

Direction under section 70 of the Health Act 1956 relating to Close Contacts

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 Ashley Bloomfield, Director-General of Health, 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—
 - (a) is a close contact of a person (A) who is a confirmed case or a probable case (unless a Medical Officer of Health confirms that A is no longer infectious – that is, unless A’s result is indicative of a historical infection); or
 - (b) attended a location of interest marked as ‘Close Contact’ at the times and dates (New Zealand Standard Time) as set out at:
<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-health-advice-public/contact-tracing-covid-19/covid-19-contact-tracing-locations-interest>.

What affected persons are required to do

- 2 A person to whom this direction applies must either comply with the requirements relating to an approved self-isolation and testing plan, as advised by or on behalf of a Medical Officer of Health, or the requirements relating to the location of interest they attended, as set out on the Ministry of Health’s website at 1(b) above, and must:
 - (a) if required to self-isolate at their usual place of residence (which for visitors to New Zealand includes their accommodation), remain in isolation or quarantine at their usual place of residence:
 - (i) for a time as advised by, or on behalf of a Medical Officer of Health,
 - (ii) but no longer than the time set out in clause 3 from their last potential exposure to COVID-19, as set out in guidance published on the Ministry of Health website; and
 - (b) report themselves for medical testing for COVID-19 by contacting Healthline (0800 358 5453) or, if they attended a ‘Close contact’ location of interest, must complete the Location of Interest form at: (<https://tracing.covid19.govt.nz/loi>) and must advise that they are a close contact of a case of COVID-19; and
 - (c) submit themselves for medical testing for COVID-19 at a time and place appropriate to their current location and the time of their last potential

exposure to COVID-19, as set out in requirements published on the Ministry of Health website, or as advised by a contact tracer.

- 3 Clause 2 applies:
- (a) until the person has completed 7 days of self-isolation from the date of the person's last potential exposure to COVID-19, as set out in guidance published on the Ministry of Health website (www.health.govt.nz), provided the person has returned a negative result to a day 5 COVID-19 PCR test; or
 - (b) if the person lives in the same household as a person (A) who has returned a positive test for COVID-19 or is a confirmed or probable case, until the person has completed 10 days of self-isolation from the date of person A's positive test, as set out in guidance published on the Ministry of Health website (www.health.govt.nz), provided the person has returned a negative result to a day 8 COVID-19 PCR test.

Exemptions

- 4 Clause 2 does not apply to a critical worker who provides a health service, managed isolation or quarantine service, or emergency service, provided that the following conditions are met:
- (a) the person is vaccinated in accordance with Schedule 1; and
 - (b) the person undergoes daily symptom checks by following the instructions as set out on the Ministry of Health website; and
 - (c) the person complies with testing requirements and, if applicable, requirements under the COVID-19 Public Health Response (Required Testing Order) 2020; and
 - (d) subject to clause 7 below, the person self-isolates at their usual place of residence when not at work (where they are not working from their usual place of residence).
- 5 Clause 2 does not apply to a person who is a critical worker who is engaged by a critical services provider, provided that the following conditions are met:
- (a) the critical services provider is part of the Close Contact Exemption Scheme; and
 - (b) the person is vaccinated in accordance with Schedule 1; and
 - (c) the person undergoes daily symptom checks by following the instructions as set out on the Ministry of Health website; and
 - (d) the person complies with testing requirements and, if applicable, requirements under the COVID-19 Public Health Response (Required Testing) Order 2020; and
 - (e) subject to clause 7 below, the person self-isolates at their usual place of residence when not at work (where they are not working from their usual place of residence).

- 6 Clause 2 does not apply to a person who is carrying out work in isolation, provided that the following conditions are met:
- (a) the person is vaccinated in accordance with Schedule 1; and
 - (b) the person undergoes daily symptom checks by following the instructions as set out on the Ministry of Health website; and
 - (c) the person complies with testing requirements and, if applicable, requirements under the COVID-19 Public Health Response (Required Testing) Order 2020; and
 - (d) subject to clause 7 below, the person self-isolates at their usual place of residence when not at work (where they are not working from their usual place of residence).

Leaving place of self-isolation

- 7 Provided the person wears a face covering at all times when not at their place of self-isolation, except when exercising, a close contact is permitted to leave their place of self-isolation for the following reasons:
- (a) to report for, and undergo, medical examination and testing required by this notice; or
 - (b) to do any outdoor exercise in the neighbourhood of their place of self-isolation (but not at any shared exercise facility, such as a swimming pool) and maintaining at least 1.5 metres distance from other persons; or
 - (c) to access an essential health service for treatment that cannot be deferred until after their period of self-isolation; or
 - (d) to attend any court, tribunal, New Zealand Parole Board hearing, or other judicial institution that they are required to attend by that institution; or
 - (e) if they need to leave to move to another place of self-isolation in order to preserve their own or another person's life, health, or safety; or
 - (f) to visit a dying relative who is not expected to live beyond the person's period of self-isolation; or
 - (g) to visit the body of a relative before a funeral or tangihanga, if they will not be able to visit the body after their period of self-isolation.

Definitions

- 8 The following definitions apply:

close contact means a person who:

- (a) has been close (within 1.5 metres) to someone who has tested positive for COVID-19 for more than 15 minutes and they were not wearing a mask or was not wearing it properly,
- (b) had direct contact with respiratory secretions or saliva from the person with COVID-19 (i.e. kissing, shared a cigarette, vape or drink bottle, or if the person coughed or sneezed directly on you); or

- (c) spent time in an indoor space for more than 1 hour with the person with COVID-19 and at least one of the following:
- (i) the person with COVID-19 was singing, shouting, smoking, vaping, exercising, or dancing;
 - (ii) the person with COVID-19 was not wearing a mask or wasn't wearing it properly;
 - (iii) the indoor space was poorly ventilated (i.e., there were no windows or doors open);
 - (iv) the indoor space was smaller than 100m² (about three double garages)

critical services provider means a provider of services approved by the Director-General of Health and listed on the Ministry of Health's website at www.health.govt.nz, including services relating to:

- (a) basic human needs (food production, distribution, and sale of basic food; principal accommodation; and health services, including services provided for deceased persons);
- (b) key public services (including government decision making, MIQ and emergency services);
- (c) support systems and services (lifeline utilities; transport; critical financial services; news media; and social welfare); or
- (d) maintenance of the above areas (supply chains and necessary ancillary services)

where temporary closure of that business or service will cause significant economic, social, or physical harm to the community.

critical worker means a role that requires a person with particular skills and must be performed in person at the workplace of the critical services provider and

- (a) the person has a particular skillset that is necessary for the critical services provider to continue operating; or
- (b) the person is necessary to maintain the minimum operating capacity of the critical services provider.

defined space means any single indoor space or outdoor space and for the purposes of this definition:

- (a) an indoor space is a single space if:
 - (i) there are walls (whether permanent or temporary) that substantially divide that space from other spaces; and
 - (ii) the space does not share direct airflow with another indoor space; and
- (b) an outdoor space is a single space if:
 - (i) there are walls (whether permanent or temporary) that substantially divide that space from other spaces; or

- (ii) all people in that space are separated by at least 2 metres from other people who are outside that space.

emergency services means the New Zealand Police and Fire and Emergency New Zealand.

face covering means a covering of a type that—

- (i) covers the nose and mouth of a person; and
- (ii) is secured to the person's head by ear loops or a head loop.

health service means a service provided for the purpose of assessing, improving, protecting, or managing the physical or mental health of individuals or groups of individuals.

probable case is:

- (a) a close contact of a confirmed case that has a high exposure history, meets the clinical criteria and for whom testing cannot be performed, or
- (b) a close contact of a confirmed case that has a high exposure history, meets the clinical criteria, and has a negative PCR result but it has been more than 7 days since symptom onset before their first negative PCR test was taken.

testing requirements means returning a negative Rapid Antigen Test or PCR (nasopharyngeal or oropharyngeal anterior nares swabs) test for each day that a person attends their place of work throughout their isolation period.

work in isolation means work undertaken by the close contact in a defined space in which no other persons are present.

Revocation

- 9 The Direction under s 70 of the Health Act 1956 relating to Close Contacts and Locations of Interest dated 11 February 2022, is revoked, and replaced by this notice.

Commencement

- 10 This notice commences at 11:59pm on 15 February 2022.

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:



Dr Ashley Bloomfield
Director-General of Health
Dated: 15 February 2022

Schedule 1

Vaccinated means the person has received all of the necessary doses of a COVID-19 vaccine or combination of COVID-19 vaccines specified in the first column of the table in Schedule 3 of the COVID-19 Public Health Response (Vaccinations) Order 2021, administered in accordance with the requirements specified for that vaccine or combination of vaccines in the second column of that table.

The table is available at:

<https://www.legislation.govt.nz/regulation/public/2021/0094/latest/LMS573022.html>