

**Version
as at 1 January 2022**



**COVID-19 Public Health Response (Exemption from
Vaccination Requirements for RSE Workers) Notice 2021**
(SL 2021/346)

COVID-19 Public Health Response (Exemption from Vaccination Requirements for RSE Workers) Notice 2021: revoked, on 1 January 2022, by clause 3 of the COVID-19 Public Health Response (Exemption from Vaccination Requirements for RSE Workers) Revocation Notice 2021 (SL 2021/430).

Pursuant to clause 26 of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, the Minister for COVID-19 Response gives the following notice after complying with that clause.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Transitional, savings, and related provisions	2
<i>Exemptions</i>	
5 Exemption for RSE workers from vaccination requirements	3
6 Exemption for air carriers from requirement to take steps to obtain evidence of compliance with vaccination requirements	3
<i>Amendment to COVID-19 Public Health Response (Exemptions and Conditions for Recognised Seasonal Employer Flights) Notice 2021</i>	
7 Principal notice	3
8 Clause 7 revoked (RSE worker must be vaccinated unless excluded)	3

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 notice is administered by the Ministry of Health.

Schedule 1 Transitional, savings, and related provisions

4

Notice

1 Title

This notice is the COVID-19 Public Health Response (Exemption from Vaccination Requirements for RSE Workers) Notice 2021.

2 Commencement

This notice comes into force at 11.59 pm on 3 November 2021.

3 Interpretation

In this notice, unless the context otherwise requires,—

Air Border Order means the COVID-19 Public Health Response (Air Border) Order (No 2) 2020

RSE or **Recognised Seasonal Employer** has the meaning given by provision WH1.5 of the Recognised Seasonal Employer (RSE) Instructions, meaning those immigration instructions certified under section 22 of the Immigration Act 2009

RSE place means any of the following countries:

- (a) Samoa;
- (b) Solomon Islands;
- (c) Tonga;
- (d) Vanuatu

RSE worker means a person who—

- (a) is an employee of a Recognised Seasonal Employer; and
- (b) is ordinarily resident in an RSE place; and
- (c) holds an RSE limited visa granted—
 - (i) in accordance with provision WH1.15 of the Recognised Seasonal Employer (RSE) Instructions, and provision H5.30.20 of the COVID-19 Support Restricted Temporary Entry Instructions, meaning those immigration instructions certified under section 22 of the Immigration Act 2009; or
 - (ii) by special direction under that Act.

4 Transitional, savings, and related provisions

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

Exemptions

5 Exemption for RSE workers from vaccination requirements

- (1) This clause applies to an RSE worker who arrives in New Zealand by air from the RSE place in which they are ordinarily resident.
- (2) The RSE worker is exempt from the requirement to comply with clause 7E(2) of the Air Border Order.
- (3) The exemption is subject to the following conditions:
 - (a) the RSE worker has received at least 1 dose of a COVID-19 vaccine; and
 - (b) the RSE worker, on request, produces evidence to an authorised person that is sufficient to satisfy them that the RSE worker has complied with paragraph (a).
- (4) To avoid doubt, this clause does not limit the ability of an RSE worker to be an excepted person or an exempt person.
- (5) In this clause,—

authorised person means any of the persons listed in clause 7E(2)(b) of the Air Border Order

COVID-19 vaccine, excepted person, and exempt person have the meanings given by clause 7E(5) of the Air Border Order.

6 Exemption for air carriers from requirement to take steps to obtain evidence of compliance with vaccination requirements

- (1) This clause applies to an air carrier if—
 - (a) the air carrier causes an aircraft to arrive in New Zealand; and
 - (b) the aircraft is carrying 1 or more RSE workers to whom clause 5 applies.
- (2) The air carrier is exempt from the requirement to comply with clause 7F of the Air Border Order in relation to the RSE workers.
- (3) The exemption is subject to the condition that the air carrier has taken reasonable steps to ensure that each of the RSE workers has evidence of compliance with clause 5(3)(a).

Amendment to COVID-19 Public Health Response (Exemptions and Conditions for Recognised Seasonal Employer Flights) Notice 2021

7 Principal notice

Clause 8 amends the COVID-19 Public Health Response (Exemptions and Conditions for Recognised Seasonal Employer Flights) Notice 2021.

8 Clause 7 revoked (RSE worker must be vaccinated unless excluded)

Revoke clause 7.

Schedule 1

Transitional, savings, and related provisions

cl 4

Part 1

Provision relating to this notice as made

- 1 Notices applies in relation to flights that are scheduled to arrive after 11.59 pm on 3 November 2021**
- (1) This notice applies to RSE workers and air carriers whose flights are scheduled to arrive in New Zealand after 11.59 pm on 3 November 2021 New Zealand time.
 - (2) If this notice applies to an RSE worker whose flight departs for New Zealand before 11.59 pm on 3 November 2021 New Zealand time, it applies to the RSE worker instead of clause 7 of the COVID-19 Public Health Response (Exemptions and Conditions for Recognised Seasonal Employer Flights) Notice 2021.

Dated at Wellington this 3rd day of November 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Explanatory note

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

This notice grants exemptions from clauses 7E and 7F of the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the **Air Border Order**), which relate to vaccination requirements for people arriving in New Zealand. This notice comes into force at 11.59 pm on 3 November 2021.

The exemption from clause 7E of the Air Border Order applies to employees of Recognised Seasonal Employers (**RSE workers**) who arrive in New Zealand from Samoa, the Solomon Islands, Tonga, or Vanuatu. The exemption is subject to the conditions that each RSE worker—

- has received at least 1 dose of a COVID-19 vaccine; and
- provides evidence of compliance with that requirement on request.

The exemption enables RSE workers to travel to New Zealand who would otherwise fail to comply with the vaccination requirement in clause 7E of the Air Border Order, either because they have not had all of the required doses of a COVID-19 vaccine or

because they did not complete their course of doses at least 14 days before beginning their journey to New Zealand.

The exemption from clause 7F of the Air Border Order applies to air carriers that carry RSE workers to New Zealand. It enables air carriers to take reasonable steps to ensure that RSE workers have evidence of compliance with the vaccine requirement under this notice, rather than evidence of compliance with the vaccine requirement under clause 7E of the Air Border Order (or evidence of being an excepted person or an exempt person under that clause).

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 3 November 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Exemption from Vaccination Requirements for RSE Workers) Notice 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 (Exemption from Vaccination Requirements for RSE Workers) Revocation Notice 2021 (SL 2021/430)