

**Version
as at 26 September 2022**



**COVID-19 Public Health Response (Vaccinations)
Amendment Order (No 4) 2022
(SL 2022/131)**

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 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.

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Order

1 Title

This order is the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 2022.

2 Commencement

This order comes into force at 11.59 pm on 15 May 2022.

3 Principal order

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

4 **New clause 7A inserted (Certain affected persons not vaccinated or who have not received booster dose authorised to carry out certain work)**

After clause 7, insert:

7A Certain affected persons not vaccinated or who have not received booster dose authorised to carry out certain work

- (1) This clause applies to an affected person if they—
 - (a) test positive for COVID-19 at or after 11.59 pm on 15 May 2022 as evidenced by—
 - (i) definitive laboratory evidence; or
 - (ii) a positive result from an authorised rapid antigen test; and
 - (b) are not an exempt person.
- (2) Despite clause 7, the person may carry out certain work, for a period of 100 days after the date on which they receive the evidence specified in subclause (1)(a)(i) or (ii), without having been vaccinated or having received a booster dose.
- (3) In this clause,—

authorised rapid antigen test means a point-of-care test permitted to be used under the COVID-19 Public Health Response (Point-of-care Tests) Order 2021

definitive laboratory evidence means—

- (a) detection of SARS-CoV-2 from a clinical specimen using—
 - (i) a validated nucleic acid amplification test (NAAT) for COVID-19; or
 - (ii) a validated single target point of care nucleic acid amplification test (NAAT) for COVID-19; or
- (b) detection of coronavirus from a clinical specimen using a pan-coronavirus nucleic acid amplification test (NAAT) for COVID-19 and confirmation as SARS-CoV-2 by sequencing; or
- (c) detection from a clinical specimen of a significant rise in IgG antibody level to SARS-CoV-2 between paired sera; or
- (d) detection of SARS-CoV-2 from a clinical specimen using a validated laboratory multi-target nucleic acid amplification test (NAAT) for COVID-19

nucleic acid amplification test (NAAT) for COVID-19 means a test for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) viral ribonucleic acid using—

- (a) reverse transcription polymerase chain reaction (RT-PCR); or
 - (b) transcription-mediated amplification (TMA).
- (4) For the purposes of paragraph (a) of the definition of definitive laboratory evidence, a very weak positive result is only definitive laboratory evidence if the result is confirmed in a second sample.

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

Replace clause 8(1) with:

- (1) A relevant PCBU must not allow an affected person to carry out certain work unless satisfied that the person—
- (a) is vaccinated and has received a booster dose; or
 - (b) is an exempt person; or
 - (c) is authorised under clause 7A to carry out the work and has not previously relied on an authorisation under that clause to carry out work while engaged or employed by that PCBU.

6 Clause 9A amended (Director-General may authorise affected persons not fully vaccinated or who have not received booster dose to carry out certain work)

In clause 9A(3)(a), delete “(not being the Janssen vaccine)”.

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 an affected person if either or both of the following apply:
 - (a) the person is not vaccinated;
 - (b) the person has not received a booster dose.

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

After clause 11(3), insert:

- (4) An affected person who carries out certain work for a relevant PCBU must, if they are authorised under clause 7A to carry out the work, provide the following to the relevant PCBU:
 - (a) the definitive laboratory evidence specified in clause 7A(1)(a)(i); or
 - (a) confirmation of the positive result referred to in clause 7A(1)(a)(ii).

9 New clause 11B inserted (Duties of relevant PCBUs of certain affected persons authorised under clause 7A to carry out work)

After clause 11A, insert:

11B Duties of relevant PCBUs of certain affected persons authorised under clause 7A to carry out work

- (1) This clause applies to a relevant PCBU who employs or engages an affected person authorised under clause 7A to carry out certain work.
- (2) The relevant PCBU must—
 - (a) notify the person of the date on which the period described in clause 7A(2) ends; and
 - (b) notify the Ministry of Health before the end of each quarter of the number of persons notified during that quarter under paragraph (a).
- (3) In this clause, **quarter** means the 3-month period ending on 20 January, 20 April, 20 July, or 20 October.

10 Schedule 4 replaced

Replace Schedule 4 with the Schedule 4 set out in the Schedule of this order.

Schedule
Schedule 4 replaced

cl 10

Schedule 4
Booster doses

cl 4

Item	Booster doses of COVID-19 vaccine	Administration requirements
1	1 dose of Pfizer/BioNTech (Comirnaty, Tozinameran, BNT162b2)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
2	1 dose of AstraZeneca (Oxford/AstraZeneca, Vaxzevria, AZD1222, ChAdOx1 nCoV-19)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
3	1 dose of AstraZeneca (Covishield, Serum Institute India formulation)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
4	½ (half) or 1 dose of Moderna (Spikevax, mRNA-1273)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
5	1 dose of Sinopharm, Beijing (BBIBP-CorV, BIBP vaccine, Covilo)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
6	1 dose of Sinovac (CoronaVac, PiCoVacc)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
7	1 dose of Bharat Biotech (Covaxin, BBV152)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
8	1 dose of Janssen/Johnson & Johnson (Janssen COVID-19 Vaccine, Ad26.COV2.S1, JNJ-78436735)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
9	1 dose of Novavax (Nuvaxovid, NVX-CoC2373)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated
10	1 dose of Covovax (Serum Institute India Novavax formulation)	Booster dose received— (a) before carrying out certain work; or (b) within 183 days of being vaccinated

Dated at Wellington this 10th day of May 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 amends the COVID-19 Public Health Response (Vaccinations) Order 2021 (the **principal order**), which requires persons who belong to specified groups and carry out certain work (**affected persons**) to be vaccinated against COVID-19 and to receive a booster dose. This order comes into force at 11.59 pm on 15 May 2022.

New clause 7A authorises an affected person who tests positive for COVID-19 (an **authorised person**) to carry out certain work, for a period of 100 days after the date on which they receive evidence that they have tested positive for COVID-19, without having been vaccinated or having received a booster dose. They must provide evidence of their test result to the person who engages or employs them to carry out work (the **relevant PCBU**).

The relevant PCBU must—

- only allow the authorised person to carry out certain work if satisfied that the person is authorised under *new clause 7A* to carry out certain work and has not previously relied on an authorisation under that clause to carry out work while engaged or employed by that PCBU; and
- notify the person of the date on which their authorisation ends; and
- notify the Ministry of Health of the number of authorised persons that the PCBU engages or employs.

This order also amends Schedule 4 of the principal order to include an expanded range of vaccines that an affected person may receive (in accordance with the specified administration requirements) in order to be recognised as having received a booster dose.

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.

Version as at
26 September 2022

**COVID-19 Public Health Response (Vaccinations)
Amendment Order (No 4) 2022**

Explanatory note

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 11 May 2022.
This order is administered by the Ministry of Health.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 4) 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)