



Response to your request for official information

I refer to your request of 5 January 2019 under the Official Information Act 1982 for:

“Please could you confirm how many individuals have been issued with directions by a Medical Officer of Health under Part 3A of the Health Act 1956?”

If directions have been made, please could you provide copies of the directions (appropriately anonymised) or details of the nature of the directions made?

Finally, please could you confirm whether any urgent public health orders have been made pursuant to section 92ZF of the Health Act 1956, and if so, the nature of those orders.”

In response to your request, written directions and urgent public health orders in managing infectious disease risks are not imposed by the Ministry of Health (the Ministry). The Medical Officers of Health in Public Health Units attached to District Health Boards can impose written directions and urgent public health orders under Part 3A of the Health Act 1956 (the Act) provided the preconditions in the particular section of the Act are met in any given situation.

While the Ministry has been consulted by Medical Officers of Health when considering whether to issue directions on several occasions, our records show that formal directions under Part 3A of the Act appear to have been given in only a small number of cases. These are as follows:

(1) Direction served on a tuberculosis case by an Auckland Regional Public Health Service (ARPHS) Medical Officer of Health in January 2017. The case had been subject to orders previously issued under the Tuberculosis Act 1948 (now repealed). The direction issued was for medical examination under section 92K of the Act.

(2) Directions served on four contacts of a measles case requiring them to refrain from international travel until they no longer posed a risk of transmitting the disease to others, by a Mid-Central Medical Officer of Health in February 2017. These were directions given under section 92J of the Act.

(3) Direction served on a case likely to have tuberculosis, required to stay in a specified residence away from people, by a Nelson/ Marlborough Medical Officer of Health in March 2018. The case had a history of not complying with verbal requests. The direction was imposed under section 92I of the Act.

(4) Direction served on an HIV-positive case who was not taking medication for HIV to reduce the risk of disease transmission. The direction was to take specified actions to prevent or minimise the public health risk, including counselling and education sessions. This was served by an ARPHS Medical Officer of Health in June 2018 under section 92I of the Act.

(5) Direction served on a contact of an infectious tuberculosis case for a medical examination under section 92K of the Act. This was served by an ARPHS Medical Officer of Health in August 2018.

The Ministry has not been advised of any situations where an urgent public health order has been imposed under section 92ZF of the Act.

For more information, I suggest you write to the 12 Public Health Units.

I trust this information fulfils your request.

Please note that this letter, with your personal details removed, and attachments may be published on the Ministry of Health website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'William Rainger', with a long horizontal stroke extending to the right.

Dr William Rainger
**Acting Deputy Director-General
Population Health and Prevention**