

## Operational Policing Guidelines – Alert Level 4, Scenarios for the Frontline

Friday, 3 April 2020

On 24 March 2020, the Prime Minister, with agreement of the Minister of Health, issued an Epidemic Notice under s5 of the Epidemic Preparedness Act 2006.

This allows the use of special powers by Medical Officers of Health in accordance with s70 of the Health Act 1956 for the purposes of preventing the outbreak and spread of COVID-19.

The Director General of Health, acting as the Medical Officer of Health (MOOH), has now issued the following two orders that are related to this operating guideline:

1. On **Wednesday 25 March 2020** the MOOH issued an order pursuant to s70(1)(m) of the Health Act in relation to *non-essential business* and *congregating in a public place of amusement or recreation* (**refer Appendix A**):
2. On **Friday 3 April 2020** the MOOH issued an order pursuant to s70(1)(f) of the Health Act, requiring all persons within all districts of New Zealand to be isolated and quarantined. That means all persons in New Zealand are directed to remain at their current place of residence, except as permitted for *essential personal movement* and to maintain *physical distancing*. Exceptions are described in the Order (**refer Appendix B**).

### Police position

1. We police by consent and must maintain the support of the wider public in our actions. This means our actions need to be seen as reasonable, proportionate, and aligned to the intent of the Level 4 restrictions.
2. All non-essential businesses are required to close. Individuals must not congregate in a public place of amusement or recreation.
3. All people in New Zealand are required to remain at their current place of residence, except as permitted for *essential personal movement*; and are required to maintain *physical distancing*, except from fellow residents; or to the extent necessary to access or provide an *essential business*
4. Police may do anything reasonably necessary (including the use of force), to compel, enforce, or ensure compliance with a requirement made by a MOOH in the above Health Act orders (s70A(1)(e)).

5. There is a power to stop and inspect any vehicle, and enquire into the purpose of travel under s 71A(2) to ensure people are not travelling in breach of the Health Act orders.
6. Police have a power to enter, remain and inspect premises (s 71A(2)) if they have reasonable grounds to believe actions or gatherings are occurring in those premises that are not consistent with the Health Act orders.
7. Police will not set up a Police Roadblock for Police purposes. However Police may place roadblocks as a direct request from their Territorial Authority EOC (in consultation with the District Commander). If a request is made to Police prior to the roadblock being enabled, The District Commander will notify the NCCC and SRO's to ensure that these are captured and recorded. Random checkpoints to assess whether people are complying with the essential travel requirements may be part of a local deployment plan based on a risk assessment – these must be approved by the District Commander.

At all times we need to take a graduated response to any situation we encounter and apply a common sense understanding to the intent of what we are asking everyone in our communities to achieve.

1. **Engage** with the parties and **communicate** with them to identify whether their current behaviour or activities are contrary to the government's response to COVID-19
2. **Educate** them on the current requirements (if necessary) to correct their behaviour or activities
3. **Encourage** compliance measures if required
4. **Enforcement** – only resort to warnings or prosecutorial measures if **absolutely necessary**.

We want to support frontline staff to operate in a very different environment to which we traditionally police.

Every District is encountering circumstances where Police will need to respond, and make decisions about how to deal with situations as a result of the declaration of the state of emergency, and that are impacted by the Health Act orders.

The following scenarios should assist all staff when dealing with people in these times but are by no means exhaustive.

Please remember that the existing legislation that Police operate under is still relevant and available to be used for normal policing issues.

A summary of the legal powers that include both Health Act orders, and a revised approach to Civil Defence Emergency Management Act powers is included.

## Scenarios

**Note these are for illustration purposes – each case should be assessed on its own circumstances.**

Situation	Response	Legal Powers
<p>What do I do if I find a non-essential business is open?</p>	<p><b>Engage</b> speak to the business owner and determine if the service is essential.  <b>Educate</b> them if their business is not essential that it must be closed.  <b>Encourage</b> them to close the business  <b>Enforce</b> through a warning that they could be arrested if they do not comply. Consider arrest if they do not close the business.</p> <p>(A non-essential business may be a small hair dressing salon operating from a person’s house or a café in town – the attached link provides guidelines on the government website including a list of essential businesses).</p> <p><a href="https://www.covid19.govt.nz/essential-businesses/">covid19.govt.nz - Essential Businesses</a></p>	<p>Police have powers under s71A Health Act 1956.</p> <p>In particular, see s71A(1)(e) – power to compel, enforce and ensure compliance.</p> <p>If there is any question around the status of the ‘essential’ nature of the business, contact your DCC who can phone MBIE for you (between 0700 and 2300).</p> <p>Penalty for offending is under s72 of the Health Act, and is 6 months and / or a \$4000 fine</p>
<p>What if I find a transport company transporting items for a service or business that is not considered essential?</p>	<p><b>Engage</b> a reasonable approach must be taken. It is accepted that some businesses may try to work on the edges of the law by transporting a combination of essential and non-essential goods.  <b>Educate</b> tell the business owner/driver that they should only transport goods in support of businesses providing essential services (for example food)  <b>Encourage</b> compliance with the Health Act order that all non-essential businesses should be closed. Explain to the driver that they may be arrested, if they continue to transport non-essential goods. Place an alert on the vehicle, the company the truck is operating for and the driver. Send a warning letter to the company that explains that if the breach occurs again the truck will be directed to a safe place to stop and the driver will be at risk of being arrested.</p>	<p>Police have powers under s71A Health Act 1956.</p> <p>If there is any question around the status of the ‘essential’ nature of the business, contact your DCC who can phone MBIE for you (between 0700 and 2300).</p> <p>Penalty for offending is under s72 of the Health Act, and is 6 months and / or a \$4000 fine</p>

	<p><b>Enforce</b> there should be a minimum of two warnings before arrest is considered. Ultimately the enforcement action is taken against the driver of the vehicle.</p>	
<p>What if I stop a car with a group of workers travelling to work for a business deemed to be essential?</p>	<p><b>Engage</b> and speak with the driver. Establish the purpose of the trip. If they are essential workers you need to find out if they are in the same bubble (people living in the same residence). People from the same bubble can be in a car together. People from different bubbles should not be sharing a private vehicle (this does not include essential workers in the execution of their duty).</p> <p><b>Educate</b> the people in the vehicle that they need to be keeping 2 metres from anyone not in their bubble and that this requirement is to prevent the spread of COVID-19.</p> <p><b>Encourage</b> the passenger(s) to find an alternate means of transportation. We would allow them to complete the current trip but they should find alternative means of traveling to work.</p> <p><b>Enforce</b> by directing them that they are not to share a vehicle while the Health Act Order is in force. Warn them that if they continue to share a vehicle they could be arrested.</p>	<p>You can stop a vehicle under s71A (2) of the Health Act 1956.</p> <p>The s71(1)(f) order does not provide an exception for individuals from a separate residence to travel to or from work in the same vehicle.</p> <p>But some people may have no other means of travelling to work.</p> <p>The emphasis in this situation is on encouraging and educating about the need for physical distancing as an essential component of preventing the spread of COVID-19</p> <p>Offence / penalty are in s72 of the Health Act (6 months and / or a \$4000 fine)</p>
<p>What if I stop a vehicle and the people in the vehicle are a long way from their home address?</p>	<p><b>Engage</b> and speak to the driver and occupants to establish the purpose of the trip. If it is for a non-essential personal movement then you need to take action.</p> <p><b>Educate</b> that excessive travel increases the risk of the spread of the COVID-19 and that by travelling they are in breach of the current Health Act Order.</p> <p><b>Encourage</b> them to return home.</p> <p><b>Enforce</b> by directing them to return home. Warn them that if they do not return home, they could be arrested. If they refuse to comply they can be arrested. It is preferable to warn people in the first instance.</p>	<p>Police have powers under s71A Health Act 1956.</p> <p>Police can stop a vehicle under s71A(2).</p> <p>Note the exceptions relating to <i>essential personal movement</i></p> <p>Travel between territorial authority districts is prohibited, unless it to access an essential business that, although across a district boundary, is the closest business of that kind.</p>

		We need to restrict travel between towns unless it is essential to do so.
You are called to reports of a party/gathering of people within a private address.	<p><b>Engage</b> by speaking with the occupier. You ask them who is at the address and whether all those people live there.</p> <p><b>Educate</b> that unnecessary contact with other people increases the risk of the spread of the disease.</p> <p><b>Encourage</b> the people present to disperse and return to their homes if they are from different residence.</p> <p><b>Enforce</b> if they do not comply initially you do have multiple enforcement options to ensure compliance. You can also issue a warning and then consider enforcement options (warning, pre charge warning, summons, arrest).</p>	<p>Police have a power to enter, inspect and remain on the property under s71A(2) of the Health Act 1956.</p> <p>Power to compel, enforce and ensure compliance with the health order.</p> <p>Penalty for offending is under s72 of the Health Act, and is 6 months and / or a \$4000 fine</p>
<p>While on routine patrol I speak with a runner who states they drove here to utilise the area.</p> <p>Or</p> <p>What if I find people running, cycling or surfing outside of their area?</p>	<p><i>NOTE: In some circumstances, a small drive to access a more appropriate area for allowed recreational activity may be appropriate.</i></p> <p><b>Engage</b> speak with the person and determine the nature of the activity.</p> <p><b>Educate</b> them that outdoor exercising must take place in areas that are <u>readily accessible to the residence</u> i.e. no long distance travelling. Swimming, water-based activities including surfing and boating, hunting, tramping or any other kind of activity that exposes the participant to danger or may require search and rescue services if the person got into difficulty are banned. They must also be careful to ensure they do not congregate with others whilst undertaking the activity.</p> <p><b>Encourage</b> them to stay close to their home. If a congregation is formed with persons who do not usually reside together, direct them to disperse. Depending on the type of physical activity being undertaken, either no further action</p>	<p>Police have powers under s71A Health Act 1956.</p> <p>People engaging in a leisure or fitness activity <u>within a reasonable distance of their home</u> whilst maintaining appropriate physical distancing is reasonable in the circumstances.</p> <p>Penalty for offending is under s72 of the Health Act, and is 6 months and / or a \$4000 fine</p>

	<p>is needed or advise them to stop that physical activity.</p> <p><b>Enforce</b> by directing them to return to their home area. If undertaking one of the banned physical activities, warn them to stop and that if they do not stop and return home, they could be arrested. If they refuse to comply they can be arrested. It is preferable to warn people in the first instance.</p>	
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## Scenarios

### Scenario One - Public Place

#### **Scenario:**

You are tasked to attend a job where there is a group of people playing a game of touch rugby in the local park. When spoken to, they advise you that they are just practicing their skills and doing no harm. You establish that none of them are living together. When you tell them to separate and go back to their respective addresses, they refuse and challenge your authority, stating they have done nothing wrong.

#### **Action:**

**Engage & Educate:** Talk to the people first, explain they are not allowed to play touch under the s70 Health Act Order.

Explain to them that this is to prevent the spread of COVID-19. They are breaching the Order as there is a prohibition to congregate in outdoor places of amusement or recreation (whether public or private). Further, they can do exercise or other recreation if done in an outdoor place that can be accessed readily from their residence and is done in compliance with physical distancing requirements (2 metre separation). Touch rugby suggests close contact.

**Encourage:** Let them know that they all need to stop playing touch or otherwise they are committing an offence.

**Enforcement:** If people fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

#### **Powers:**

There is a prohibition to congregate in outdoor places of amusement or recreation (whether public or private) under the s70 Health Act Order issued on 24 March 2020. The physical distancing requirement is in the s70(1)(f) Health Act order issued 3 April 2020 (Appendix B).

You can take action under s71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s70.

It is an offence under s72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s70.

### Scenario Two - Public Place

#### **Scenario:**

You are called to the local mountain bike track as there are people there from the local area who want to go mountain biking. The tracks are open (they have not been closed by the local regional council or the Department of Conservation). You speak with the people in the carpark. There appears to be a group of people there who look like they are congregating together to go for a ride.

#### **Action:**

**Engage & Educate:** Approach the group and from a safe distance (2 metres) ask them what they are up to. They tell you that they are going for a ride together.

Explain to them the effect of the s70 Health Act Order, which prohibits congregation in outdoor places of amusement or recreation (whether public or private). The Order prohibits people congregating within 2 metres of each other, including in any recreational reserve. Further, it also prohibits any activity that exposes participants to danger or may require search and rescue services. Explain that the group risks breaching the Orders if they continue with their plan to undertake a group ride.

**Encourage** them to leave and go home (as you have formed the belief that they are planning to do a group ride which is likely to be in breach of the Order). You advise them that if they do not desist, this is an offence.

**Enforcement:** If people fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

### **Powers**

There is a prohibition to congregate in outdoor places of amusement or recreation (whether public or private) under the s70 Health Act order issued on 24 March 2020. The prohibition on physical activity that exposes participants to danger is in the s70 Health Act Order issued on 3 April 2020.

You can take action under s71A(1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s70.

It is an offence under s72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

### **Scenario Three - Private Business**

#### **Scenario:**

You are notified that James Heath, the local mechanic is working in his garage office at his work site in the central city. When you arrive, he states that he is just catching up with paper work while his premises is closed. He says it a great opportunity to do the work when no customers are present. He is alone and no one else is with him. The business is closed. He is not providing a service to the public

#### **Action:**

**Engage & Educate:** This does not appear to be an essential business. He can do paperwork from home and should not be travelling for non-essential tasks.

Explain to him the effect of the s70 Health Act Order, which requires people to remain at their current place of residence except as permitted for essential personal movement. Essential personal movement when defined includes accessing essential businesses or providing essential business. Travelling to his work and then remaining there when it is not an essential business breaches these restrictions.

**Encourage** James to leave and go home. He can do his paperwork there. Advise him that if he does not desist, this is an offence.

**Enforcement:** If James fails to comply, then he can be warned that he could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

### **Powers**

Restrictions on and the definition of essential personal movement is in the s 70 Health Act Order issued on 3 April 2020.

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under S 70.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

### **Scenario Four - Dwelling House**

#### **Scenario:**

You attend a job where a group of teenagers are having a party at a local address in a suburban area. You speak with the occupier who advises you that they are a group of friends having a low key get together and hurting no one. All the occupants live together apart from one who refuses to leave when asked to. The parents' are not at home. All the occupants ask what powers we are relying on to exclude their friend.

#### **Action:**

**Engage & Educate:** The people living at the address are in one bubble and they are allowed to congregate together. The issue here is the visitor to the address.

Explain to them the effect of the s 70 Health Act Order, which requires people to remain at their current place of residence except as permitted for essential personal movement. Essential personal movement is defined as including accessing or providing essential businesses, limited recreation purposes, shared bubble arrangements and emergencies, court orders etc. Travelling to this address to party and then remaining there, is not one of the essential personal movements. Explain to the visitor that he is breaching the Order by going there and then by remaining there.

When taking action under s 71A(1) Health Act, s 71A(2) gives Police the power to enter into or on any land, building or vehicle, inspect any land, building or vehicle or things in or on them.

**Encourage** him to leave and go home. Advise him that if he does not comply, this is an offence.

**Enforcement:** If people fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

### **Powers**

What constitutes essential personal movement is in the s 70 Health Act Order issued on 3 April 2020.

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

When taking action under s 71A(1) Health Act, s 71A(2) gives us the power to enter into or on any land, building or vehicle, inspect any land, building or vehicle or things in or on them.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

### Scenario Five - Dwelling House

#### **Scenario:**

You attend a job where a mentally ill patient has absconded from hospital. The patient has been identified as being tested positive for COVID-19. A member of the public informs you that a male matching the description of the patient, has run into a dwelling house after knocking frantically on the front door. You go to the address and are greeted by the occupier of the house. He is not the patient you are looking for. The occupier states that you have the wrong house and no one else is present inside.

#### **Action:**

**Engage & Educate:** The mentally ill patient has absconded from hospital therefore his current place of residence should be the hospital. Have a conversation with the occupier and explain to them the effect of the s 70 Health Act Order, which requires people to remain at their current place of residence except as permitted for essential personal movement. Absconding from hospital is a breach of this Order.

Explain to the occupier that you are taking action under s 71A (1)(e) of the Health Act. This gives Police power to compel, enforce or ensure compliance with a requirement of powers or functions under s 70. Further explain that under s 71A(2) we have the power to enter into or on any land, building or vehicle and inspect any land, building or vehicle or things in or on them to look for the absconded mental health patient.

Explain to him further that it is an offence under s 72 Health Act if a person threatens, assaults, obstructs or hinders a constable exercising powers under s 70.

**Encourage** him to allow you to search the address for the absconded mental health patient. Remember you are searching for a person not a small object. There is no need to search drawers or other places a person cannot hide.

**Enforcement:** If people fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

#### **Powers**

The essential personal movement is in the s 70 Health Act Order issued on 3 April 2020.

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

When taking action under s 71A(1) Health Act, s 71A(2) gives us the power to enter into or on any land, building or vehicle, inspect any land, building or vehicle or things in or on them.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

## Scenario Six - Dwelling House

### **Scenario:**

You attend a job where it has been reported that a person at an address shows symptoms that suggest they may be infected with the COVID-19 virus. After consulting with your DCC, you are tasked to investigate and take the appropriate action.

At the address you are greeted by an elderly lady who is caring for her sick sister aged 76 years. The sick sister, when spoken to is clearly very unwell and in your opinion, needs medical attention as she may be infected with the virus. You make arrangements for her to get to a hospital but she refuses to leave the address and states that she is happy to die alongside her sister. Her sister agrees with her. The pair are going nowhere.

### **Action:**

**Engage & Educate:** Explain to the sisters that there is a risk to themselves and others that they may come into contact with as they may spread COVID-19. You explain that though you understand their situation that there is a serious risk that the healthy sister may also get sick, as would anyone else who visited them, or if they were to go out into the community (for groceries etc.) You advise them that their actions pose a risk to health and safety.

**Encourage** them to allow you to get medical assistance for the sick sister.

If they still refuse, the Health Act Orders that are currently in force do not apply in this situation. After your assessment of the sick sister, contact the NCCC for them to contact the Medical Officer of Health for advice and guidance. It is likely the MOOH will issue an individual Health Act Order specifically for the sick sister. If this is issued, action under s 71A (1)(e) of the Health Act can be taken. This gives Police power to compel, enforce or ensure compliance with a requirement of powers or functions under s 70.

**Enforcement:** If the Order is issued and the sisters refuse to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

### **Powers**

If an individual Health Act Order is issued, you can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

## Scenario Seven - Vehicle Stops

### **Scenario:**

It is 3am and you spot a vehicle driving through the central city on the main road. It is one up. You stop the vehicle and speak with a middle aged woman. She states that she had an argument with her husband and just wanted some time alone in her car. She didn't wish to park up as she thought it was dangerous to do so. She argues strongly stating that her husband is not violent but very frustrating to live with. She is not going home until she is ready to do so.

### **Action:**

**Engage & Educate:** The s 70 Health Act Order, requires people to remain at their current place of residence except as permitted for essential personal movement. Essential personal movement includes emergencies where a person leaves their residence if necessary to preserve their own or any other person's life or safety. It also includes a person changing their residence if necessary to use another temporary or emergency place of residence (for example, a womens' refuge centre).

It is probably a good option for her to get out of the house and let things cool down. If she stays in the car alone and in the local area she is not a risk of spreading the virus. If it was daylight she could be walking in the park etc getting exercise.

**Enforcement:** Not applicable.

### **Powers**

Restrictions on and the definition of essential personal movement is in the s 70 Health Act Order issued on 3 April 2020.

There is a power to stop a vehicle under s 71A(2)(c) Health Act to execute any of the powers under s 71A(1) Health Act. For this situation s 71A(1)(e) would apply (compel, enforce or ensure compliance).

### **Scenario Eight - Vehicle Stops**

#### **Scenario:**

At 9.30pm you stop a vehicle two up. A male driver (26 years) with a younger female passenger (22 years). You establish that the vehicle belongs to the male driver and the female is his girlfriend. They do not live together. He states that they were just doing a bit of food shopping and are now on their way home. He was going to drop her off first. Her house is 10 kms away and they live relatively close to each other.

#### **Action:**

**Engage & Educate:** These people do not live at the same residence therefore they are not in the same bubble. Each person can leave their residence to do food shopping (accessing an essential business) but must do this individually and not travel there together.

Explain to them the effect of the s 70 Health Act Order, which requires people to remain at their current place of residence except as permitted for essential personal movement. Essential personal movement is defined as including accessing essential businesses for their own or fellow resident's needs (people in the same bubble). Further people must maintain physical distancing except from their fellow residents.

Travelling together in the car is not maintaining physical distancing as they do not live at the same address (not in the same bubble) therefore they are breaching the Order.

**Encourage:** Explain to them that they cannot be physically in each other's presence (2 metre separation is required). Allow them to drive home and advise them that if they do not desist, this is an offence.

**Enforcement:** If they fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

### **Powers**

Restrictions on and the definition of essential personal movement is in the s 70 Health Act Order issued on 3 April 2020.

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.

There is a power to stop a vehicle under s 71A (2)(c) Health Act to execute any of the powers under s 71A (1) Health Act. For this situation s 71A (1)(e) would apply (compel, enforce or ensure compliance)

### **Scenario Nine - Camper Vans**

#### **Scenario:**

You stop a camper van / mobile home at 8.30pm driving through town. The occupants are a couple of tourists who have been in New Zealand since January. They are looking for a place to park up for the night. They are both healthy.

#### **Action:**

**Engage and Educate:** You ask them what their plans are. You explain that under the current Health Act Order it is a risk to public safety to have people in camper vans travelling between territorial authority districts. Camper vans need to remain in one general location to prevent the spread of COVID-19.

Explain to them the effect of the s 70 Health Act Order, which requires people whose residence is mobile, to keep that residence in the same general location except to the extent they would be permitted to leave the residence as an essential personal movement. Essential personal movement is defined as including accessing or providing essential businesses, limited recreation purposes, shared bubble arrangements and emergencies, court orders etc.

Obtain their details as you usually would under Land Transport Act. Advise them where they can park their vehicle in the local area for the duration of the lockdown.

Place an alert on the vehicle, identifying the (policing) area where they will be staying for the duration of the lockdown.

**Encourage:** Allow them to drive to the campsite and advise them that if they move from that general area, this is an offence.

**Enforcement:** If they fail to comply, then they can be warned that they could be arrested or fined up to \$4000.

Warnings are the preferred option with arrest as a last resort.

#### **Powers**

Restrictions on and the definition of essential personal movement is in the s 70 Health Act Order issued on 3 April 2020.

You can take action under s 71A (1)(e) of the Health Act. Police have the power to compel, enforce or ensure compliance with a requirement under s 70.

It is an offence under s 72 Health Act (6 months/\$4000 fine) if a person threatens, assaults, obstructs or hinders a constable or fails or refuses to comply with a requirement under s 70.



### SECTION 70(1)(m) HEALTH ACT ORDER

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

This allows the use of special powers by Medical Officers of Health in accordance with section 70 of the Health Act 1956 for the purposes of preventing the outbreak and spread of COVID-19.

For the purpose of preventing the spread of Covid-19, an infectious disease, I, Dr Ashley Bloomfield, Director-General of Health, acting as medical officer of health for all districts of New Zealand (that is, nationally) with the authority of the Minister of Health and/or in circumstances where a state of emergency has been declared under the Civil Defence Emergency Management Act 2002 and/or there being an epidemic notice in force, make the following order pursuant to s 70(1)(m) of the Health Act 1956:

1. I require to be closed, until further notice, all premises within all districts of New Zealand except those listed in the Appendix to this order.
2. I forbid people to congregate in outdoor places of amusement or recreation of any kind or description (whether public or private) in all districts of New Zealand until further notice.

For the purpose of this order “congregate” does not include people maintaining at all times physical distancing as defined in the Appendix to this order.

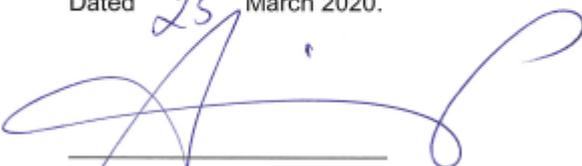
Under section 71A of the Health Act, I request that constables do anything reasonably necessary to assist in ensuring compliance with this instruction. This includes, but is not limited to:

- helping a Medical Officer of Health, or any person authorised by a Medical Officer of Health, in the performance of functions under s70;
- 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 the exercise of performance of powers or functions under s70.

Under section 72 of the Health Act, a person who breaches this order commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, a fine not exceeding \$4,000, or both.

This order takes effect from 11.59pm Wednesday 25 March 2020 and remains in force until further notice.

Dated 25<sup>th</sup> March 2020.



Dr Ashley Bloomfield  
Director-General of Health

## APPENDIX

This order does NOT apply to:

- (a) any premises that are, or any part of any premises that is, used solely as a private dwellinghouse; or
- (b) any premises within the parliamentary precincts (within the meaning of section 3 of the Parliamentary Service Act 2000); or
- (c) any premises whose principal or only use is as a courtroom or judge's chambers, or a court registry; or
- (d) any premises that are, or are part of, a prison (within the meaning of section 3(1) of the Corrections Act 2004); or
- (e) any premises necessary for the performance or delivery of essential businesses as defined further below; or
- (f) any vehicle, ship, or aircraft, or any premises that need to remain open to provide access to that vehicle, ship, or aircraft.

For the purposes of this order:

- **"essential businesses"** means businesses that are essential to the provision of the necessities of life and those businesses that support them, as described on the Essential Services list on the covid19.govt.nz internet site maintained by the New Zealand government
- **"physical distancing"** means remaining two (2) metres away from other people, or if you are closer than two (2) metres, being there for less than 15 minutes. Physical distancing is important to help protect you and others from COVID-19, which spreads via droplets from coughing and sneezing. Staying 2 metres away from others is an effective measure.



### 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 3<sup>rd</sup> April 2020



Dr Ashley Bloomfield  
Director-General of Health