

# **COVID-19 Public Health Response (Safeguard From Forced Vaccinations) Amendment Bill**

Member's Bill

## **Explanatory note**

### **General policy statement**

This Bill amends the COVID-19 Public Health Response Act 2020 to ensure safeguards are in place that would prevent the Minister of Health, or the Director-General of Health, from making orders under Section 11 of the Act that could require a person to be vaccinated against their will.

Personal freedom to decide what people do with their own bodies is a fundamental human right that New Zealand has typically observed. While vaccines are an important part of a health system's measures to stop the spread of disease, the decision whether or not to vaccinate must be a decision for parents and individuals to make after first considering all the available advice and evidence relating to that vaccine.

The power to make orders under Section 11 of the Act is very broad and limits some rights and freedoms normally afforded to people under the New Zealand Bill of Rights Act 1990. While this may be necessary in certain circumstances to prevent the spread of COVID-19, it is not reasonable and justifiable to require an action or measure to be taken by way of a Section 11 order that would result in a person being vaccinated against their will and without their written consent, or the consent of a guardian in the case of the child.

The Bill amends Section 11 to insert a new subsection providing a safeguard against any order being made that would otherwise require a person to be vaccinated without written consent first being obtained.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. It provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

*Clause 3* provides that the Bill amends the COVID-19 Public Health Response Act 2020 (the **principal Act**).

*Clause 4* amends Section 11 of the Principal Act to provide a limitation on orders made under the principal Act preventing an order being made that would otherwise require a person be vaccinated without written consent first being obtained.

*Jami-Lee Ross*

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### **The Parliament of New Zealand enacts as follows:**

- 1 **Title**  
This Act is the COVID-19 Public Health Response (Safeguard From Forced Vaccinations) Amendment Bill **2020**.
- 2 **Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 **Principal Act**  
This Act amends the COVID-19 Public Health Response Act 2020 (the **principal Act**).
- 4 **Section 11 amended**  
After section 11(3), insert:  
(4) No order made under this Act may require a person to be vaccinated in any form without that person's written consent first being obtained or, in the case of a child, the written consent of that child's guardian first being obtained.