

**Version
as at 26 September 2022**



**COVID-19 Public Health Response (Vaccinations)
Amendment Order (No 5) 2022
(SL 2022/207)**

COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 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 5) 2022.

2 Commencement

- (1) This order comes into force at 11.59 pm on 2 July 2022.
- (2) However, clause 13(2) comes into force at 11.59 pm on 7 July 2022.

Part 1

Amendments to COVID-19 Public Health Response (Vaccinations)
Order 2021

3 Principal order

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

4 Clause 4 amended (Interpretation)

In clause 4, revoke the definitions of **affected aircraft**, **affected airport**, **affected education service**, **affected item**, **affected port**, **affected ship**, **aircraft**, **aircrew member**, **airside**, **close-proximity business or service**, **corrections prison**, **crew**, **Defence Force**, **enclosed space**, **excluded airport person**, **excluded port person**, **food and drink business or service**, **gym**, **have con-**

tact with, home-based education and care service, hostel, international lay-over, landside, licensed early childhood service, managed isolation facility, managed quarantine facility, permitted event, physical distancing, play-group, public service agency, register, registered school, relevant aircrew member, service worker, ship, specified visitor, staff member of a corrections prison, State services, statutory visitor, tertiary education premises, tertiary education provider, and workers who handle affected items.

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

Revoke clause 8(3).

6 Clause 9 revoked (Relevant chief executive may authorise affected persons not vaccinated or who have not received booster dose to carry out certain work)

Revoke clause 9.

7 Clause 10 revoked (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)

Revoke clause 10.

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

- (1) In the heading to clause 11A, delete “belonging to groups specified in Part 7 or item 8.2 of Part 8 of Schedule 2”.
- (2) In clause 11A(1), delete “who belongs to a group specified in Part 7 or item 8.2 of Part 8 of the table in Schedule 2”.
- (3) In clause 11A(2)(gb), delete “or who belongs to a group specified in Part 10 of Schedule 2”.
- (4) In clause 11A(2)(h), delete “9 or”.

9 Clause 12 revoked (Duties regarding vaccination register)

Revoke clause 12.

10 Clause 12A amended (Power of Minister to grant exemptions)

- (1) Replace clause 12A(4)(a) with:
 - (a) the exemption is necessary or desirable to promote the purposes of the Act and prevent significant disruption to health services; and
- (2) Revoke clause 12A(5)(a).
- (3) In clause 12A(5)(b), after “the work”, insert “carried out by the person”.

11 Clause 13 amended (Infringement offences)

- (1) In clause 13(1), delete “10,”.
- (2) Revoke clause 13(2)(b).
- (3) In clause 13(2)(c), delete “10(5),”.

12 Schedule 1 amended

- (1) In Schedule 1, revoke Part 2.
- (2) In Schedule 1, revoke clauses 6 to 8 and the cross-headings above clauses 6 and 7.
- (3) In Schedule 1, revoke Parts 4 to 6.
- (4) In Schedule 1, revoke clauses 15, 16, and 17.

13 Schedule 2 amended

- (1) In Schedule 2, revoke the items relating to Parts 1, 2, 3, 4, 5, 6, and 8 and the cross-headings above items 1.1, 2.1, 3.1, 4.1, 5.1, 6.1, and 8.1.
- (2) In Schedule 2, replace items 7.2 and 7.3 with:

- | | |
|-----|---|
| 7.2 | Workers who are employed or engaged by a general practice or a pharmacy 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 a certified provider and who, as part of their ordinary duties, come within 2 metres or less of a health practitioner or a person to whom health care services are provided for a period of 15 minutes or more |

Part 2**Amendments to COVID-19 Public Health Response (Protection Framework) Order 2021****14 Principal order**

This Part amends the COVID-19 Public Health Response (Protection Framework) Order 2021.

15 Clause 5 amended (Interpretation)

- (1) In clause 5(1), insert in their appropriate alphabetical order:

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 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 isolation or quarantine facility

affected ship means a ship that arrives from a location outside New Zealand, unless—

- (a) the ship is a New Zealand Government ship, a warship, or a foreign State ship (as those terms are defined in clause 4 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020); or
- (b) the ship's arrival is a permitted shipping movement within the meaning of clause 31 of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

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:
- (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; and
 - (iii) have an international layover during that travel

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)

border worker means—

- (a) a worker at a managed isolation or quarantine facility;
- (b) a worker who transports to or from a managed isolation or quarantine facility persons required to be in isolation or quarantine under a COVID-19 order;
- (c) an airside worker (other than an excluded airport person);
- (d) a landside worker who interacts with international arriving or international transiting passengers;
- (e) a baggage handler who works at affected airports and who handles baggage from affected aircraft;
- (f) a person (other than an excluded airport person) who enters any enclosed space on board affected aircraft;
- (g) a worker (other than an excluded port person) who boards affected ships:

- (h) a pilot (other than an excluded port person) carrying out work on or around affected ships:
- (i) a stevedore (other than an excluded port person) carrying out work on or around affected ships:
- (j) a worker who transports persons (other than crew) to or from affected ships:
- (k) a port worker (other than an excluded port person) who interacts with persons required to be in isolation or quarantine under a COVID-19 order:
- (l) an aircrew member:
- (m) a worker at an accommodation service (other than a private dwelling-house) where relevant aircrew members are self-isolating:
- (n) a worker who—
 - (i) carries out work for a business or service that is contracted to provide regular services for a managed isolation or quarantine facility; and
 - (ii) handles affected items within 72 hours of removal of the items from managed isolation or quarantine facilities; and
 - (iii) has contact with any worker specified in paragraph (a) or (b) while both are working:
- (o) a worker who—
 - (i) carries out work for a business or service that is contracted to provide regular services for an affected aircraft; and
 - (ii) handles affected items within 24 hours of removal of the items from affected aircraft; and
 - (iii) has contact with any worker specified in paragraph (c), (d), (e), (f), (l), or (m) while both are working:
- (p) a worker who—
 - (i) carries out work for a business or service that is contracted to provide regular services for an affected ship; and
 - (ii) handles affected items within 72 hours of removal of the items from affected ships; and
 - (iii) has contact with any worker specified in paragraph (g), (h), (i), (j), or (k) while both are working

crew has the same meaning as in clause 4(1) of the COVID-19 Public Health Response (Maritime Border) Order (No 2) 2020

enclosed space,—

- (a) in relation to an aircraft, means an enclosed or a partially enclosed space on board the aircraft in which it is not practicable to remain at least 2

metres from the aircrew or international arriving or international transiting passengers:

- (b) in relation to an affected ship, means an enclosed or partially enclosed space on board the ship in which it is not practicable to remain at least 2 metres from the ship's crew

excluded airport person 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 means a person who is in isolation or quarantine on a ship under a COVID-19 order

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

relevant aircrew member means a person—

- (a) who is in isolation after 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

- (2) In clause 5(1), revoke the definitions of **affected worker** and **Vaccinations Order**.

16 Clause 104 amended (Other exemptions)

Replace clause 104(2) with:

- (2) However, subclause (1) does not exempt a border worker from complying with the medical-grade face covering rule, if an applicable COVID-19 provision requires them to do so.

17 Schedule 6 amended

- (1) In Schedule 6, Part 2A, subpart 2, replace the heading above item 4 with:

Border work

- (2) In Schedule 6, Part 2A, subpart 2, replace item 4 with:

| | | |
|---|-----------------|----------------|
| 4 | A border worker | When they are— |
|---|-----------------|----------------|

- (a) working with members of the public, customers, or clients in the course of carrying out work as a border worker; or
- (b) at the premises where they work as a border worker, and only on the parts of the premises that are open to the public

18 Schedule 7 amended

- (1) In Schedule 7, Part 2A, subpart 2, replace the heading above item 6 with:

Border work

- (2) In Schedule 7, Part 2A, subpart 2, replace item 6 with:

| | | |
|---|-----------------|--|
| 6 | A border worker | When they are— |
| | | <ul style="list-style-type: none"> (a) working with members of the public, customers, or clients in the course of carrying out work as a border worker; or (b) at the premises where they work as a border worker, and only on the parts of the premises that are open to the public |

Dated at Wellington this 30th day of June 2022.

Hon Dr Ayesha Verrall,
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 **Vaccinations Order**) and the COVID-19 Public Health Response (Protection Framework) Order 2021 (the **Protection Framework Order**). It comes into force at 11.59 pm on 2 July 2022, except for *clause 13(2)*, which comes into force at 11.59 pm on 7 July 2022.

The Vaccinations Order requires specified workers to be vaccinated against COVID-19 and to have received a booster dose to carry out certain work. *Part 1* of this order removes the following groups of specified workers from the scope of the Vaccinations Order:

- workers at managed isolation and quarantine facilities, affected airports, and affected ships, or who handle items from those places (**certain border workers**); and
- most workers at corrections prisons.

Part 1 also amends references to the remaining groups of workers in the Vaccinations Order. After the amendments, only specified workers in the health and disability sector will be required to be vaccinated and to have received a booster dose.

Part 2 of this order amends the Protection Framework Order to continue to require certain border workers to wear a medical-grade face covering when carrying out work that is no longer vaccine-mandate work. Those amendments do not include workers at corrections prisons, who (to the extent they were previously required to wear a medical-grade face covering) are no longer required to wear a medical-grade face covering.

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*: 30 June 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (Vaccinations) Amendment Order (No 5) 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)