

Health Report

COVID-19: Section 70(1)(f) Health Act 1956 notice to give effect to Level 4 restrictions on self-isolation at home

Date due to MO: 1 April 2020

Action required by: 1 April 2020

Security level: IN CONFIDENCE

Health Report number: 20200547

To: Hon Dr David Clark, Minister of Health

Contact for telephone discussion

Name	Position	Telephone
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Maree Roberts	Deputy Director-General System Strategy and Policy	

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:

Forward the accompanying Noting Paper to Ad Hoc Cabinet Committee on COVID 19.

COVID-19: Section 70(1)(f) Health Act 1956 notice to give effect to Level 4 restrictions on self-isolation at home

Purpose of report

This report provides you with:


- proposed talking points for updating your colleagues at the Ad Hoc Committee on COVID-19 on the Director General of Health's proposed order under section 70(1)(f) the Health Act 1956. This order would require persons to be quarantined, giving effect to the Alert Level 4 restrictions on self-isolation at home.
- an accompanying Noting Paper "Self-isolation order under D70(1)(F) Health Act" to be provided to the Cabinet office for consideration by Ministers.

Key points

- Central to New Zealand's four-level COVID-19 Alert system is a requirement that all people in New Zealand self-isolate at home unless they are essential workers.
- Initial reports from the Police and Healthline suggest that while there have been good levels of self-isolation, there continue to be people who are not adequately self-isolating, or who are unclear about the self-isolation requirements.
- The Prime Minister has previously reassured the public that they need not "police" their neighbours' adherence to the lockdown and that the government will play that role.
- There is a significant risk that non-compliance will result in the continued transmission of COVID-19, frustrating the objectives of mass isolation i.e. to break the chain of transmission and eliminate COVID-19 in New Zealand, leading to continued public health risk and the need to extend Alert Level 4.
- The Director-General of Health assesses that these risks warrant issuing a notice under section 70(1)(f) of the Health Act 1956 to require persons to be quarantined, giving effect to the Alert Level 4 restrictions on self-isolation. The notice will achieve the following:
 - define self-isolation
 - define the limits on movement outside of one's residence, i.e. for the purposes of providing essential services; accessing essential services, particularly food supplies and health care; for limited recreation; for managing shared bubble arrangements; and for emergencies
 - provide constables with powers to act reasonably to compel, enforce or ensure compliance with those 'rules'.
- The New Zealand Government's approach to date has focused on community-endorsed compliance, supported with strong communications and clear guidance, backed up by regulators who are willing and able to enforce using strong sanctions. This notice will not fundamentally change that approach. Instead it aims to provide greater clarity around what

is meant by self-isolation and to ensure that New Zealand Police have the necessary powers to clarify and enforce those rules, should that be required.

- On-going monitoring and review of the application of the order will be needed to ensure that these time-bound enforcement powers do not undermine the current high levels of public support for taking stringent action to eliminate the virus.
- The Director-General proposes issuing the notice following consideration by Ministers.
- If Ministers support this proposal, officials will develop a communications strategy to accompany the issuing of the notice.



Dr Ashley Bloomfield
Director-General of Health
Ministry of Health

Hon Dr David Clark
Minister of Health

ENDS.
