

SECTION 70(1)(f) HEALTH ACT ORDER

On 24 March 2020, the Prime Minister, with agreement of the Minister of Health, issued an epidemic notice under s 5 of the Epidemic Preparedness Act 2006.

The epidemic notice allows the use of special powers by the Medical Officer of Health in accordance with s 70 of the Health Act 1956 for the purpose of preventing the outbreak and spread of COVID-19.

A state of national emergency was declared under the Civil Defence Emergency Management Act 2002, with effect from 12:21pm Wednesday 25 March 2020.

From 11:59pm, 25 March 2020, an order has been in force under s 70(1)(m) of the Health Act 1956 closing certain premises and forbidding people to congregate in certain outdoor places.

For the purpose of preventing the spread of COVID-19, an infectious disease, I, Dr Ashley Bloomfield, Director-General of Health, exercising the functions of a Medical Officer of Health for all districts of New Zealand (that is, nationally), in circumstances where a state of emergency has been declared under the Civil Defence Emergency Management Act 2002 and there is an epidemic notice in force, make the following order pursuant to s 70(1)(f) of the Health Act 1956:

Isolation or quarantine requirements

1. I require all persons within all districts of New Zealand to be isolated or quarantined as follows:
 - a. to remain at their current place of residence (**residence**), except as permitted for essential personal movement; and
 - b. to maintain physical distancing, except-
 - i. from fellow residents; or
 - ii. to the extent necessary to access or provide an essential business; and
 - c. if their residence is mobile, to keep that residence in the same general location, except to the extent they would be permitted (if it were not mobile) to leave the residence as essential personal movement.

Permissions for essential personal movement

2. For the purposes of clause 1 of this order, the following are permitted as **essential personal movement**:

Accessing essential businesses

- a. a person leaving their residence for the purpose of accessing an essential business (which must be either within the same territorial authority district or the nearest essential business of a particular kind) for their own, or any fellow resident's, needs or on behalf of any of the following:
 - i. a vulnerable person; or

- ii. a person who is at an elevated risk for transmitting COVID-19 (and so is self-isolating including from fellow residents or in quarantine);
- b. a person leaving their residence if they are in the care of, or accompanying, a fellow resident who leaves their residence under paragraph (a):

Providing essential businesses

- c. a person leaving their residence for the purpose of providing an essential business or travelling to or from their place of work for that essential business;
- d. a person leaving their residence if necessary to assist a fellow resident to travel to or from their place of work under paragraph (c):

Limited recreation purposes

- e. a person leaving their residence for the purpose of exercise or other recreation if:
 - i. it is done in an outdoor place that can be readily accessed from their residence; and
 - ii. it is done in compliance with clause 1(b) of this order (the physical distancing requirements) and the order forbidding congregation in outdoor places made under s 70(1)(m) of the Health Act 1956 on 25 March 2020; and
 - iii. it does not involve swimming, water-based activities (for example, surfing or boating), hunting, tramping, or other activities of a kind that expose participants to danger or may require search and rescue services.

Shared bubble arrangements

- f. a child leaving the residence of 1 joint care-giver for the purpose of visiting or staying at the residence of another joint care-giver (and then visiting or staying at that residence) if there is a shared bubble arrangement;
- g. a person leaving their residence for the purpose of visiting or staying at another residence (and then visiting or staying at that residence) under a shared bubble arrangement if:
 - i. 1 person lives alone in 1, or both, of those residences; or
 - ii. all persons in 1 of those residences are vulnerable persons;
- h. a person leaving their residence to assist a fellow resident to travel to or from a residence under paragraph (f) or (g):

Emergencies, court orders, etc

- i. a person leaving their residence if necessary to preserve their own or any other person's life or safety;
- j. a person changing their residence if necessary to use another temporary or emergency place of residence (for example, if necessary for care while sick or to seek refuge in a women's refuge centre);
- k. a person changing their residence if required as a result of a court order or any other power under any enactment to order a person to be detained, to change their place of detention, or otherwise determine their place of residence (for example, a direction of the New Zealand Parole Board or a probation officer);
- l. a person leaving their residence to assist a person to travel to or from a residence under paragraph (i) to (k):

Authorised travel

- m. a person leaving their residence to undertake travel that is permitted under a framework approved by the Director-General (and published on the covid19.govt.nz internet site maintained by the New Zealand government) for travel that is appropriate both-

- i. so as to enable persons entering New Zealand to travel to their intended residence or visitors to travel through New Zealand to return to their home jurisdictions or on other compassionate grounds; and
- ii. on the basis that it has a relatively low risk of transmission or otherwise reduces the overall risk of outbreak or spread of COVID-19 for New Zealand's health system.

Definitions

3. In this order, the following definitions apply:

child means a person under the age of 18 years

essential business has the same meaning as in the order made under s 70(1)(m) of the Health Act 1956 on 25 March 2020

fellow resident, for any person A, means another person who resides at

- i. the same residence as person A; or
- ii. another residence with which person A has a shared bubble arrangement

joint care-giver, in relation to a child, means a person who, under an agreement, or a parenting order or interim parenting order made under of the Care of Children Act 2004, has the role of providing the day-to-day care of the child

Director-General means the Director-General of Health exercising the functions of a Medical Officer of Health for all districts of New Zealand

physical distancing means remaining 2 metres away from other people or, if you are closer than 2 metres, being there for less than 15 minutes

place of residence-

- i. includes a campervan, caravan, or other vehicle or temporary structure (for example, a tent) that is a place of residence and
- ii. in the case of a building, includes the land that is part of the property on which the building is situated (other than any common areas); and
- iii. includes any prison, hospital, or other facility or place in which a person is detained or compulsorily placed under any enactment

residence has the meaning set out in clause 1(a) of this order

shared bubble arrangement means an agreement by all of the residents (other than children) of no more than 2 residences within the same or adjacent health districts to quarantine in accordance with this order as if they were 1 residence

vulnerable person means a person who is at significant risk if they contract COVID-19.

Effect of order

4. Nothing in this order-

- a. limits or affects any previous order made under s 70 of the Health Act 1956; or
- b. limits or prevents an essential business provider from setting requirements on entry to any premises for the purpose of promoting physical distancing and appropriate access to that essential business.

Assistance from Constables

Under s 71A, I request that constables do anything reasonably necessary to assist in ensuring compliance with this order. This includes, but is not limited to:

- helping a Medical Officer of Health, or any person authorised by a Medical Officer of Health, in the performance of functions under s 70;
- preventing persons from obstructing or hindering a Medical Officer of Health, or any person authorised by a Medical Officer of Health;
- compelling, enforcing, or ensure compliance with a requirement of a Medical Officer of Health, or any person authorised by a Medical Officer of Health;
- preventing or reducing the extent of the doing of a thing that a Medical Officer of Health, or any person authorised by a Medical Officer of Health, has forbidden or prohibited in this order or otherwise in the exercise of performance of powers or functions under s 70.

Period of this Order

This order has effect from 1800 hrs on 3/4/2020, and expires on 11:59pm on 22 April 2020 (unless earlier revoked or extended).

Dated 3rd April 2020



Dr Ashley Bloomfield
Director-General of Health