

**Version
as at 2 December 2021**



**COVID-19 Public Health Response (COVID-19
Vaccination Certificate) Order 2021**
(SL 2021/382)

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

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Order

1 Title

This order is the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021.

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.

2 Commencement

This order comes into force at 11.59 pm on 28 November 2021.

3 Purpose

The purpose of this order is to prevent, and limit the risk of, the outbreak or spread of COVID-19 by enabling eligible persons to be issued with a COVID-19 vaccination certificate that they may produce when proof of vaccination status is required (for example, to be able to enter certain areas, places, or premises, or to receive certain services).

4 Interpretation

In this order, unless the context otherwise requires,—

Act means the COVID-19 Public Health Response Act 2020

AES means an automated electronic system

COVID-19 vaccination record, in relation to a person, means the record held by the Ministry of Health of COVID-19 vaccines received by the person

CVC means a COVID-19 vaccination certificate issued under clause 8 or 9

eligible person means a person who is eligible to apply for a COVID-19 vaccination certificate

exempt person has the same meaning as in section 5(1) of the Act

identifying information, in relation to a person, means information that confirms the person's identity

medical practitioner means a health practitioner who—

(a) is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine; and

(b) holds a current practising certificate

nurse practitioner means a health practitioner who—

(a) is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing and whose scope of practice permits the performance of nurse practitioner functions; and

(b) holds a current practising certificate

specified COVID-19 vaccination exemption criteria has the same meaning as in section 5(1) of the Act

vaccinated has the same meaning as in section 5(1) of the Act.

5 Who is eligible to apply for CVC

A person is eligible to apply for a CVC if the person—

- (a) has been vaccinated; or
- (b) is an exempt person.

6 Director-General may grant COVID-19 vaccination exemption

- (1) A suitably qualified medical practitioner or nurse practitioner (an **applicant**) may apply to the Director-General for a COVID-19 vaccination exemption on behalf of a person specified in the application who is not vaccinated against COVID-19.
- (2) An application must be made in the form required by the Director-General and may be made only on the ground that the person on whose behalf the application is made (the **person**) meets the specified COVID-19 vaccination exemption criteria.
- (3) The person must—
 - (a) certify that the information that they have provided to the applicant for the purposes of making the application is accurate; and
 - (b) sign the application.
- (4) An application must be accompanied by a certificate signed by the applicant certifying that they—
 - (a) have reviewed the person's medical history and assessed the person's state of health; and
 - (b) have reasonable grounds for believing that the person meets the specified COVID-19 vaccination exemption criteria.
- (5) The applicant must state their grounds for believing that the person meets the specified COVID-19 vaccination exemption criteria.
- (6) On receiving an application, the Director-General may ask the applicant or person to provide any evidence or further information that the Director-General reasonably requires for the purposes of deciding whether to grant the application.
- (7) The Director-General may grant the application if the Director-General is satisfied, on the basis of the evidence or other information provided, that the person meets the specified COVID-19 vaccination exemption criteria.
- (8) A COVID-19 vaccination exemption is valid for the period that the Director-General determines, which must be no longer than 6 months.
- (9) The Director-General must notify the applicant and the person of the outcome of the application.
- (10) If the application is granted, the Director-General must—
 - (a) enter the COVID-19 vaccination exemption in the COVID-19 vaccination record of the person; and

- (b) provide a copy of the COVID-19 vaccination exemption in written or electronic form to the applicant and person that states the date on which the exemption expires.
- (11) At any time before or after a COVID-19 vaccination exemption expires, a new application for a further exemption may be made under this clause by any medical practitioner or nurse practitioner on behalf of the person in respect of whom an exemption was granted.

7 How to apply for CVC

- (1) An eligible person may apply for a CVC—
 - (a) using an AES; or
 - (b) to the Director-General by any means that the Director-General specifies.
- (2) An application must contain the following information:
 - (a) the person's name and address; and
 - (b) the person's date of birth; and
 - (c) the person's contact details (for example, the person's email address); and
 - (d) whether the person is an exempt person.
- (3) An application must be supported by any identifying information that may be specified.
- (4) If the person has been vaccinated in New Zealand, the person may be required to advise the date or dates on which they received their first and, if applicable, second dose of a COVID-19 vaccine.
- (5) If the person has been vaccinated overseas, the person may be required to advise in the specified form—
 - (a) the name or names of the COVID-19 vaccine or vaccines they have received; and
 - (b) the date or dates on which they received a dose of that vaccine or those vaccines; and
 - (c) the country in which each of the doses was received.
- (6) For the purposes of subclauses (3) and (5), **specified** means specified by the AES or the Director-General (as the case may be).

8 Issue of CVC using AES

- (1) This clause applies if an application for a CVC is made using an AES.
- (2) The AES must grant an application and issue the applicant with a CVC if—
 - (a) the applicant is an eligible person; and
 - (b) the information provided by the applicant is complete and correct.

- (3) If an error is made in the issue of a CVC by an AES, the Director-General may amend or cancel the CVC.

9 Issue of CVC by Director-General

- (1) This clause applies if an application for a CVC is made to the Director-General.
- (2) On receiving the application, the Director-General may ask the applicant to provide any evidence or further information that the Director-General reasonably requires for the purpose of determining whether to grant the application.
- (3) The Director-General must grant an application and issue the applicant with a CVC if the Director-General is satisfied that—
 - (a) the applicant is an eligible person; and
 - (b) the application contains all of the required information; and
 - (c) the information provided by the applicant is correct.
- (4) A CVC may be issued to a person under an assumed name if, having regard to the person's circumstances, the Director-General thinks it is appropriate to do so.

10 Form and content of CVC

- (1) A CVC may be issued in any form that the Director-General decides and contain any code (for example, a QR code) or any symbol that the Director-General decides.
- (2) A CVC must show the following information:
 - (a) the person's name and date of birth, but no other personal information; and
 - (b) *[Revoked]*
 - (c) its expiry date.

Clause 10(2)(b): revoked, at 11.58 pm on 2 December 2021, by clause 4 of the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Amendment Order 2021 (SL 2021/411).

11 Misuse of CVCs

A person must not—

- (a) produce or pass off a CVC—
 - (i) as relating to the person when in fact the CVC relates to some other person; or
 - (ii) that is forged or altered, or that has been obtained fraudulently; or
- (b) facilitate the use of a CVC relating to the person by another person.

Dated at Wellington this 26th day of November 2021.

Hon Chris Hipkins,
Minister for COVID-19 Response.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 26 November 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Public Health Response (COVID-19 Vaccination Certificate) Order 2021 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 (COVID-19 Vaccination Certificate) Amendment Order 2021 (SL 2021/411)