:

9A Director-General may authorise affected persons not fully vaccinated 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 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 a COVID-19 vaccine (not being the Janssen vaccine); 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 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.

8 Clause 10 amended (Duties of relevant PCBUs regarding vaccination records)

- (1) Replace clause 10(1)(b) with:
 - (b) must—
 - (i) ask the Ministry of Health to provide details of the COVID-19 vaccination record of an affected person whom the relevant PCBU employs or has engaged to carry out certain work; or
 - (ii) access the register to obtain the affected person’s COVID-19 vaccination record.
- (2) In clause 10(2)(b), replace “vaccination record” with “COVID-19 vaccination record”.
- (3) After clause 10(2), insert:
 - (2A) The relevant PCBU must inform an affected person if the person’s COVID-19 vaccination record shows that the person is not vaccinated.
- (4) Replace clause 10(3)(a) with:

- (a) of any notice and evidence received by the PCBU from an affected person under clause 11(2):

9 Clause 11 replaced (Duties of affected person regarding vaccination records)

Replace clause 11 with:

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.

10 Clause 12 amended (Duties regarding vaccination register)

- (1) In clause 12(3), replace “COVID-19 vaccination records” with “COVID-19 vaccination record”.
- (2) Revoke clause 12(4).

11 New Schedule 3 inserted

After Schedule 2, insert the Schedule 3 set out in the Schedule of this order.

Schedule New Schedule 3 inserted

cl 11

Schedule 3 Vaccinations

cls 4, 9A

Doses of COVID-19 vaccine	Administration requirements
2 doses of Comirnaty (also known as Pfizer/BioNTech)	Either— (a) both doses received before becoming an affected person; or (b) 1 dose received before becoming an affected person and the second dose received within 35 days after becoming an affected person
2 doses of AstraZeneca	Both doses received before becoming an affected person
2 doses of Moderna	Both doses received before becoming an affected person
1 dose of Janssen	Dose received before becoming an affected person
1 dose of AstraZeneca and 1 dose of Comirnaty	1 dose of AstraZeneca received before becoming an affected person and 1 dose of Comirnaty received within 35 days after becoming an affected person
1 dose of Moderna and 1 dose of Comirnaty	1 dose of Moderna received before becoming an affected person and 1 dose of Comirnaty received within 35 days after becoming an affected person

Dated at Wellington this 15th day of October 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force at 11.59 pm on 17 October 2021, amends the COVID-19 Public Health Response (Vaccinations) Order 2021 (the **principal order**).

The principal order is amended to update the vaccination requirement for affected persons. An affected person is currently required to be vaccinated by receiving 2 injections of the Pfizer/BioNTech vaccine. The amendments in this order acknow-

ledge that an affected person may have been vaccinated, or partially vaccinated, with other types of COVID-19 vaccines available overseas. The definition of vaccinated is replaced and a *new Schedule 3* is inserted into the principal order that sets out the range of vaccines, or combinations of vaccines, that an affected person may receive (in accordance with the specific requirements) in order to be recognised as vaccinated.

The principal order is also amended to insert a *new clause 9A* that enables the Director-General of Health to authorise an affected person who has not been fully vaccinated to carry out certain work. An authorisation can only be given if the affected person has received at least 1 dose of a COVID-19 vaccine and the Director-General is satisfied that, taking into account the work to be carried out by the person, the receipt of that vaccine adequately prevents, or limits the risk of, an outbreak or the spread of COVID-19.

Additionally, clause 11 of the principal order is replaced with a *new clause 11* that provides for an affected person's COVID-19 vaccination record to be updated to include details of a dose of a COVID-19 vaccine that the affected person has received overseas.

Minor technical changes are also made to the principal order.

This order must be approved by a resolution of the House of Representatives before the expiry of the period described in section 16(2) of the COVID-19 Public Health Response Act 2020. If that does not happen, the order is revoked on the expiry of that period.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 15 October 2021.
This order is administered by the Ministry of Health.