

Direction under section 70 of the Health Act 1956 - Persons who are confirmed or probable cases of 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 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:
 - (a) every person who has returned a positive test, or meets the criteria to be classified as a confirmed or probable case, for COVID-19; and
 - (b) a person lives in the same household (A) as a person (B) who has returned a positive test for COVID-19 or is a confirmed or probable case.
- 2) However, this direction does not apply to a person in clause 1(a) if a medical officer of health confirms that the person is not 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:
 - (i) their usual place of residence (which for visitors to New Zealand includes their accommodation) unless otherwise specified by a medical officer of health at (ii) or (iii) below; or
 - (ii) a Government authorised quarantine or managed isolation facility as specified by a medical officer of health; or
 - (iii) any other location (including a hospital) 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.
- 4) If the person is isolated or quarantined at an authorised quarantine or managed isolation facility they must:
 - (a) remain in their room unless authorised to leave by a medical officer of health or health protection officer; and
 - (b) when outside their room:

- (i) maintain physical distancing from others within the facility (to the greatest extent practicable); and
 - (ii) wear personal protective equipment as directed by a medical officer of health or health protection officer.

- 5 Provided the person wears a face covering at all times when not at their place of self-isolation, except when exercising, the person 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); 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.

- 6 Clause 3 applies for:
 - (a) for a person at clause 1(a), 10 days from the date of the onset of symptoms or the date of a positive COVID-19 test (if the person remains asymptomatic), whichever is the earliest;
 - (b) for a person at clause 1(b), 10 days from the date of time person B has become subject to this notice. If the person returns a positive COVID-19 test, or meets the criteria to be classified as a confirmed or probable case, for COVID-19, during that time, then their isolation period will restart as a person now subject to this notice under clause 1(a).

Exemptions

- 7 Clause 3 does not apply to a critical worker who provides a health service or managed isolation or quarantine service, provided that the following conditions are met:
 - (a) the person is vaccinated in accordance with Schedule 1;

- (b) the person undergoes daily symptom checks by following the instructions as set out on the Ministry of Health website;
- (c) the person complies with testing requirements and, if applicable, requirements under the COVID-19 Public Health Response (Required Testing Order) 2020; and
- (c) 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) and can only leave that location in the circumstances set out in clause 5 above.

Definitions

8 The following definitions apply:

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.

Confirmed case is a case that has laboratory definitive evidence. Laboratory definitive evidence requires at least one of the following:

- (a) detection of SARS-CoV-2 from a clinical specimen using a validated NAAT (PCR). Very weak positive results will only be labelled a confirmed case when the result is confirmed on a second sample.
- (b) detection of coronavirus from a clinical specimen using pan-coronavirus NAAT (PCR) and confirmation as SARS-CoV-2 by sequencing
- (c) significant rise in IgG antibody level to SARS-CoV-2 between paired sera.

Critical worker means a role that requires a person with particular skills and must be performed in person at the workplace of the business; and

- (a) they have a particular skillset that is necessary for the business to continue operating; or
- (b) they are necessary to maintain the minimum operating capacity of the business.

Face covering means a covering of a type that covers the nose and mouth of a person, and 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.

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.

Revocation

- 9 The Section 70 - Persons who are confirmed or probable cases of COVID-19 dated 15 February 2022 is revoked and replaced by this notice.


Commencement

- 10 This notice commences at 11:59pm on 18 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:

A handwritten signature in black ink, appearing to read 'A Bloomfield', written in a cursive style.

Dr Ashley Bloomfield

Director-General of Health

Dated: 18 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>