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19 January 2024

§ 9(2)(a)

By email: § 9(2)(a)
Ref: H2023034601

Tēnā koe § 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health - Manatū Hauora on 21 December 2023, as a follow up to information provided to Buddle Findlay in October 2022 under reference: H2022010835. You requested:

“Further to our initial request, it appears that order Direction under section 70 of the Health Act 1956 relating to Close Contacts and Locations of Interest, dated 3 February 2022 was not included in the tranche of materials previously sent. The order of the same name dated 11 February 2022 (which revoked the above order) was included. We are unable to locate a copy of the 3 February 2022 order online. Accordingly, we request a copy of the above order at your earliest convenience.”

The requested document is appended to this letter and released to you in full.

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Phil Knipe
Chief Legal Advisor
Ministry of Health

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

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 has returned a positive test for COVID-19 or a probable case (as defined in the Direction under section 70 of the Health Act 1956 - Persons who have returned a positive test for COVID-19 dated 20 January 2022) (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 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 plan, as advised by or on behalf of a Medical Officer of Health or the location of interest they attended as set out on the Ministry’s website above:
 - (a) If required to self-monitor for symptoms, follow the instructions as set out on the Ministry’s website.
 - (b) If required to self-isolate at their usual place of residence (which for visitors, includes accommodation), except as required to report and submit for testing as directed:
 - (i) to remain isolated or quarantined at their usual place of residence 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 5 from last potential exposure to COVID-19, as set out in guidance published on the Ministry of Health website.
- 3 A person to whom this direction applies must report themselves for medical testing by contacting Healthline (0800 358 5453) or completing the Location of

Interest form at: (<https://tracing.covid19.govt.nz/loi>) and advising that they are a contact of a case of COVID-19.

- 4 A person to whom this direction applies must 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.
- 5 Clause 2 applies to
 - (a) all persons to whom this direction applies, for at least 10 days until they have returned a negative result to a day 8 COVID-19 PCR test and completed 10 days 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)
 - (b) to persons living in the same household as a case (regardless of their vaccination status) until they have returned a negative result to a day 8 COVID-19 PCR test and completed 10 days 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)
 - (c) to any person subject to the direction, including as listed at clause 5(a), who refuses or otherwise is not tested in accordance with clause 4, for 14 days from the date of the person's last potential exposure to COVID-19.

Exceptions

- 6 Clause 2(b) does not apply to persons who are required to provide an essential health service (being a service provided for the purpose of assessing, improving, protecting, or managing the physical or mental health of individuals or groups of individuals) or managed isolation or quarantine services, as long as the following conditions are met:
 - (a) The person is vaccinated in accordance with Schedule 1; and
 - (b) The person submits to daily symptom checks and complies with testing requirements; and
 - (c) The person complies with the other requirements of a close contact while not at work (where they are not working from their usual place of residence).
- 7 Clause 2(b) does not apply to person who is a worker providing critical transport services, as long as the following conditions are met:
 - (a) The person is vaccinated in accordance with Schedule 1; and
 - (b) The person submits to daily symptom checks and complies with testing requirements, including under the COVID-19 Public Health Response (Required Testing) Order 2020 (where applicable), and undertakes daily rapid antigen testing; and
 - (c) The person complies with the other requirements of a close contact while not at work (where they are not working from their usual place of

residence) but may leave their usual residence for the purposes of meeting testing requirements, including accessing rapid antigen tests.

Definitions

8 The following definition applies:

Close contact is a person who has exposure to the same air as a confirmed (or probable) case during the case's infectious period that is assessed as significant, without appropriate personal protective equipment (PPE). Exposure to the same air may include those in a setting immediately after the case, as well as while the case was present. Face-to-face exposure in an enclosed environment that is more than fleeting, and face-to-face contact outdoors within 2 metres for more than 15 minutes, will usually be considered close contact.

Critical transport services are

- domestic air transport service being a public transport service that is transporting persons by air transport between places that are both in New Zealand;
- a Cook Strait ferry;
- Airport Fire Rescue services and aircraft refuellers for international and domestic air transport services
- Air Traffic Control services
- Maritime pilots
- a person helping with loading, unloading, or otherwise expediting the movement of freight by ship or the essential business of a ship, including (without limitation)—
 - (a) an agent:
 - (b) a crane operator:
 - (c) a stevedore:
 - (d) a foreman:
 - (e) a member of port or portside staff:
 - (f) a provider of logistics or other cargo-related services:

Revocation

9 The Direction under s 70 of the Health Act 1956 relating to Close Contacts and Locations of Interest dated 20 January 2022 is revoked and replaced by this notice.

Commencement

10 This notice commences at 11:59pm on 3 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: 3 February 2022

Released under the Official Information Act 1982

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>

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