

**Version  
as at 12 September 2022**



## **COVID-19 Public Health Response (Protection Framework) Amendment Order (No 7) 2022**

(SL 2022/113)

COVID-19 Public Health Response (Protection Framework) Amendment Order (No 7) 2022: revoked, at 11.59 pm on 12 September 2022, pursuant to clause 11 of the COVID-19 Public Health Response (Masks) Order 2022 (SL 2022/255).

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.

### **Contents**

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 Clause 27 amended (Regulated business or service must have systems and processes to check person carries CVC and to verify CVC compliance)	2
5 Clause 28 amended (Person who is not CVC compliant must not enter regulated premises that are CVC-only)	2
6 Clause 29 amended (Person must produce CVC when requested at regulated premises that are CVC-only)	2
7 Clause 31 replaced (Person must not be denied access to certain premises on vaccination grounds)	2
31 Person must not be denied access to certain premises on vaccination grounds	2
8 Clause 32 amended (Person must not be denied access to goods or services from certain premises on vaccination grounds)	4

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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.**

9	Clause 33 amended (Business or service in control of premises must allow people access to designated premises)	4
10	Schedule 6 amended	4

## Order

### 1 Title

This order is the COVID-19 Public Health Response (Protection Framework) Amendment Order (No 7) 2022.

### 2 Commencement

This order comes into force at 11.59 pm on 16 April 2022.

### 3 Principal order

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

### 4 Clause 27 amended (Regulated business or service must have systems and processes to check person carries CVC and to verify CVC compliance)

In clause 27(2)(b), replace “clause 31(2)(a) and (b), and (3)” with “clause 31(4)(a) and (b) and (5)”.

### 5 Clause 28 amended (Person who is not CVC compliant must not enter regulated premises that are CVC-only)

In clause 28(2)(b), replace “a person to whom clause 31(2)(a) applies” with “a person referred to in clause 31(4)(a)”.

### 6 Clause 29 amended (Person must produce CVC when requested at regulated premises that are CVC-only)

In clause 29(3)(b), replace “a person to whom clause 31(2)(a) or (b) or (3) applies” with “a person referred to in clause 31(4)(a) or (b) or (5)”.

### 7 Clause 31 replaced (Person must not be denied access to certain premises on vaccination grounds)

Replace clause 31 with:

#### 31 Person must not be denied access to certain premises on vaccination grounds

*Designated premises*

- (1) A business or service in control of designated premises must not deny a person, other than a worker, entry to the premises on vaccination grounds.

- (2) However, if the designated premises are MSD service premises, the obligation in subclause (1) applies only in relation to the following people:
- (a) a person seeking to access services provided by the Ministry of Social Development;
  - (b) a family member of a person described in paragraph (a) who is accompanying that person;
  - (c) a person who is supporting or assisting a person described in paragraph (a).
- (3) Subclause (1) is subject to clause 98A (which relates to public transport services on certain routes) if clause 98A is an applicable COVID-19 provision.
- Designated education and care premises*
- (4) A person in control of designated education and care premises—
- (a) must not deny entry on vaccination grounds to the following people if they are seeking to access education services at the premises:
    - (i) a child or student (including a person seeking to enrol at those premises); and
    - (ii) a parent or caregiver of that child or student unless they are a volunteer or worker at the premises; and
  - (b) must not deny entry on vaccination grounds to a boarder at a school hostel; but
  - (c) may require people to be CVC compliant at a visitor-inclusive event that is hosted at the designated education and care premises.
- Tertiary education premises*
- (5) A tertiary education provider must not deny a secondary student entry to tertiary education premises on vaccination grounds if the student is participating in—
- (a) a secondary-tertiary programme held at the tertiary education premises; or
  - (b) a school learning programme of which part is held at the tertiary education premises.
- (6) However, a tertiary education provider may deny a secondary student entry to tertiary education premises on vaccination grounds if the student is seeking to carry out vaccine-mandate work or vaccine-policy work at the premises as part of a secondary-tertiary programme or a school learning programme.
- Premises at which students are participating in extra-curricular or curricular activity*
- (7) A person in control of premises must not deny entry on vaccination grounds to a secondary student participating in an extra-curricular or a curricular activity at the premises.

- (8) However, a person in control of premises may deny a secondary student entry to the premises on vaccination grounds if the student is seeking to carry out vaccine-mandate work or vaccine-policy work at the premises (even if the work is part of a secondary-tertiary programme or a school learning programme).

*Miscellaneous*

- (9) This clause is subject to the Trespass Act 1980.

- (10) In this clause,—

**vaccine-policy work**, in relation to premises, means work for which the person in control of the premises has determined that workers must provide evidence of being vaccinated against COVID-19

**visitor** means a person who is not ordinarily at the designated education and care premises for the purpose of receiving or providing, or assisting in or supporting the receipt or provision of, education services

**visitor-inclusive event** means an activity that includes visitors.

**8 Clause 32 amended (Person must not be denied access to goods or services from certain premises on vaccination grounds)**

- (1) In clause 32(2), replace “a person to whom clause 31(2)(a) or (b) applies” with “a person referred to in clause 31(4)(a) or (b)”.
- (2) In clause 32(2A), replace “a student to whom clause 31(2A) applies” with “a student referred to in clause 31(7)”.
- (3) In clause 32(3), replace “a secondary student to whom clause 31(3) applies” with “a secondary student referred to in clause 31(5)”.
- (4) In clause 32(3A), replace “to persons to whom clause 31(3A)(a) applies” with “in relation to persons referred to in clause 31(2)(a)”.

**9 Clause 33 amended (Business or service in control of premises must allow people access to designated premises)**

In clause 33(1A), replace “persons to whom clause 31(3A)(a) to (c) applies” with “persons referred to in clause 31(2)(a) to (c)”.

**10 Schedule 6 amended**

In Schedule 6, Part 2A, subpart 2, after item 3, insert:

	<i>Vaccine-mandate work</i>	
4	A person carrying out vaccine-mandate work	When they are—
		(a) working with members of the public, customers, or clients in the course of carrying out the vaccine-mandate work; or
		(b) at the premises where the vaccine-mandate work is carried out, and

only on the parts of the premises  
open to the public

Dated at Wellington this 14th day of April 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 (Protection Framework) Order 2021 (the **principal order**). It comes into force at 11.59 pm on 16 April 2022.

This order amends the principal order to—

- allow tertiary education providers and persons in control of premises to deny secondary school students entry to their premises if those students are not vaccinated and would, as part of a secondary-tertiary programme or school learning programme, carry out at those premises vaccine-mandate work or work subject to a vaccination policy; and
- extend medical-grade face covering requirements to vaccine-mandate workers under the Orange setting.

This order also makes other minor, technical, and consequential amendments to clause 31 and clauses that refer to clause 31.

#### *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*: 14 April 2022.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Protection Framework) Amendment Order (No 7) 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 (Masks) Order 2022 (SL 2022/255): clause 11