

## **Direction under section 70 of the Health Act 1956 - Persons who have returned a positive test for COVID-19**

On 24 March 2020, the Prime Minister, with the agreement of the Minister of Health, issued an epidemic notice under section 5 of the Epidemic Preparedness Act 2006 in respect of COVID-19. The epidemic notice allows the use of special powers by medical officers of health, pursuant to section 70 of the Health Act 1956, for the purpose of preventing the outbreak or spread of COVID-19. The epidemic notice remains in force.

I, Dr Caroline McElnay, Director of Public Health and medical officer of health for all health regions, give the following direction under section 70(1)(e), (ea), and (f) of the Health Act 1956 for the purpose of preventing further outbreak or spread of COVID-19, which I consider to be a significant risk to the public.

### **Persons to whom this direction applies**

- 1 This direction applies to every person who has returned a positive test for COVID-19.
- 2 However, this direction does not apply if a medical officer of health confirms that the person is no longer infectious (that is, if the result is indicative of a historical infection).

### **What affected persons are required to do**

- 3 A person to whom this direction applies must—
  - (a) remain isolated or quarantined at a Government authorised quarantine or managed isolation facility (or other location specified by a medical officer of health); and
  - (b) report and submit for medical examination and testing at times and places as required by a medical officer of health; and
  - (c) if the person is in an authorised quarantine or managed isolation facility,—
    - (i) remain in their room unless authorised to leave for the purpose of fresh air and exercise; and
    - (ii) maintain physical distancing from others within the facility (to the greatest extent practicable); and
    - (iii) wear personal protective equipment as directed by a medical officer of health or health protection officer; and
  - (d) if the person is at another location specified by a medical officer of health (such as their usual place of residence), leave that location only—
    - (i) to report and submit for testing if required by a medical officer of health or health protection officer; or
    - (ii) to access a health service, including to receive their first or second injection of the Pfizer/BioNTech COVID-19 vaccine, as

- approved by a medical officer of health or health protection officer; or
- (iii) as otherwise necessary to preserve their own or any other person's life or safety.

- 4 Clause 3 applies for 14 days from the onset of symptoms or positive COVID-19 test (if they remain asymptomatic), including 72 hours symptom free, and they meet the criteria for release for isolation as determined by a Medical Officer of Health or health practitioner responsible for their care.

### **Revocation**

- 8 The Section 70 – Requirements for any person in the Auckland health district who has returned a positive test for COVID-19 - 29 August 2021 notice dated 27 August 2021 is revoked.

### **Relevant information**

Failure or refusal to comply with this direction is an offence under section 72 of the Health Act 1956, punishable by imprisonment for a term not exceeding 6 months, a fine not exceeding \$4,000, or both.

Signed:



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Dr Caroline McElroy

Director of Public Health

Dated: 8 October 2021