

Version  
as at 12 September 2022



## COVID-19 Public Health Response (Protection Framework) Amendment Order (No 9) 2022

(SL 2022/165)

COVID-19 Public Health Response (Protection Framework) Amendment Order (No 9) 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.

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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.**

## Order

### 1 Title

This order is the COVID-19 Public Health Response (Protection Framework) Amendment Order (No 9) 2022.

### 2 Commencement

This order comes into force at 11.59 pm on 30 May 2022.

### 3 Principal order

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

### 4 Clause 11 amended (Meaning of face covering rule and medical-grade face covering rule)

(1) After clause 11(3)(k), insert:

(1) if the person has an exemption pass issued to them under clause 106A.

(2) After clause 11(3), insert:

(4) To avoid doubt, a person does not need an exemption pass to rely on subclause (3)(a)(ii).

### 5 Clause 23 amended (Person must comply with face covering rule in specified premises or circumstances)

In clause 23(2)(a), replace “all persons other than entertainers they are performing with” with “the audience”.

### 6 Clause 23A amended (Certain workers must comply with medical-grade face covering rule)

In clause 23A(2)(a), replace “all persons other than entertainers they are performing with” with “the audience”.

### 7 New subpart 3 of Part 4 inserted

After clause 106, insert:

#### Subpart 3—Exemption passes for face covering rules

#### 106A Exemption passes for face covering rules

- (1) An exemption pass exempts a person from the face covering rule and medical-grade face covering rule.
- (2) The Director-General must issue an exemption pass to a person who applies for one in accordance with this clause.
- (3) The Director-General may determine the form of the application for an exemption pass.

- (4) A person's application must include—
- (a) a declaration by the person that they have a physical or mental illness or condition or disability that makes wearing a face covering unsuitable; and
  - (b) the following information about the person:
    - (i) name and address; and
    - (ii) date of birth; and
    - (iii) National Health Index number (if known); and
    - (iv) contact details (for example, their email address).
- (5) However, if a person's representative applies on their behalf,—
- (a) the representative may make the declaration about the person that is required by subclause (4)(a); and
  - (b) the Director-General may require the representative to provide about themselves the details that are specified in subclause (4)(b).
- (6) The Director-General must not require any person to provide—
- (a) evidence, grounds, or further information as to the nature of a person's physical or mental illness or condition or disability; or
  - (b) any additional personal information.
- (7) When applying for an exemption pass, a person must not provide or produce any information that they know is false or misleading in any material particular.

#### **106B Form and content of exemption pass**

- (1) An exemption pass may be issued in any form that the Director-General decides.
- (2) An exemption pass—
- (a) must show the person's name; and
  - (b) must not show any other personal information.

#### **106C Misuse of exemption passes**

A person (**person A**) must not—

- (a) produce or pass off an exemption pass as relating to person A when it relates to another person; or
- (b) produce or pass off an exemption pass that is forged, is altered, or has been obtained fraudulently; or
- (c) facilitate the use by another person of an exemption pass relating to person A.

Dated at Wellington this 27th 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 (Protection Framework) Order 2021 (the **principal order**). It comes into force at 11.59 pm on 30 May 2022.

### *Exemption pass*

This order creates the legal framework for a person with a physical or mental illness or condition or disability that makes wearing a face covering unsuitable to apply for an exemption pass to be issued by the Director-General. A person who has an exemption pass is not required to wear a face covering or medical-grade face covering under the principal order.

### *Clarification amendment*

This order also clarifies that the 2-metre distancing rule applies between entertainers and their audience.

### *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*: 27 May 2022.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Public Health Response (Protection Framework) Amendment Order (No 9) 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