

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 Harriette Carr, Deputy Director of Public Health and Medical Officer 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 has returned a positive test, or meets the criteria to be classified as a confirmed or probable case, 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:
 - (i) their usual place of residence (which for visitors, includes accommodation), unless otherwise specified by a medical officer of health at (ii) or (iii) below;
 - (ii) a Government authorised quarantine or managed isolation facility as specified by a medical officer of health; or
 - (iii) other location (including a hospital) as 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 their usual place of residence or another location specified by a medical officer of health, 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 an essential health service that cannot be deferred until the person is deemed no longer infectious; or

- (iii) as otherwise necessary to preserve their own or any other person's life or safety.

4 Clause 3 applies:

- (a) for vaccinated persons (being persons who have been vaccinated, for at least 7 days, in accordance with Schedule 1) –
 - (i) for 10 days (or 14 days if determined to be infected with the omicron variant and in a Managed Isolation and Quarantine Facility at the time of diagnosis) from the onset of symptoms or positive COVID-19 test (if they remain asymptomatic), including 72 hours symptom free, and
 - (ii) if they meet the criteria for release for isolation as determined by a Medical Officer of Health or health practitioner responsible for their care, but not to remain longer than the period ending on the 20th day after their start time.
- (b) for unvaccinated persons (being persons who are not vaccinated, for at least 7 days, in accordance with Schedule 1),
 - (i) for 14 days from the onset of symptoms or positive COVID-19 test (if they remain asymptomatic), including 72 hours symptom free, and
 - (ii) if they meet the criteria for release for isolation as determined by a Medical Officer of Health or health practitioner responsible for their care, but not to remain longer than the period ending on the 20th day after their start time.

Definitions

5 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.

Revocation

6 The Section 70 - Persons who have returned a positive test for COVID-19 notice dated 15 October 2021 is revoked, and replaced by this notice.

Commencement

7 This notice commences at 11:59pm on 24 December 2021.

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 Harriette Carr

Medical Officer of Health

Dated: 24 December 2021

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>