

**Version  
as at 1 January 2022**



## **COVID-19 Public Health Response (Vaccinations) Order 2021**

(LI 2021/94)

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

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#### **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 Health.**

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## Order

### 1 Title

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

### 2 Commencement

This order comes into force at 11.59 pm on 30 April 2021.

### 3 Purpose

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by requiring certain work to be carried out by affected persons who are vaccinated.

Clause 3: amended, at 11.59 pm on 14 July 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

### 4 Interpretation

In this order, unless the context otherwise requires,—

**affected aircraft** means an aircraft that arrives from a location outside New Zealand

**affected airport** means an airport at which an affected aircraft arrives from a location outside New Zealand

**affected education service** means—

- (a) a licensed early childhood service:
- (b) a registered school:

- (c) a hostel

**affected item** means—

- (a) an item (apart from cargo or freight) removed for cleaning, disposal, or reuse from an affected ship or a passenger area of an affected aircraft;
- (b) an item removed for cleaning, disposal, or reuse from a managed quarantine facility or a managed isolation facility

**affected person** means a person who belongs to a group (or whose work would cause them to belong to a group)

**affected port** means a port where a ship arrives from a location outside New Zealand

**affected ship** means a ship with any person or persons on board who are required to be isolated or quarantined in accordance with a COVID-19 order

**aircraft** has the same meaning as in section 2(1) of the Civil Aviation Act 1990

**aircrew member** means any of the following persons:

- (a) cabin crew who—
- (i) are ordinarily resident in New Zealand; and
  - (ii) work on an international flight on or after 15 July 2021;
- (b) other persons who—
- (i) are ordinarily resident in New Zealand; and
  - (ii) are identified as crew members on a crew manifest for an affected aircraft that has travelled internationally on or after 15 July 2021; and
  - (iii) have an international layover during that travel;
- (c) cabin crew who, on or after 15 July 2021, travel on a domestic flight within New Zealand that carries international arriving or international transiting passengers who have not yet completed isolation or quarantine at a managed isolation or quarantine facility

**airside**, in relation to an affected airport, means any part of the affected airport that is inaccessible to the general public but that is accessible to international arriving or international transiting passengers (for example, a Customs-controlled area)

**care and support services** means services that are funded by the Ministry of Health, a DHB, or ACC and provided to a person for the purpose of—

- (a) assisting the person to continue to live in the person's home or in the community (such as personal care and household management services); or
- (b) providing mental health and addiction support services, or vocational and disability support services; or

- (c) if the person has a disability, assisting the person to work in the community; or
- (d) if the person has an injury covered by the Accident Compensation Act 2001, supporting the person's rehabilitation from the injury or supporting them to achieve and sustain their maximum level of participation in everyday life

**care and support worker** means a person employed or engaged to provide care and support services within a home or place of residence

**certain work**, in relation to an affected person, means work that the affected person carries out (whether paid or unpaid) in respect of a group specified in Schedule 2

**certified provider** means a person who is certified under section 26(1) of the Health and Disability Services (Safety) Act 2001 to provide health care services of any kind

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

**corrections prison**—

- (a) includes a prison operated by the Department of Corrections (including a temporary prison) and a contract prison; but
- (b) does not include—
  - (i) a Police jail; or
  - (ii) any of the following that have been declared by notice in the *Gazette* to be part of a corrections prison:
    - (A) a cell block;
    - (B) a court cell and any adjacent areas

**COVID-19 vaccination exemption** means a COVID-19 vaccination exemption granted by the Director-General under clause 9B

**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 second column of the table in Schedule 3

**crew** has the same meaning as in clause 4 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

**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

**Defence Force** has the same meaning as in section 2(1) of the Defence Act 1990

**enclosed space,**—

- (a) in relation to an aircraft, means an enclosed or a partially enclosed space on board the aircraft in which physical distancing from the aircrew or international arriving or international transiting passengers is not practicable;
- (b) in relation to an affected ship, means an enclosed or partially enclosed space on board the ship in which physical distancing from the ship's crew is not practicable

**excluded airport person,** in relation to a group, means a person who—

- (a) works at an affected airport and only interacts with international departing passengers (other than international transiting passengers); or
- (b) works on the airside of an affected airport only in areas that are inaccessible to international arriving or international transiting passengers, and does not interact with international arriving or international transiting passengers on the landside of the affected airport

**excluded port person,** in relation to a group, means a person who is in isolation or quarantine on a ship under a COVID-19 order

**exempt person** means a person who has a COVID-19 vaccination exemption

**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

**group** means a group of affected persons specified in the second column of an item of the table set out in Schedule 2

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

**have contact with,** in relation to persons who belong to different groups, means—

- (a) having face-to-face contact within 2 metres of each other for 15 minutes or more; or
- (b) being in a confined space within 2 metres of each other for 15 minutes or more

**health care services** has the same meaning as in section 4(1) of the Health and Disability Services (Safety) Act 2001

**health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**health service** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

**home-based education and care service** has the same meaning as in section 10(1) of the Education and Training Act 2020

**home or place of residence** includes a residential care facility, retirement village, and rest home

**hostel** has the same meaning as in section 10(1) of the Education and Training Act 2020

**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

**landside**, in relation to an affected airport, means any part of the affected airport that is not airside

**licensed early childhood service** has the same meaning as in section 10(1) of the Education and Training Act 2020

**managed isolation facility** means a facility that is designated by the New Zealand Government for use as a place of isolation

**managed quarantine facility** means a facility that is designated by the New Zealand Government for use as a place of quarantine

**medical practitioner** means a health practitioner who—

- (a) is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine; and
- (b) holds a current practising certificate

**mental health and addiction support services** has the same meaning as in section 5 of the Support Workers (Pay Equity) Settlements Act 2017

**Minister** means the Minister for COVID-19 Response

**nurse practitioner** means a health practitioner who—

- (a) is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing and whose scope of practice permits the performance of nurse practitioner functions; and
- (b) holds a current practising certificate

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

**physical distancing**, in relation to other persons, means remaining at least 2 metres away from those persons

**playgroup** has the same meaning as in section 10(1) of the Education and Training Act 2020

**public service agency** means any of the agencies listed in section 10(a) of the Public Service Act 2020

**register** means the register that the Director-General must ensure is kept, maintained, and monitored under clause 12

**registered school** has the same meaning as in section 10(1) of the Education and Training Act 2020

**relevant aircrew member** means a person—

- (a) who is in isolation following a flight on which the person arrived in New Zealand; and
- (b) who was—
  - (i) on the crew manifest for the flight; or
  - (ii) on the flight at the direction of an airline for which the person carries out work as a pilot, co-pilot, or flight attendant

**relevant PCBU** means the PCBU (within the meaning of section 17 of the Health and Safety at Work Act 2015) who employs or engages an affected person to carry out certain work

**service worker** means a person who carries out work for or on behalf of—

- (a) the State services;
- (b) the Defence Force

**ship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**specified COVID-19 vaccination exemption criteria** means the criteria for determining whether a person may be granted a COVID-19 vaccination exemption that are specified in a notice made by the Director-General under section 5(3)(a) of the Act

**specified visitor** has the same meaning as in section 3(1) of the Corrections Act 2004

**staff member of a corrections prison**—

- (a) means—
  - (i) any officer of a corrections prison; and
  - (ii) any employee appointed or engaged to provide non-custodial services in respect of a corrections prison or any prisoner detained in a corrections prison; and
- (b) in relation to any particular corrections prison, means—
  - (i) any officer of that corrections prison; and
  - (ii) any employee appointed or engaged to provide non-custodial services in respect of that corrections prison or any prisoner detained in that corrections prison

**State services**—

- (a) means all instruments of the Crown in respect of the Executive Government of New Zealand, whether public service agencies, bodies corporate, agencies, or other instruments; and
- (b) includes Crown entities; but
- (c) excludes those instruments specified in paragraph (c) or (e) of the definition of State services in section 5 of the Public Service Act 2020

**statutory visitor** has the same meaning as in section 3(1) of the Corrections Act 2004

**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

**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

**vocational and disability support services** has the same meaning as in section 5 of the Support Workers (Pay Equity) Settlements Act 2017

**workers who handle affected items** means persons—

- (a) who belong to a group specified in Part 6 of Schedule 2; and
- (b) who touch affected items while carrying out certain work for a relevant PCBU that is contracted to provide regular services for a managed quarantine facility, a managed isolation facility, an affected aircraft, or an affected ship (for example, cleaning, laundering, or refuse disposal services).

Clause 4 **affected aircraft**: amended, at 11.59 pm on 7 November 2021, by clause 10(2) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **affected education service**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **affected education service** paragraph (a): replaced, at 11.59 pm on 6 November 2021, by clause 7(1) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **affected item**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **affected person**: replaced, at 11.59 pm on 14 July 2021, by clause 5(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **aircraft**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **aircrew member**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).



Clause 4 **aircrew member** paragraph (a)(ii): amended, at 11.59 pm on 7 November 2021, by clause 10(3) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **aircrew member** paragraph (b)(iii): amended, at 11.59 pm on 17 October 2021, by clause 4(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **aircrew member** paragraph (c): amended, at 11.59 pm on 7 November 2021, by clause 10(4) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **care and support services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **care and support worker**: replaced, at 11.59 pm on 6 November 2021, by clause 7(2) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **certain work**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **certified provider**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **close-proximity business or service**: inserted, on 3 December 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 4 **corrections prison**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **COVID-19 vaccination exemption**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **COVID-19 vaccination record**: inserted, at 11.59 pm on 17 October 2021, by clause 4(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **COVID-19 vaccine**: inserted, at 11.59 pm on 17 October 2021, by clause 4(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **crew**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **CVC**: inserted, on 3 December 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 4 **Defence Force**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **early childhood service**: revoked, at 11.59 pm on 6 November 2021, by clause 7(3) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **enclosed space**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **excluded airport person**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **excluded port person**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **exempt person**: replaced, at 11.59 pm on 6 November 2021, by clause 7(4) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **food and drink business or service**: inserted, on 3 December 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 4 **government official**: revoked, at 11.59 pm on 14 July 2021, by clause 5(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **gym**: inserted, on 3 December 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 4 **have contact with**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **health care services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **health practitioner**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **health service**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **home-based education and care service**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **home or place of residence**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **hostel**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **international layover**: inserted, at 11.59 pm on 17 October 2021, by clause 4(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **landside**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **licensed early childhood service**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **medical practitioner**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **mental health and addiction support services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **Minister**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **nurse practitioner**: inserted, at 11.59 pm on 6 November 2021, by clause 7(6) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **permitted event**: inserted, on 3 December 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 4 **physical distancing**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **place**: revoked, at 11.59 pm on 14 July 2021, by clause 5(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **playgroup**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **QFT flight**: revoked, at 11.59 pm on 7 November 2021, by clause 10(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **QFT person**: revoked, at 11.59 pm on 7 November 2021, by clause 10(5) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Clause 4 **register**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **registered school**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **relevant aircrew member**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **relevant PCBU**: amended, at 11.59 pm on 14 July 2021, by clause 5(5) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **service worker**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **ship**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **specified COVID-19 vaccination exemption criteria**: inserted, on 26 November 2021, by section 18 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

Clause 4 **specified visitor**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **staff member of a corrections prison**: inserted, at 11.59 pm on 6 November 2021, by clause 7(5) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **staff member of a prison**: revoked, at 11.59 pm on 6 November 2021, by clause 7(5) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 4 **State services**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 4 **statutory visitor**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **tertiary education premises**: inserted, on 3 December 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 4 **tertiary education provider**: inserted, on 3 December 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 4 **vaccinated**: replaced, at 11.59 pm on 17 October 2021, by clause 4(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 4 **vocational and disability support services**: inserted, at 11.59 pm on 25 October 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 4 **workers who handle affected items**: inserted, at 11.59 pm on 14 July 2021, by clause 5(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

## **5 Transitional, savings, and related provisions**

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

## **6 Application of order**

This order applies to the whole of New Zealand.

*Duties in relation to vaccinations***7 Duty of affected person not to carry out certain work**

An affected person must not carry out certain work unless they are—

- (a) vaccinated; or
- (b) an exempt person.

Clause 7: replaced, at 11.59 pm on 7 November 2021, by clause 8 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

**7A Exemption from duty under clause 7**

*[Revoked]*

Clause 7A: revoked, at 11.59 pm on 7 November 2021, by clause 9 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

**8 Duties of relevant PCBUs in relation to vaccinations**

- (1) A relevant PCBU must not allow an affected person (other than an exempt person) to carry out certain work unless satisfied that the affected person is vaccinated.
- (2) A relevant PCBU—
  - (a) must notify each affected person of their duty to be vaccinated; and
  - (b) must not prevent the affected person from reporting for, and undergoing, vaccination during their working hours, if vaccinations are available during those hours.
- (3) A relevant PCBU must not allow an affected person who provides a home-based education and care service to carry out certain work unless satisfied that every person over the age of 12 years in the home where the home-based education and care service is provided is vaccinated.

Clause 8(1): amended, at 11.59 pm on 17 October 2021, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 8(1): amended, at 11.59 pm on 14 July 2021, by clause 8 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 8(3): inserted, at 11.59 pm on 25 October 2021, by clause 6 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

**9 Relevant chief executive may authorise affected persons not vaccinated to carry out certain work**

- (1) This clause—
  - (a) applies despite anything in clause 7 or 8; but
  - (b) does not apply to an affected person who belongs to a group specified in Part 7 or 9 of the table in Schedule 2.
- (2) A relevant chief executive may authorise an affected person who has not been vaccinated to carry out certain work if the work—

- (a) is unanticipated, necessary, and time-critical and cannot be carried out by a person who is vaccinated; and
- (b) must be carried out to prevent the ceasing of operations.
- (3) An affected person who is authorised to carry out certain work under subclause (2) may be authorised to re-enter as many times as is necessary to complete the work.
- (4) An affected person may enter any place without approval if they need to enter to preserve or protect a person's life, health, or safety in an emergency.
- (5) In this clause, **relevant chief executive**,—
  - (a) in relation to a worker at a managed isolation facility or a managed quarantine facility, means the chief executive of the responsible agency:
  - (b) in relation to a worker who is not a service worker and who works at an affected port or on board an affected ship, means the Director of Maritime New Zealand:
  - (c) in relation to a worker who is not a service worker and who works at an affected airport or on board an affected aircraft, means the Director of Civil Aviation:
  - (ca) in relation to a staff member of a corrections prison, means the chief executive of the Department of Corrections:
  - (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:
  - (d) in relation to any other worker, means the chief executive of the relevant PCBU.

Clause 9 heading: replaced, at 11.59 pm on 17 October 2021, by clause 6(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 9 heading: amended, at 11.59 pm on 1 December 2021, by clause 4(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 9(1): replaced, at 11.59 pm on 25 October 2021, by clause 7(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 9(2): amended, at 11.59 pm on 1 December 2021, by clause 4(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 9(2): amended, at 11.59 pm on 17 October 2021, by clause 6(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 9(2): amended, at 11.59 pm on 14 July 2021, by clause 9(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 9(2)(b): amended, at 11.59 pm on 14 July 2021, by clause 9(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 9(3): amended, at 11.59 pm on 17 October 2021, by clause 6(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 9(3): amended, at 11.59 pm on 14 July 2021, by clause 9(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 9(4): replaced, at 11.59 pm on 14 July 2021, by clause 9(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 9(4): amended, at 11.59 pm on 17 October 2021, by clause 6(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 9(5): replaced, at 11.59 pm on 14 July 2021, by clause 9(5) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 9(5): amended, at 11.59 pm on 1 December 2021, by clause 4(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 9(5)(a): amended, on 20 November 2021, by section 28 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Clause 9(5)(ca): inserted, at 11.59 pm on 25 October 2021, by clause 7(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 9(5)(ca): amended, at 11.59 pm on 6 November 2021, by clause 10 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 9(5)(cb): inserted, on 3 December 2021, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

#### **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 any vaccine for COVID-19 (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.

Clause 9A: inserted, at 11.59 pm on 17 October 2021, by clause 7 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 9A(3)(a): amended, at 11.59 pm on 1 December 2021, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

**9B Director-General may grant COVID-19 vaccination exemption**

- (1) A suitably qualified medical practitioner or nurse practitioner (the **applicant**) may apply to the Director-General for a COVID-19 vaccination exemption on behalf of a person who—
  - (a) belongs to a group specified in Part 6, 7, 8, 9, or 10 of the table in Schedule 2; and
  - (b) is not vaccinated.
- (2) An application may be made only on the ground that the person on whose behalf the application is made (the **person**) meets the specified COVID-19 vaccination exemption criteria.
- (3) The person must—
  - (a) certify that the information that they have provided to the applicant for the purposes of making the application is accurate; and
  - (b) sign the application.
- (4) An application must be accompanied by a certificate signed by the applicant certifying that they—
  - (a) have reviewed the person’s medical history and assessed the person’s state of health; and
  - (b) have reasonable grounds for believing that the person meets the specified COVID-19 vaccination exemption criteria.
- (5) The applicant must state their grounds for believing that the person meets the specified COVID-19 vaccination exemption criteria.
- (6) On receiving an application, the Director-General may ask the applicant or person to provide any evidence or further information that the Director-General reasonably requires for the purposes of deciding whether to grant the application.
- (7) The Director-General may grant the application if the Director-General is satisfied, on the basis of the evidence or other information provided, that the person meets the specified COVID-19 vaccination exemption criteria.
- (8) A COVID-19 vaccination exemption is valid for the period that the Director-General determines, which must be no longer than 6 months.
- (9) The Director-General must notify the applicant and the person of the outcome of the application.
- (10) If the application is granted, the Director-General must provide a copy of the COVID-19 vaccination exemption in written or electronic form to the applicant and person that states the date on which the exemption expires.
- (11) At any time before or after a COVID-19 vaccination exemption expires, a new application for a further exemption may be made under this clause by any medical practitioner or nurse practitioner on behalf of the person in respect of whom an exemption was granted.

(12) *[Revoked]*

Clause 9B: inserted, at 11.59 pm on 7 November 2021, by clause 11 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 9B(1): amended, at 11.59 pm on 12 November 2021, by clause 4 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2021 (SL 2021/366).

Clause 9B(1)(a): amended, on 3 December 2021, by clause 6 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 9B(12): revoked, on 26 November 2021, by section 18 of the COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51).

**10 Duties of relevant PCBUs of affected persons belonging to groups specified in Parts 1 to 6 and item 8.1 of Part 8 of Schedule 2: vaccination records**

(1AAA) This clause 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.

(1) The relevant PCBU—

- (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
- (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) The relevant PCBU must notify the affected person that—

- (a) the affected person has a duty to be vaccinated; and
- (b) the relevant PCBU has checked the affected person's COVID-19 vaccination record under subclause (1).

(2A) The relevant PCBU must inform an affected person if the person's COVID-19 vaccination record shows that the person is not vaccinated.

(3) The relevant PCBU must, as soon as practicable, notify the Ministry of Health—



- (a) of any notice and evidence received by the PCBU from an affected person under clause 11(2):
  - (b) that a person that the relevant PCBU has engaged or employed has ceased to be an affected person for the relevant PCBU.
- (4) The relevant PCBU must ensure that the register has, in respect of an affected person the relevant PCBU employs or has engaged to carry out certain work, the following information:
- (a) the affected person's full legal name and date of birth:
  - (b) a telephone number by which the affected person may be reached.
- (5) The affected person must—
- (a) provide the relevant PCBU with (or give the relevant PCBU access to) the information specified in subclause (4) as soon as practicable; and
  - (b) ensure that the information is updated as soon as practicable after it changes.

Clause 10 heading: replaced, at 11.59 pm on 25 October 2021, by clause 8(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 10 heading: amended, at 11.59 pm on 1 December 2021, by clause 6(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 10(1AAA): replaced, at 11.59 pm on 1 December 2021, by clause 6(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 10(1AAA): amended, at 11.59 pm on 16 December 2021, by clause 9 of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Clause 10(1): replaced, at 11.59 pm on 14 July 2021, by clause 10(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 10(1)(a): replaced, at 11.59 pm on 1 December 2021, by clause 6(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 10(1)(b): replaced, at 11.59 pm on 17 October 2021, by clause 8(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 10(2)(b): amended, at 11.59 pm on 17 October 2021, by clause 8(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 10(2A): replaced, at 11.59 pm on 17 October 2021, by clause 8(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 10(3)(a): replaced, at 11.59 pm on 17 October 2021, by clause 8(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 10(4): inserted, at 11.59 pm on 14 July 2021, by clause 10(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 10(5): inserted, at 11.59 pm on 14 July 2021, by clause 10(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

## **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.
- (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.

Clause 11: replaced, at 11.59 pm on 17 October 2021, by clause 9 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

Clause 11(4): inserted, on 3 December 2021, by clause 7 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

**11A Duties of relevant PCBUs of affected persons belonging to groups specified in Part 7, item 8.2 of Part 8, or Parts 9 or 10 of Schedule 2: vaccination records**

- (1) This clause applies to a relevant PCBU who employs or engages an affected person who belongs to a group specified in Part 7, item 8.2 of Part 8, or Parts 9 or 10 of the table in Schedule 2.
- (2) The relevant PCBU must, for each affected person employed or engaged by the PCBU, keep and maintain a record of the following information:
  - (a) the affected person's full name;
  - (b) the affected person's date of birth;
  - (c) a telephone number and email address by which the affected person may be contacted;
  - (d) whether the affected person is vaccinated;
  - (e) if the affected person is vaccinated,—
    - (i) the name of the COVID-19 vaccine or vaccines they have received; and
    - (ii) the date or dates on which they received a dose of the vaccine or vaccines;

- (f) if the affected person is not vaccinated because they have received a first, but not a second, dose of a COVID-19 vaccine, the latest date by which they must have the second dose of a COVID-19 vaccine to be vaccinated:
- (g) if the affected person is not vaccinated because they have not received a dose of a COVID-19 vaccine, the latest dates by which they must have their first and second doses of a COVID-19 vaccine to be vaccinated:
- (h) if the affected person is not vaccinated in reliance on an exemption under clause 9B or 12A, or an authorisation under clause 9 or 9A,—
  - (i) confirmation of that fact; and
  - (ii) a copy of the exemption or authorisation.
- (3) The record must be in writing or kept in a form or in a manner that allows the information in the record to be easily accessed and converted into written form.
- (4) For the purposes of this clause, the affected person must—
  - (a) provide the relevant PCBU with (or give the relevant PCBU access to) the information specified in subclause (2)(a) to (h) as soon as practicable; and
  - (b) ensure that the information is updated as soon as practicable after it changes.

Clause 11A: inserted, at 11.59 pm on 25 October 2021, by clause 9 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 11A heading: amended, on 3 December 2021, by clause 8(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 11A heading: amended, at 11.59 pm on 1 December 2021, by clause 7(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 11A(1): amended, on 3 December 2021, by clause 8(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Clause 11A(1): amended, at 11.59 pm on 1 December 2021, by clause 7(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Clause 11A(2)(h): amended, at 11.59 pm on 12 November 2021, by clause 5 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2021 (SL 2021/366).

## **12 Duties regarding vaccination register**

- (1) The Director-General must ensure that a register that records COVID-19 vaccinations of affected persons belonging to a group specified in any of Parts 1 to 6 and item 8.1 of Part 8 of the table in Schedule 2 is kept, maintained, and monitored.
- (2) The Ministry of Health must provide a relevant PCBU with access to the register in respect of an affected person if the relevant PCBU has, under clause 10, updated the register to confirm that the relevant PCBU employs or has engaged the affected person to carry out certain work.

- (3) For the purposes of enforcing this order, the Director-General must enable the provision of any relevant COVID-19 vaccination record that the Ministry of Health keeps to enforcement officers who are investigating non-compliance with this order.
- (4) *[Revoked]*
- Clause 12: replaced, at 11.59 pm on 14 July 2021, by clause 11 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).
- Clause 12(1): amended, at 11.59 pm on 1 December 2021, by clause 8 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).
- Clause 12(1): amended, at 11.59 pm on 25 October 2021, by clause 10(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).
- Clause 12(2): amended, at 11.59 pm on 25 October 2021, by clause 10(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).
- Clause 12(3): amended, at 11.59 pm on 17 October 2021, by clause 10(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).
- Clause 12(4): revoked, at 11.59 pm on 17 October 2021, by clause 10(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315).

### *Exemptions*

Heading: inserted, on 12 August 2021, by clause 12 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

## **12A Power of Minister to grant exemptions**

- (1) A relevant PCBU may, by notice in writing to the Minister, apply for an exemption for a person specified in the application from any other provision of this order.
- (2) The relevant PCBU must, in writing, inform the person specified in the application of the application.
- (3) If the Minister receives an application, the Minister may ask the relevant PCBU to provide any evidence or other information that the Minister reasonably requires for the purposes of deciding whether to grant the exemption.
- (4) The Minister may exempt the person specified in the application from any provision of this order for a specified period if satisfied, on the basis of the evidence or other information provided, that—
- (a) the exemption is necessary or desirable—
- (i) to promote the purposes of the Act; and
- (ii) to prevent significant disruption to—
- (A) essential supply chains, in the case of an application to exempt from any provision of this order a person belonging to a group specified in any of Parts 1 to 6 of the table in Schedule 2; or

- (B) health services, in the case of an application to exempt from any provision of this order a person belonging to a group specified in Part 7 of the table in Schedule 2; or
  - (C) the essential operations of a corrections prison, in the case of an application to exempt from any provision of this order a person belonging to a group specified in Part 8 of the table in Schedule 2; and
  - (D) *[Revoked]*
  - (E) *[Revoked]*
- (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—
- (a) if applicable, the potential for significant supply chain disruption if the work carried out by a particular person does not occur, including the extent of the risk to the public interest if the work does not occur; and
  - (b) the extent to which the work is necessary, including whether it could reasonably be—
    - (i) delayed to facilitate the vaccination of the persons needed to carry out work; or
    - (ii) performed by other persons who have been vaccinated; and
  - (c) the public health risk associated with the work.
- (6) The Minister may impose conditions on the exemption as the Minister considers necessary.
- (7) The Minister must, in writing, inform the relevant PCBU and the person specified in the application 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 relevant PCBU must provide the person exempted with written notice of the exemption that states when the exemption expires.
- (9) Subclause (4)(a)(ii)(D) and (E) are revoked on 1 January 2022.

Compare: LI 2021/6 cl 46

Clause 12A: inserted, on 12 August 2021, by clause 12 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

Clause 12A(4)(a)(ii): replaced, at 11.59 pm on 25 October 2021, by clause 11(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 12A(4)(a)(ii)(C): amended, at 11.59 pm on 6 November 2021, by clause 12(1) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Clause 12A(4)(a)(ii)(D): revoked, on 1 January 2022, by clause 12A(9).

Clause 12A(4)(a)(ii)(E): revoked, on 1 January 2022, by clause 12A(9).

Clause 12A(5)(a): amended, at 11.59 pm on 25 October 2021, by clause 11(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Clause 12A(9): inserted, at 11.59 pm on 7 November 2021, by clause 12(3) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

### *Infringement offences*

#### **13 Infringement offences**

- (1) A breach of clause 7, 8, 10, 11, or 11A is an infringement offence for the purposes of section 26(3) of the COVID-19 Public Health Response Act 2020.
- (2) An infringement offence against—
  - (a) clause 7 or 8 is a high risk offence:
  - (b) clause 10(1), (2), (2A), (3), or (4) is a medium risk offence:
  - (c) clause 10(5), 11, or 11A is a low risk offence.
- (3) The penalties for the offences are set out in regulation 5(2) and (3) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021 for those classes of offence.
- (4) In this clause,—

**high risk offence** means the high risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

**low risk offence** means the low risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021

**medium risk offence** means the medium risk class of infringement offence prescribed by regulation 5(1) of the COVID-19 Public Health Response (Infringement Offences) Regulations 2021.

Clause 13: replaced, on 4 December 2021, by clause 19 of the COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387).

## **Schedule 1**

### **Transitional, savings, and related provisions**

cl 5

#### **Part 1**

##### **Provisions relating to this order as made**

**1 Transitional provision for affected persons on or before commencement**

If, on or before the commencement of this clause, an affected person has had 1 injection of the Pfizer/BioNTech COVID-19 vaccine, the affected person must be treated as being vaccinated until the close of 4 June 2021.

**2 Transitional provision for persons who become affected persons after commencement**

- (1) This clause applies to a person who becomes an affected person on or after 1 May 2021.
- (2) The person must, until the date that is 35 days after the date on which they become an affected person, be treated as being vaccinated if they have had 1 injection of the Pfizer/BioNTech COVID-19 vaccine before becoming an affected person.

#### **Part 2**

##### **Provisions relating to COVID-19 Public Health Response (Vaccinations) Amendment Order 2021**

Schedule 1 Part 2: inserted, at 11.59 pm on 14 July 2021, by clause 14 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

**3 Transitional provision for affected persons on or before commencement**

- (1) If an affected person who belongs to a group specified in Schedule 2 (as replaced by the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021) is not vaccinated before 11.59 pm on 14 July 2021, the affected person must,—
  - (a) if the person is a service worker,—
    - (i) have their first injection of the Pfizer/BioNTech COVID-19 vaccine before the close of 26 August 2021; and
    - (ii) have their second injection of the Pfizer/BioNTech COVID-19 vaccine no later than 35 days after their first injection:
  - (b) if the person is not a service worker,—
    - (i) have their first injection of the Pfizer/BioNTech COVID-19 vaccine before the close of 30 September 2021; and

- (ii) have their second injection of the Pfizer/BioNTech COVID-19 vaccine no later than 35 days after their first injection.
- (2) However, if clause 1 of this schedule applied to the affected person before 11.59 pm on 14 July 2021, the requirements of that clause continue to apply as if the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 had not been made.

Schedule 1 clause 3: inserted, at 11.59 pm on 14 July 2021, by clause 14 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

#### **4 Transitional provision for persons who become affected persons after commencement**

- (1) This clause applies to a person—
  - (a) who is a service worker and who becomes an affected person on or after 26 August 2021:
  - (b) who is not a service worker and who becomes an affected person on or after 30 September 2021.
- (2) The person must, until the date that is 35 days after the date on which they become an affected person, be treated as being vaccinated if they have had 1 injection of the Pfizer/BioNTech COVID-19 vaccine before becoming an affected person.

Schedule 1 clause 4: inserted, at 11.59 pm on 14 July 2021, by clause 14 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

### **Part 3**

#### **Provisions relating to COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021**

Schedule 1 Part 3: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

##### *Health and disability sector*

Heading: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

#### **5 Transitional provision for affected persons working in health and disability sector before commencement**

- (1) If an affected person who belongs to a group specified in Part 7 of the table in Schedule 2 is not vaccinated before the commencement of this clause, the affected person must—
  - (a) be treated as vaccinated until 15 November 2021 if they have their first dose of a COVID-19 vaccine before the close of that date:
  - (b) be treated as vaccinated until 1 January 2022 (and after that date) if they—



- (i) have their first dose of a COVID-19 vaccine before the close of 15 November 2021; and
  - (ii) have their second dose of a COVID-19 vaccine before the close of 1 January 2022.
- (2) If an affected person who belongs to a group specified in Part 7 of the table in Schedule 2 is not vaccinated before the commencement of this clause and does not have their first dose of a COVID-19 vaccine before the close of 15 November 2021, the affected person must be treated as vaccinated—
- (a) on the date on which they have their first dose of a COVID-19 vaccine; and
  - (b) from that date until 1 January 2022 (and after 1 January 2022) if they have their second dose of a COVID-19 vaccine before the close of 1 January 2022.

Schedule 1 clause 5: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

### *Corrections prisons*

Heading: replaced, at 11.59 pm on 6 November 2021, by clause 13(1) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

## **6 Transitional provision for affected persons working in corrections prisons before commencement**

- (1) If an affected person who belongs to a group specified in Part 8 of the table in Schedule 2 is not vaccinated before the commencement of this clause, the affected person must—
- (a) be treated as vaccinated until 6 November 2021 if they have their first dose of the Pfizer/BioNTech COVID-19 vaccine before the close of that date;
  - (b) be treated as vaccinated until 8 December 2021 (and after that date) if they—
    - (i) have their first dose of the Pfizer/BioNTech COVID-19 vaccine before the close of 6 November 2021; and
    - (ii) have their second dose of the Pfizer/BioNTech COVID-19 vaccine before the close of 8 December 2021.
- (2) If an affected person who belongs to a group specified in Part 8 of the table in Schedule 2 is not vaccinated before the commencement of this clause and does not have their first dose of the Pfizer/BioNTech COVID-19 vaccine before the close of 6 November 2021, the affected person must be treated as vaccinated—
- (a) on the date on which they have their first dose of the Pfizer/BioNTech COVID-19 vaccine; and

- (b) from that date until 8 December 2021 (and after 8 December 2021) if they have their second dose of the Pfizer/BioNTech COVID-19 vaccine before the close of 8 December 2021.

Schedule 1 clause 6: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Schedule 1 clause 6 heading: amended, at 11.59 pm on 6 November 2021, by clause 13(2) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Schedule 1 clause 6(1)(a): amended, at 11.59 pm on 29 November 2021, by clause 9(1) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 6(1)(b)(i): amended, at 11.59 pm on 29 November 2021, by clause 9(2) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 6(1)(b)(ii): amended, at 11.59 pm on 29 November 2021, by clause 9(3) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 6(2): amended, at 11.59 pm on 29 November 2021, by clause 9(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 6(2)(a): amended, at 11.59 pm on 29 November 2021, by clause 9(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 6(2)(b): amended, at 11.59 pm on 29 November 2021, by clause 9(4) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

### *Affected education services*

Heading: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

## **7 Transitional provision for affected persons working in affected education services before commencement**

- (1) If an affected person who belongs to a group specified in Part 9 of the table in Schedule 2 is not vaccinated before the commencement of this clause, the affected person must—
- (a) be treated as being vaccinated until 15 November 2021 if they have their first dose of a COVID-19 vaccine before the close of that date;
  - (b) be treated as vaccinated until 1 January 2022 (and after that date) if they—
    - (i) have their first dose of a COVID-19 vaccine before the close of 15 November 2021; and
    - (ii) have their second dose of a COVID-19 vaccine before the close of 1 January 2022.
- (2) If an affected person who belongs to a group specified in Part 9 of the table in Schedule 2 is not vaccinated before the commencement of this clause and does not have their first dose of a COVID-19 vaccine before the close of 15 November 2021, the affected person must be treated as vaccinated—
- (a) on the date on which they have their first dose of a COVID-19 vaccine; and

- (b) from that date until 1 January 2022 (and after 1 January 2022) if they have their second dose of a COVID-19 vaccine before the close of 1 January 2022.

Schedule 1 clause 7: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

#### **8 Transitional provision for relevant PCBUs of affected education services**

Clause 8(1) and (3) does not apply to a relevant PCBU of an affected education service until 2 January 2022.

Schedule 1 clause 8: inserted, at 11.59 pm on 25 October 2021, by clause 13(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

### **Part 4**

#### **Provisions relating to COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021**

Schedule 1 Part 4: inserted, at 11.59 pm on 7 November 2021, by clause 13(3)(a) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

#### **9 Transitional provision for Police employees working where health services are provided or at or for affected education services before commencement**

- (1) This clause applies despite clauses 5 and 7.
- (2) If an affected person who belongs to a group specified in item 7.2 or 9.1 of the table in Schedule 2 is a Police employee and is not vaccinated before the commencement of this clause, the affected person must—
  - (a) be treated as vaccinated until 17 January 2022 if they have their first dose of a COVID-19 vaccine before the close of that date;
  - (b) be treated as vaccinated until 1 March 2022 (and after that date) if they—
    - (i) have their first dose of a COVID-19 vaccine before the close of 17 January 2022; and
    - (ii) have their second dose of a COVID-19 vaccine before the close of 1 March 2022.
- (3) If an affected person who belongs to a group specified in item 7.2 or 9.1 of the table in Schedule 2 is a Police employee who is not vaccinated before the commencement of this clause and does not have their first dose of a COVID-19 vaccine before the close of 17 January 2022, the affected person must be treated as vaccinated—
  - (a) on the date on which they have their first dose of a COVID-19 vaccine; and
  - (b) from that date until 1 March 2022 (and after that date) if they have their second dose of a COVID-19 vaccine before the close of 1 March 2022.

- (4) In this clause, **Police employee** has the same meaning as in section 4 of the Policing Act 2008.

Schedule 1 clause 9: inserted, at 11.59 pm on 7 November 2021, by clause 13(3)(a) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Schedule 1 clause 9(2)(a): amended, at 11.59 pm on 29 November 2021, by clause 9(5) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 9(2)(b): amended, at 11.59 pm on 29 November 2021, by clause 9(6) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 9(2)(b)(i): amended, at 11.59 pm on 29 November 2021, by clause 9(7) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 9(2)(b)(ii): amended, at 11.59 pm on 29 November 2021, by clause 9(8) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 9(3): amended, at 11.59 pm on 29 November 2021, by clause 9(9) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

Schedule 1 clause 9(3)(b): amended, at 11.59 pm on 29 November 2021, by clause 9(10) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

**10 Transitional provision for affected workers who are exempt persons before commencement of Amendment Order**

- (1) This clause applies to an affected worker who—
- (a) belongs to a group specified in Part 6 or 8 of the table in Schedule 2; and
  - (b) was granted an exemption under clause 7A before the commencement of the Amendment Order.
- (2) An affected worker continues to be an exempt person until the earlier of the following dates:
- (a) the close of 21 November 2021;
  - (b) the close of the date on which they receive notification that an application made on their behalf under clause 9B has not been granted.
- (3) For the purposes of this clause,—
- (a) the definition of exempt person set out in clause 4 of this order as in force immediately before the commencement of the Amendment Order continues to apply; and
  - (b) clause 7A of this order as in force immediately before the commencement of the Amendment Order continues to apply.
- (4) In this clause, **Amendment Order** means the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021.

Schedule 1 clause 10: inserted, at 11.59 pm on 7 November 2021, by clause 13(3)(a) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

**Part 5**  
**Provision relating to COVID-19 Public Health Response**  
**(Vaccinations) Amendment Order (No 4) 2021**

Schedule 1 Part 5: inserted, at 11.59 pm on 12 November 2021, by clause 6(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2021 (SL 2021/366).

**11 Transitional provision for FENZ personnel working where health services are provided or at or for affected education services before commencement**

- (1) This clause applies despite clauses 5 and 7.
- (2) If an affected person who belongs to a group specified in item 7.2 or 9.1 of the table in Schedule 2 is a FENZ personnel member and is not vaccinated before the commencement of this clause, the affected person must—
  - (a) be treated as vaccinated until 29 November 2021 if they have their first dose of a COVID-19 vaccine before the close of that date;
  - (b) be treated as vaccinated until 14 January 2022 (and after that date) if they—
    - (i) have their first dose of a COVID-19 vaccine before the close of 29 November 2021; and
    - (ii) have their second dose of a COVID-19 vaccine before the close of 14 January 2022.
- (3) If an affected person who belongs to a group specified in item 7.2 or 9.1 of the table in Schedule 2 is a FENZ personnel member who is not vaccinated before the commencement of this clause and does not have their first dose of a COVID-19 vaccine before the close of 29 November 2021, the affected person must be treated as vaccinated—
  - (a) on the date on which they have their first dose of a COVID-19 vaccine; and
  - (b) from that date until 14 January 2022 (and after that date) if they have their second dose of a COVID-19 vaccine before the close of 14 January 2022.
- (4) In this clause, **FENZ personnel** has the same meaning as in section 6 of the Fire and Emergency New Zealand Act 2017.

Schedule 1 clause 11: inserted, at 11.59 pm on 12 November 2021, by clause 6(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2021 (SL 2021/366).

**Part 6**  
**Provision relating to COVID-19 Public Health Response**  
**(Vaccinations) Amendment Order (No 5) 2021**

Schedule 1 Part 6: inserted, at 11.59 pm on 29 November 2021, by clause 9(11)(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

**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).

Schedule 1 clause 12: inserted, at 11.59 pm on 29 November 2021, by clause 9(11)(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

**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 1 clause 13: inserted, at 11.59 pm on 29 November 2021, by clause 9(11)(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

## **Part 7**

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

Schedule 1 Part 7: inserted, on 3 December 2021, by clause 9(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

- 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.

Schedule 1 clause 14: inserted, on 3 December 2021, by clause 9(a) of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

## Schedule 2

### Groups of affected persons

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Schedule 2: replaced, at 11.59 pm on 14 July 2021, by clause 15 of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182).

<b>Item</b>	<b>Group</b>
	<i>Part 1: Groups in relation to managed quarantine facilities</i>
1.1	Workers at managed quarantine facilities
1.2	Workers who transport to or from managed quarantine facilities persons required to be in isolation or quarantine under COVID-19 order
	<i>Part 2: Groups in relation to managed isolation facilities</i>
2.1	Workers at managed isolation facilities
2.2	Workers who transport to or from managed isolation facilities persons required to be in isolation or quarantine under COVID-19 order
	<i>Part 3: Groups in relation to affected airports</i>
3.1	All airside workers (other than excluded airport persons)
3.2	All landside workers who interact with international arriving or international transiting passengers
3.3	Baggage handlers who work at affected airports and who handle baggage from affected aircraft
3.4	Persons (other than excluded airport persons) who enter enclosed space on board affected aircraft
	<i>Part 4: Groups in relation to affected ports</i>
4.1	All workers (other than excluded port persons) who board affected ships
4.2	Pilots (other than excluded port persons) carrying out work on or around affected ships
4.3	Stevedores (other than excluded port persons) carrying out work on or around affected ships
4.4	All workers who transport persons (other than crew) to or from affected ships
4.5	All other port workers (other than excluded port persons) who interact with persons required to be in isolation or quarantine under COVID-19 order
	<i>Part 5: Groups in relation to aircraft</i>
5.1	Aircrew members
5.2	Workers at accommodation services (other than private dwellinghouses) where relevant aircrew members are self-isolating
	<i>Part 6: Groups in relation to affected items</i>
6.1	Workers who handle affected items within 72 hours of removal of items from managed quarantine facilities and who have contact with members of groups specified in Part 1 or 2 while both are working
6.2	Workers who handle affected items within 72 hours of removal of items from managed isolation facilities and who have contact with members of groups specified in Part 1 or 2 while both are working
6.3	Workers who handle affected items within 24 hours of removal of items from affected aircraft and who have contact with members of groups specified in Part 3 or 5 while both are working
6.4	Workers who handle affected items within 72 hours of removal of items from affected ships and who have contact with members of groups specified in Part 4 while both are working



Item	Group
	<i>Part 7: Groups in relation to health and disability sector</i>
7.1	Health practitioners providing health services to patients in person
7.2	Workers who carry out work where health services are provided to members of the public by 1 or more health practitioners and whose role involves being within 2 metres or less of a health practitioner or a member of the public for a period of 15 minutes or more
7.3	Workers who are employed or engaged by certified providers and carry out work at the premises at which health care services are provided
7.4	Care and support workers
	<i>Part 8: Groups in relation to corrections prisons</i>
8.1	Staff members of a corrections prison (other than staff members of a corrections prison who are specified visitors or statutory visitors) who may be required to undergo a security screening process before being allowed entry into the corrections prison
8.2	Persons employed or engaged by a contractor or subcontractor to provide services in respect of a corrections prison (other than persons who are specified visitors or statutory visitors) who may be required to undergo a security screening process before being allowed entry into the corrections prison
	<i>Part 9: Groups in relation to affected education services</i>
9.1	Workers over the age of 12 years who carry out work at or for an affected education service (including as a volunteer or an unpaid worker) and who— (a) may have contact with children or students in the course of carrying out that work; or (b) will be present at the affected education service at a time when children or students are also present
9.2	Providers of a home-based education and care service
	<i>Part 10: Groups in relation to settings where CVC may be required for persons to enter place or receive service</i>
10.1	Workers at 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 2 Part 3: amended, at 11.59 pm on 7 November 2021, by clause 10(6) of the COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345).

Schedule 2 Part 7: inserted, at 11.59 pm on 25 October 2021, by clause 14 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Schedule 2 Part 7: amended, at 11.59 pm on 7 November 2021, by clause 14(1) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Schedule 2 Part 8: replaced, at 11.59 pm on 6 November 2021, by clause 14(2) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358).

Schedule 2 Part 9: inserted, at 11.59 pm on 25 October 2021, by clause 14 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325).

Schedule 2 Part 10: inserted, on 3 December 2021, by clause 10 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385).

Schedule 2 Part 10 heading: amended, at 11.59 pm on 16 December 2021, by clause 10(1) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

Schedule 2 Part 10: amended, at 11.59 pm on 16 December 2021, by clause 10(2) of the COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419).

## Schedule 3 Vaccinations

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Schedule 3: replaced, at 11.59 pm on 29 November 2021, by clause 10 of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384).

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"> <li>• Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2):</li> <li>• Moderna (Spikevax, mRNA-1273):</li> <li>• AstraZeneca (Vaxzevria, AZD1222):</li> <li>• AstraZeneca (Covishield):</li> <li>• Sinopharm, Beijing (BBIBP-CorV, Sinopharm COVID-19 vaccine, BIBP vaccine, Covilo):</li> <li>• Sinovac (CoronaVac, Sinovac COVID-19 vaccine, PiCoVacc):</li> <li>• Bharat Biotech (Covaxin, BBV152)</li> </ul>	Both doses received before carrying out certain work
10	1 dose of any of the following: <ul style="list-style-type: none"> <li>• Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2):</li> </ul>	1 dose received before before carrying out certain work and 1 dose of Pfizer/BioNTech (Comirnaty,

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

Dated at Wellington this 28th day of April 2021.

Hon Dr Ayesha Verrall,  
Associate Minister of Health.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 28 April 2021.

## Notes

### 1 *General*

This is a consolidation of the COVID-19 Public Health Response (Vaccinations) 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 (Required Testing and Vaccinations) Amendment Order (No 2) 2021 (SL 2021/419): Part 2

COVID-19 Public Health Response (Infringement Offences) Amendment Order 2021 (SL 2021/387): clause 19

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 6) 2021 (SL 2021/385)

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 2021 (SL 2021/384)

COVID-19 Response (Vaccinations) Legislation Act 2021 (2021 No 51): section 18

COVID-19 Public Health Response Amendment Act 2021 (2021 No 48): section 28

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2021 (SL 2021/366)

COVID-19 Public Health Response (Required Testing and Vaccinations) Amendment Order 2021 (SL 2021/358): Part 2

COVID-19 Public Health Response (Air Border) Order (No 2) Amendment Order (No 12) 2021 (SL 2021/345): clause 10

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 3) 2021 (LI 2021/325)

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 2) 2021 (LI 2021/315)

COVID-19 Public Health Response (Vaccinations) Amendment Order 2021 (LI 2021/182)

COVID-19 Public Health Response (Vaccinations) Order 2021 (LI 2021/94): clause 12A(9)