



COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 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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Order

1 Title

This order is the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021.

2 Commencement

- (1) Clauses 9 and 10 come into force at 11.59 pm on 29 November 2021.
- (2) The rest of this order comes into force at 11.59 pm on 1 December 2021.

3 Principal order

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

4 Clause 9 amended (Chief executive may authorise affected persons not vaccinated to carry out certain work)

- (1) In the heading to clause 9, replace “**Chief**” with “**Relevant chief**”.
- (2) In clause 9(2), replace “chief” with “relevant chief”.
- (3) In clause 9(5), replace “**chief**” with “**relevant chief**”.

5 Clause 9A amended (Director-General may authorise affected persons not fully vaccinated to carry out certain work)

In clause 9A(3)(a), replace “a COVID-19 vaccine” with “any vaccine for COVID-19”.

6 Clause 10 amended (Duties of relevant PCBUs of affected persons belonging to groups specified in Parts 1 to 6 of Schedule 2: vaccination records)

- (1) In the heading to clause 10, replace “**Parts 1 to 6**” with “**Parts 1 to 6 and item 8.1 of Part 8**”.

- (2) Replace clause 10(1AAA) with:

(1AAA) This clause also applies to a relevant PCBU who employs or engages an affected person who belongs to a group specified—

- (a) in any of Parts 1 to 6 of the table in Schedule 2:
- (b) in item 8.1 of Part 8 of Schedule 2.

- (3) Replace clause 10(1)(a) with:

- (a) must,—
 - (i) in the case of an affected person who belongs to a group specified in item 8.1 of Part 8 of the table in Schedule 2 that the relevant PCBU employs or engages, update the register, as soon as practicable, to provide the Ministry of Health with confirmation that the person is an affected person:
 - (ii) in the case of any other affected person that the relevant PCBU employs or engages, update the register to provide the Ministry of Health with confirmation that the person is an affected person before the person actually carries out certain work; and

- 7 Clause 11A amended (Duties of relevant PCBUs of affected persons belonging to groups specified in Part 7, 8, or 9 of Schedule 2: vaccination records)**
- (1) In the heading to clause 11A, replace “**Part 7, 8, or 9**” with “**Part 7, item 8.2 of Part 8, or Part 9**”.
 - (2) In clause 11A(1), replace “Part 7, 8, or 9” with “Part 7, item 8.2 of Part 8, or Part 9”.
- 8 Clause 12 amended (Duties regarding vaccination register)**
- In clause 12(1), replace “Parts 1 to 6” with “Parts 1 to 6 and item 8.1 of Part 8”.
- 9 Schedule 1 amended**
- (1) In Schedule 1, clause 6(1)(a), replace “a COVID-19 vaccine” with “the Pfizer/BioNTech COVID-19 vaccine”.
 - (2) In Schedule 1, clause 6(1)(b)(i), replace “a COVID-19 vaccine” with “the Pfizer/BioNTech COVID-19 vaccine”.
 - (3) In Schedule 1, clause 6(1)(b)(ii), replace “a COVID-19 vaccine” with “the Pfizer/BioNTech COVID-19 vaccine”.
 - (4) In Schedule 1, clause 6(2), replace “a COVID-19 vaccine” with “the Pfizer/BioNTech COVID-19 vaccine” in each place.
 - (5) In Schedule 1, clause 9(2)(a), replace “29 November 2021” with “17 January 2022”.
 - (6) In Schedule 1, clause 9(2)(b), replace “14 January 2022” with “1 March 2022”.
 - (7) In Schedule 1, clause 9(2)(b)(i), replace “29 November 2021” with “17 January 2022”.
 - (8) In Schedule 1, clause 9(2)(b)(ii), replace “14 January 2022” with “1 March 2022”.
 - (9) In Schedule 1, clause 9(3), replace “29 November 2021” with “17 January 2022”.
 - (10) In Schedule 1, clause 9(3)(b), replace “14 January 2022” with “1 March 2022” in each place.
 - (11) In Schedule 1,—
 - (a) insert the Part set out in Schedule 1 of this order as the last Part; and
 - (b) make all necessary consequential amendments.
- 10 Schedule 3 replaced**
- Replace Schedule 3 with the Schedule 3 set out in Schedule 2 of this order.

Schedule 1
New Part 6 inserted into Schedule 1

cl 9(11)

Part 6

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

12 Transitional provision for certain affected persons

- (1) This clause applies despite anything in Part 3 of this schedule.
- (2) If an affected person who belongs to a group specified in item 8.1 of Part 8 of the table in Schedule 2—
 - (a) has had no doses of a COVID-19 vaccine before the commencement of this clause, the affected person must be treated as vaccinated if, before the close of 31 March 2022,—
 - (i) they have 2 doses of a COVID-19 vaccine; and
 - (ii) at least 1 of the 2 doses is the AstraZeneca vaccine:
 - (b) has had 1 dose of a COVID-19 vaccine before the commencement of this clause, the affected person must be treated as vaccinated if, before the close of 31 March 2022,—
 - (i) they have 1 more dose of a COVID-19 vaccine; and
 - (ii) at least 1 of the 2 doses is the AstraZeneca vaccine.
- (3) An affected person must not carry out certain work until they have complied with subclause (2).

13 Transitional provision for certain relevant PCBUs

- (1) This clause applies on and after 11.59 pm on 1 December 2021.
- (2) Clause 11A of this order applies to a relevant PCBU who employs or engages an affected person who belongs to a group specified in item 8.1 of Part 8 of Schedule 2 until 11.59 pm on 16 December 2021.

Schedule 2
Schedule 3 replaced

cl 10

Schedule 3
Vaccinations

cls 4, 9A

| Item | Doses of COVID-19 vaccine | Administrative 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 (Vaxzevria, AZD1222) | 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) | 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, Sinopharm COVID-19 vaccine, BIBP vaccine, Covilo) | Both doses received before carrying out certain work |
| 6 | 2 doses of Sinovac (CoronaVac, Sinovac COVID-19 vaccine, 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.COVS.2, Ad26COVS1, JNJ-78436735) | Dose received before carrying out certain work |
| 9 | 2 doses of any combination of the following: <ul style="list-style-type: none"> • Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2): • Moderna (Spikevax, mRNA-1273): • AstraZeneca (Vaxzevria, AZD1222): • AstraZeneca (Covishield): • Sinopharm, Beijing (BBIBP-CorV, Sinopharm COVID-19 vaccine, BIBP vaccine, Covilo): • Sinovac (CoronaVac, Sinovac COVID-19 vaccine, PiCoVacc): | Both doses received before carrying out certain work |

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Schedule 2

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| Item | Doses of COVID-19 vaccine | Administrative requirements |
|-------------|---|---|
| 10 | <ul style="list-style-type: none"> • Bharat Biotech (Covaxin, BBV152) <p>1 dose of any of the following:</p> <ul style="list-style-type: none"> • Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2): • Moderna (Spikevax, mRNA-1273): • AstraZeneca (Vaxzevria, AZD1222): • AstraZeneca (Covishield): • Sinopharm, Beijing (BBIBP-CorV, Sinopharm COVID-19 vaccine, BIBP vaccine, Covilo): • Sinovac (CoronaVac, Sinovac COVID-19 vaccine, PiCoVacc): • Bharat Biotech (Covaxin, BBV152) | <p>1 dose received before before carrying out certain work and 1 dose of Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2) or AstraZeneca (Vaxzevria, AZD1222) within 35 days of having the first dose</p> |
| 11 | <p>If a person has received 1 or 2 doses (or for Zydus Cadila, 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 to be treated as fully vaccinated:</p> <ul style="list-style-type: none"> • Sinopharm, Wuhan (Sinopharm/WIBP COVID-19 vaccine): • Gamaleya Research Institute of Epidemiology and Microbiology (Sputnik V, Gam-COVID-Vac): • Gamaleya Research Institute of Epidemiology and Microbiology (Sputnik light) (single-dose vaccine): • Takeda (TAK-919, COVID-19 Vaccine Moderna Intramuscular Injection) (note: this is a Moderna formulation): • CanSino (Convidecia, PakVac, Ad5-nCoV): • Anhui Zhifei Longcom (Zifivax, ZF2001, ZF-UZ-VAC-2001): • Beijing Minhai Biotechnology Co (KCONVAC, Minhai COVID-19 vaccine): • Shifa Pharmed Industrial Co (COVIran Barekat, COVIRAN): • Federal Budgetary Research Institution State Research Center of Virology and Biotechnology VECTOR FBRI (EpiVacCorona): • Chumakov Centre (KoviVac): • Khazakstan Research Institute for Biological Safety Problems, RIBSP (QazVac, QazCovid-in): • Medigen Vaccine Biologics Corporation, MVC (MVC COVID-19 vaccine, Medigen COVID-19 vaccine, MVC-COV1901): • Center for Genetic Engineering and Biotechnology, CIGB (Abdala, CIGB-66): • Vaxine/CinnaGen Co COVAX-19. (SpikoGen): | <p>All doses must be received before carrying out certain work</p> |

| Item | Doses of COVID-19 vaccine | Administrative requirements |
|------|---|-----------------------------|
| | <ul style="list-style-type: none"> • Serum Institute of India COVOVAX (Novavax formulation) <p>If the additional dose is administered in New Zealand, it should be given at least 28 days after the previous COVID-19 vaccine dose</p> | |

Dated at Wellington this 29th day of November 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 amends the COVID-19 Public Health Response (Vaccinations) Order 2021 (the **principal order**), which requires persons belonging to specified groups who carry out certain work to be vaccinated. *Clauses 9 and 10* of this order come into force at 11.59 pm on 29 November 2021, and the rest of this order comes into force at 11.59 pm on 1 December 2021.

Clause 9 of the principal order is amended to distinguish the relevant chief executives owing to the recent inclusion of a more general definition of chief executive in the COVID-19 Public Health Response Act 2020.

Clause 9A of the principal order is amended to allow the Director-General of Health to take a wider range of vaccines into account when authorising affected persons who are not fully vaccinated to carry out certain work.

Clauses 10, 11A, and 12 of the principal order are amended to require the relevant PCBU to use the record-keeping provisions in clause 10 of the principal order and to comply with the register duties in clause 12 of the principal order in respect of an affected person who belongs to a group specified in item 8.1 of Part 8 of the table in Schedule 2 of the principal order.

Clause 9 of Schedule 1 of the principal order is amended to extend the period for which Police employees working in the health services are treated as vaccinated (until 17 January 2022 if they receive their first dose of a COVID-19 vaccine on or before that date, and until 1 March 2022 if they receive their first dose of a COVID-19 vaccine on or before 17 January 2022 and their second dose of a COVID-19 vaccine on or before 1 March 2022).

Schedule 1 of the principal order is also amended to include a transitional provision for certain affected workers who are unvaccinated and a transitional provision for

PCBUs who employ or engage affected persons who belong to the group specified in item 8.1 of Part 8 of Schedule 2.

Schedule 3 of the principal order is replaced with *new Schedule 3*, which sets out an expanded 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.

Approval by resolution required

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 2019.
Date of notification in *Gazette*: 29 November 2021.
This order is administered by the Ministry of Health.