

Direction under section 70 of the Health Act 1956 – persons in MIQ who have returned a positive test for COVID-19 or close contacts of a positive case

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, Medical Officer of Health, give the following direction under section 70(1)(e), (ea) and (f) of the Health Act 1956 for the purposes of preventing further outbreak or spread of COVID-19, which I consider to be a significant risk to the public.

Person to whom this direction applies

1. This direction applies to every person who:
 - a. has returned a positive test during a period of isolation or quarantine (as defined in cl 10 of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020,
 - i) and either has not completed their 10 days quarantine/isolation from the date the positive test was taken, or
 - ii) has not satisfied the 'low risk indicators' on day 20 of their period of isolation and quarantine, or
 - b. has been identified as a close contact of a positive case of COVID-19 during their period of isolation or quarantine, or while subject to this notice.

What affected persons are required to do

2. A person to whom this direction applies must –
 - a. remain isolated or quarantined at:
 - i. the quarantine or managed isolation facility where they were at the time they became subject to this notice; or
 - ii. 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
 - c. remain in their room unless authorised to leave for the purpose of fresh air; and
 - d. maintain physical distancing from others within the facility (to the greatest extent practicable); and
 - e. wear personal protective equipment as directed by a medical officer of health or health protection officer

These obligations cease to apply

3. Clause 2 applies, until the person is considered by a health practitioner to be at a low risk of having or transmitting COVID-19 after completing -

If they have tested positive for COVID-19	10 days after a positive test, irrespective of vaccination status
If a person is a close contact of a person who has tested positive for COVID-19, who has ongoing contact with the case	until the person who has tested positive has completed their 10 days, and provided they test negative for COVID-19 on or around day 8 of this 10-day period.
If a person is a close contact of a person who has tested positive for COVID-19, who has not had ongoing contact with the case	7 days isolation post exposure, providing no new or worsening symptoms, and provided they test negative for COVID-19 on or around day 5 of this 7-day post-exposure isolation period.

Commencement

4. This notice commences at 11:59pm on 15 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 Harriette Carr
Medical Officer of Health

Dated: 15 February 2022