



COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 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 6) 2021.

2 Commencement

This order comes into force on 3 December 2021.

3 **Principal order**

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

4 **Clause 4 amended (Interpretation)**

In clause 4, insert in their appropriate alphabetical order:

close-proximity business or service has the same meaning as in clause 5 of the COVID-19 Public Health Response (Protection Framework) Order 2021

CVC means a COVID-19 vaccination certificate issued under clause 8 or 9 of the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021

food and drink business or service has the same meaning as in clause 5 of the COVID-19 Public Health Response (Protection Framework) Order 2021

gym has the same meaning as in clause 5 of the COVID-19 Public Health Response (Protection Framework) Order 2021

permitted event has the meaning given to it by clause 51(4) of the COVID-19 Public Health Response (Protection Framework) Order 2021

tertiary education premises has the same meaning as in clause 5 of the COVID-19 Public Health Response (Protection Framework) Order 2021

tertiary education provider has the same meaning as in clause 5 of the COVID-19 Public Health Response (Protection Framework) Order 2021

5 **Clause 9 amended (Relevant chief executive may authorise affected persons not vaccinated to carry out certain work)**

After clause 9(5)(ca), insert:

(cb) in relation to an affected person who belongs to a group specified in Part 10 of the table in Schedule 2, means the chief executive of the Ministry of Business, Innovation, and Employment:

6 **Clause 9B amended (Director-General may grant COVID-19 vaccination exemption)**

In clause 9B(1)(a), replace “or 9” with “9, or 10”.

7 **Clause 11 amended (Duties of affected person regarding vaccination records)**

After clause 11(3), insert:

(4) Nothing in this clause applies to an affected person who belongs to a group specified in Part 10 of the table in Schedule 2.

8 Clause 11A amended (Duties of relevant PCBUs of affected persons belonging to groups specified in Part 7, item 8.2 of Part 8, or Part 9 of Schedule 2: vaccination records)

- (1) In the heading to clause 11A, replace “**Part 9**” with “**Parts 9 or 10**”.
- (2) In clause 11A(1), replace “Part 9” with “Parts 9 or 10”.

9 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in the Schedule of this order as the last Part; and
- (b) make all necessary consequential amendments.

10 Schedule 2 amended

In Schedule 2, table, after item 9.2, insert:

	<i>Part 10: Groups in relation to settings where CVC required for persons to enter place or receive service</i>
10.1	Workers of a food and drink business or service
10.2	Workers who carry out work at gyms
10.3	Workers who carry out work at permitted event, regardless of whether the work is carried out before people arrive at, or leave, the permitted event
10.4	Workers at close-proximity business or service
10.5	Workers who carry out work for a tertiary education provider at tertiary education premises that are located in an area described in Part 1 of Schedule 7 of the COVID-19 Public Health Response (Protection Framework) Order 2021

Schedule
New Part 7 inserted into Schedule 1

cl 9

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

- 14 Transitional provision for affected persons working in settings where CVC required for persons to enter place or receive service before commencement**
- (1) If an affected person who belongs to a group specified in Part 10 of the table in Schedule 2 is not vaccinated before the commencement of this clause, the affected person must—
- (a) be treated as vaccinated on the day on which they have their first dose of a COVID-19 vaccine; and
 - (b) be treated as vaccinated until 17 January 2022 (and after that date) if they have their second dose of a COVID-19 vaccine before the close of that date.
- (2) If an affected person who belongs to a group specified in Part 10 of the table in Schedule 2 has received their first dose of a COVID-19 vaccine before the commencement of this clause, the affected person must be treated as vaccinated until 17 January 2022 (and after that date) if they receive their second dose of a COVID-19 vaccine before the close of that date.

Dated at Wellington this 30th 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, which comes into force on 3 December 2021, amends the COVID-19 Public Health Response (Vaccinations) Order 2021 (the **principal order**), which requires persons belonging to specified groups (**affected persons**) who carry out certain work to be vaccinated.

Extension of requirement to be vaccinated

New Part 10 of the table in Schedule 2 extends the requirement to be vaccinated to additional groups of affected persons who carry out work in settings where, in accordance with the COVID-19 (Protection Framework) Order 2021, a COVID-19 vaccination certificate is required for persons to enter a place or receive a service.

New clause 14 of Schedule 1 provides that if an affected person who belongs to any of the groups specified in *new Part 10* of Schedule 2 has not received their first dose of a COVID-19 vaccine before commencement of this order, the affected person is treated as vaccinated under the principal order—

- on the day on which they receive their first dose of a COVID-19 vaccine; and
- until 17 January 2022 (and after that date) if they have their second dose of a COVID-19 vaccine before the close of 17 January 2022.

If an affected person has received their first dose of a COVID-19 vaccine before the commencement of this order, the affected person is treated as vaccinated under the principal order until 17 January 2022 if they receive their second dose of a COVID-19 vaccine before the close of 17 January 2022.

Other amendments

Clause 9 of the principal order, which provides that a relevant chief executive may authorise affected persons who are not vaccinated to carry out certain work, is amended to add the chief executive of the Ministry of Business, Innovation, and Employment in relation to affected persons who belong to a group specified in *new Part 10* of the table in Schedule 2.

Clause 9B of the principal order, which provides that the Director-General of Health may grant an exemption from the requirement to be vaccinated, is amended so that affected persons specified in *new Part 10* of the table in Schedule 2 are covered by the provision.

Clause 11 of the principal order, which sets out duties of affected persons regarding vaccination records, is amended to provide that nothing in clause 11 applies to affected persons who belong to a group specified in *new Part 10* of the table in Schedule 2.

Clause 11A of the principal order is amended to provide that a relevant PCBU who employs or engages an affected person who belongs to any of the new groups specified in *new Part 10* of the table in Schedule 2 must keep a vaccination record in respect of the affected person. This record must contain specified information, including information about whether the person is vaccinated, any doses of a COVID-19 vaccine the person has received or the dates by which the person must have had any dose to be vaccinated, and, if the person is not vaccinated, whether the person relies on an exemption or authorisation.

Enforcement

A breach of the requirements in the principal order is an infringement offence under section 26(3) of the COVID-19 Public Health Response Act 2020 (the Act).

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 Act. 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*: 30 November 2021.
This order is administered by the Ministry of Health.