

**Version  
as at 26 September 2022**



**COVID-19 Public Health Response (Vaccinations)  
Amendment Order 2022**

(SL 2022/4)

COVID-19 Public Health Response (Vaccinations) Amendment Order 2022: revoked, at 11.59 pm on 26 September 2022, pursuant to clause 3(2) of the COVID-19 Public Health Response (Revocations) Order 2022 (SL 2022/254).

This order is made by the Minister for COVID-19 Response under sections 11 and 15(1) of the COVID-19 Public Health Response Act 2020 in accordance with section 9 of that Act.

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**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.**

<b>Schedule 1</b>	5
<b>New Part 8 inserted into Schedule 1</b>	
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<b>New Schedule 4 inserted</b>	
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## Order

### 1 Title

This order is the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022.

### 2 Commencement

This order comes into force at 11.59 pm on 23 January 2022.

### 3 Principal order

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

### 4 Clause 4 amended (Interpretation)

In clause 4, insert in its appropriate alphabetical order:

**booster dose** means a dose of a COVID-19 vaccine specified in the first column of the table in Schedule 4 administered in accordance with the requirements specified for that dose in the second column of that table

### 5 Clause 8 amended (Duties of relevant PCBUs in relation to vaccinations)

Replace clause 8(3) with:

- (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 who is—
- at least 12 years of age but under 18 years of age in the home where the home-based education and care service is provided is vaccinated; and
  - 18 years of age or older in the home where the home-based education and care service is provided is vaccinated and has received a booster dose.

### 6 New clause 8A inserted (Exclusion from certain duties)

After clause 8, insert:

**8A Exclusion from certain duties**

- (1) Despite clause 7, an affected person who is vaccinated may carry out certain work without receiving a booster dose if the affected person—
  - (a) is under 18 years of age; or
  - (b) carries out certain work for a group specified in Part 10 of the table in Schedule 2 and does not carry out certain work for any other group specified in the table in Schedule 2.
- (2) Despite clause 8, if subclause (1) applies to an affected person, a PCBU may allow the affected person to carry out certain work for the PCBU without a booster dose.

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

Replace clause 9B(1) with:

- (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, or 9 of the table in Schedule 2 and—
    - (i) is not vaccinated;
    - (ii) has not received a booster dose; or
  - (b) belongs to a group specified in Part 10 of the table in Schedule 2 and is not vaccinated.

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

- (1) In the heading to clause 11A,—
  - (a) replace “**Parts**” with “**Part**”; and
  - (b) replace “**vaccination**” with “**vaccine**”.
- (2) After clause 11A(2)(g), insert:
  - (ga) if the affected person has received a booster dose,—
    - (i) the name of the COVID-19 vaccine they received; and
    - (ii) the date on which they received that dose;
  - (gb) if the affected person (other than an affected person who is under 18 years of age or who belongs to a group specified in Part 10 of Schedule 2) is vaccinated but has not received a booster dose, the latest date by which they must receive the booster dose:

**9 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in Schedule 1 of this order as the last Part; and
- (b) make all necessary consequential amendments.

**10 New Schedule 4 inserted**

After Schedule 3, insert the Schedule 4 set out in Schedule 2 of this order.

**11 Consequential amendments to principal order**

Amend the principal order as set out in Schedule 3.

**Schedule 1**  
**New Part 8 inserted into Schedule 1**

cl 9

**Part 8**  
**Provisions relating to COVID-19 Public Health Response**  
**(Vaccinations) Amendment Order 2022**

**15 Transitional provision for affected persons who belong to a group in Parts 1 to 7 of Schedule 2: booster dose**

- (1) Subclause (2) applies to an affected person who—
  - (a) is 18 years of age or older; and
  - (b) belongs to a group specified in Parts 1 to 7 of the table in Schedule 2; and
  - (c) was vaccinated on or before the commencement of this clause; and
  - (d) has not received a booster dose.
- (2) The affected person must be treated as a person who has received a booster dose (and may continue to carry out certain work) if,—
  - (a) before 15 February 2022, they receive a booster dose; or
  - (b) on or after 15 February 2022, they receive a booster dose before the close of the date that is 183 days after the date on which they were vaccinated.

**16 Transitional provision for affected persons who belong to a group in Part 8 or 9 of Schedule 2: booster dose**

- (1) Subclause (2) applies to an affected person who—
  - (a) is 18 years of age or older; and
  - (b) belongs to a group specified in Part 8 or 9 of the table in Schedule 2; and
  - (c) was vaccinated on or before the commencement of this clause; and
  - (d) has not received a booster dose.
- (2) The affected person must be treated as a person who has received a booster dose (and may continue to carry out certain work) if,—
  - (a) before 1 March 2022, they receive a booster dose; or
  - (b) on or after 1 March 2022, they receive a booster dose before the close of the date that is 183 days after the date on which they were vaccinated.

**17 Transitional provision for affected persons who are treated as vaccinated under clause 9 or 12 of this schedule**

- (1) Subclause (2) applies to an affected person who—

- (a) is 18 years of age or older; and
  - (b) belongs to a group specified in Parts 7 to 9 of the table in Schedule 2;  
and
  - (c) is treated as vaccinated until the close of—
    - (i) 1 March 2022 under clause 9 of this schedule; or
    - (ii) 31 March 2022 under clause 12 of this schedule.
- (2) The affected person must be treated as a person who has received a booster dose (and may continue to carry out certain work) if they receive a booster dose before the close of the date that is 183 days after the date on which they were vaccinated.

**Schedule 2**  
**New Schedule 4 inserted**

cl 10

**Schedule 4**  
**Booster doses**

cl 4

**Booster doses of COVID-19 vaccine**

1 dose of Pfizer/BioNTech (Comirnaty,  
Tozinameran, BNT162b2)

1 dose of AstraZeneca (Vaxzevria, AZD1222)

**Administration requirements**

Booster dose received—

- (a) before carrying out certain work; or
- (b) within 183 days of being vaccinated

Booster dose received—

- (a) before carrying out certain work; or
- (b) within 183 days of being vaccinated

### Schedule 3

#### Consequential amendments to principal order

cl 11

**Clause 3**

In clause 3, after “vaccinated”, insert “and have received a booster dose”.

**Clause 7**

In clause 7(a), after “vaccinated”, insert “and have received a booster dose”.

**Clause 8**

In clause 8(1), after “is vaccinated”, insert “and has received a booster dose”.

In clause 8(2)(a), after “vaccinated”, insert “and to receive a booster dose”.

**Clause 9**

In the heading to clause 9, after “**not vaccinated**”, insert “**or who have not received booster dose**”.

In clause 9(2), after “has not been vaccinated”, insert “or has not received a booster dose”.

In clause 9(2)(a), after “is vaccinated”, insert “and has received a booster dose”.

**Clause 9A**

In the heading to clause 9A, after “**not fully vaccinated**”, insert “**or who have not received booster dose**”.

In clause 9A(2), after “not fully vaccinated”, insert “or who has not received a booster dose”.

In clause 9A(4), replace “Schedule 3” with “Schedule 3 or 4”.

**Clause 10**

In clause 10(2)(a), after “vaccinated”, insert “and to receive a booster dose”.

In clause 10(2A), after “not vaccinated”, insert “or has not received a booster dose”.

**Clause 11A**

In clause 11A(2)(h), after “not vaccinated”, insert “or has not received a booster dose”.

**Clause 12A**

In clause 12A(5)(b)(ii), after “been vaccinated”, insert “or have received a booster dose”.



Dated at Wellington this 21st day of January 2022.

Hon Chris Hipkins,  
Minister for COVID-19 Response.

### **Explanatory note**

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

This order, which comes into force at 11.59 pm on 23 January 2022, amends the COVID-19 Public Health Response (Vaccinations) Order 2021. The amendments require affected persons who are 18 years of age or older (and do not belong to a group specified in Part 10 of Schedule 2) to receive a booster dose of a specified COVID-19 vaccine.

#### *Approval by resolution required*

This order must be approved by 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*: 21 January 2022.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Vaccinations) Amendment Order 2022 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 (Revocations) Order 2022 (SL 2022/254): clause 3(2)