

Version
as at 3 March 2022



COVID-19 Public Health Response (Specified Work Vaccinations) Amendment Order 2021

(SL 2021/439)

COVID-19 Public Health Response (Specified Work Vaccinations) Amendment Order 2021: revoked, on 3 March 2022, pursuant to section 16(1) of the COVID-19 Public Health Response Act 2020 (2020 No 12).

This order is made by the Minister for Workplace Relations and Safety under sections 11AB, 12, and 15(1) of the COVID-19 Public Health Response Act 2020 in accordance with section 11AA of that Act.

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Order

1 Title

This order is the COVID-19 Public Health Response (Specified Work Vaccinations) Amendment Order 2021.

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 Business, Innovation, and Employment.

2 Commencement

This order comes into force at 11.59 pm on 24 December 2021.

3 Principal order

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

4 Clause 7 amended (Classes of specified work)

In clause 7, insert as subclauses (2) and (3):

- (2) However, the following work is not specified work:
- (a) any work that belongs to a class specified in Schedule 2 carried out by an affected worker who is not vaccinated that the relevant chief executive of the PCBU is satisfied—
 - (i) is unanticipated, necessary, and time-critical and cannot be carried out by a person who is vaccinated; and
 - (ii) must be carried out to prevent the ceasing of operations:
 - (b) any work that belongs to a class specified in Schedule 2 carried out by an affected worker who is not vaccinated that is necessary in order to preserve or protect a person's life, health, or safety in an emergency.
- (3) In subclause (2)(a), **relevant chief executive of the PCBU** means,—
- (a) in relation to work for the New Zealand Police, the Commissioner of Police:
 - (b) in relation to work for the Defence Force, the Chief of Defence Force.

5 Clause 8 revoked (Relevant chief executive of PCBU may authorise affected worker not vaccinated to carry out specified work)

Revoke clause 8.

6 Clause 11 replaced (Power of Minister to grant exemptions)

Replace clause 11 with:

11 Power of Minister to exempt specified work

- (1) A PCBU may, by notice in writing, apply to the Minister for Workplace Relations and Safety (the **Minister**), for an exemption in relation to work that—
- (a) belongs to a class of work specified in Schedule 2; and
 - (b) is carried out by an affected worker who is not vaccinated and who is specified in the application (a **specified worker**).
- (2) The PCBU must, in writing, inform the specified worker of the application.
- (3) If the Minister receives an application, the Minister may ask the PCBU to provide any evidence or other information that may be reasonably required for the

- purposes of deciding whether to exempt the work carried out by the specified worker.
- (4) The Minister may grant the exemption if the Minister is satisfied, on the basis of the evidence or other information provided by the PCBU, that—
- (a) the exemption is necessary or desirable—
 - (i) to promote the purpose of the Act; and
 - (ii) to prevent significant disruption to—
 - (A) the essential operations of the New Zealand Police, in the case of an application to exempt work carried out by a specified worker who belongs to a class specified in Part 1 of Schedule 2:
 - (B) the essential operations of the Defence Force, in the case of an application to exempt work carried out by a specified worker who belongs to a class specified in Part 2 of Schedule 2; 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 the extent to which the work carried out by the specified worker is necessary, including—
- (a) whether the work could reasonably be delayed to facilitate vaccination of the specified worker; and
 - (b) whether the work could reasonably be performed by any other person who is vaccinated; and
 - (c) the public health risk associated with the work carried out by the specified worker.
- (6) The Minister may impose conditions on the exemption as the Minister considers necessary.
- (7) The Minister must, in writing, inform the PCBU and the specified worker 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 PCBU must provide the specified worker with a copy of the exemption that states when the exemption expires.

Dated at Wellington this 22nd day of December 2021.

Hon Michael Wood,
Minister for Workplace Relations and Safety.

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 24 December 2021, amends the COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021 (the **principal order**).

Clause 4 inserts into the principal order *new clause 7(2) and (3)*, which provides that certain work that belongs to a class of work in Schedule 2 is not specified work in specified circumstances.

Clause 5 consequentially revokes clause 8 of the principal order as the substance of the provision is covered in *new clause 7(2)* of the principal order.

Clause 6 replaces clause 11 of the principal order, which provides the Minister for Workplace Relations and Safety (the **Minister**) with the power to grant exemptions from the provisions of the principal order. *New clause 11* clarifies that the Minister may grant an exemption in respect of work that belongs to a class of work in Schedule 2 in specified circumstances.

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 this 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*: 22 December 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Specified Work Vaccinations) Amendment 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 Act 2020 (2020 No 12): section 16(1)