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Health Act 1956

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Commencement	see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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An Act to consolidate and amend the law relating to public health

1 Short Title and commencement

(1) This Act may be cited as the Health Act 1956.

(2) Except as provided in section 113, this Act shall come into force on 1 January 1957.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

aerodrome has the same meaning as in the Civil Aviation Act 2023

aircraft has the same meaning as in the Civil Aviation Act 2023

animal includes any bird, reptile, amphibian, or insect

carrier, in relation to any infectious disease, means any person having in his blood, or in his nose or throat, or in his excretions, or in his discharges, the specific infectious agent of that disease, though he may exhibit no other sign or symptom of that disease

cleansing, in relation to any building, includes lime-washing, papering, painting, and the destruction of vermin

communicable disease includes any infectious disease, and any other disease declared by the Governor-General, by Order in Council, to be a communicable disease for the purposes of this Act (*see* subsection (5))

contact, in relation to any infectious disease, means any person who has been exposed to risk of infection from an infectious disease

craft means an aircraft, ship, or other device or machine, that can be used to carry or transport people or goods—

(a) by air; or

(b) on or under water

Director-General means the chief executive under the Public Service Act 2020 of the Ministry of Health; and, in relation to any power or function delegated by that chief executive, includes any person to whom that chief executive has delegated that power or function

drinking water standards means the standards made under section 47 of the Water Services Act 2021

dwellinghouse means any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation, and includes the land and any outbuildings and appurtenances belonging thereto or usually enjoyed therewith

educational institution—

(a) means any place where people gather for the purpose of education or training; and

(b) includes an early childhood education and care centre within the meaning of section 10(1) of the Education and Training Act 2020

environmental health officer means an environmental health officer appointed under section 28 or a health protection officer

epidemic management notice means a notice under section 8(1) of the Epidemic Preparedness Act 2006

epidemic notice means a notice under section 5(1) of the Epidemic Preparedness Act 2006

Health New Zealand has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

health practitioner has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

health protection officer means a person designated by the Director-General as a health protection officer under this Act

health provider means a person or an organisation that provides, or arranges the provision of, personal health services or public health services

hospital means a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001

infectious disease means any disease for the time being specified in Part 1 or Part 2 of Schedule 1

local authority means a territorial authority within the meaning of the Local Government Act 2002

medical examination, in Part 3A, means the physical examination or testing of a person for the purpose of determining whether the person has or is likely to have an infectious disease, and includes—

(a) the taking of a sample of tissue, blood, urine, or other bodily material for medical testing; and

(b) any diagnostic tests required to detect the presence of, or immunity to, an infectious disease in a person

medical examination order means an order made under section 92ZH

medical officer of health means the medical officer of health appointed under this Act for a health district, and includes any deputy medical officer of health; and, for the purposes of Part 4, includes any medical practitioner acting under the direction of the medical officer of health

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

Minister means the Minister of Health

Ministry of Health means the department of the public service referred to by that name; and **Ministry** has a corresponding meaning

notifiable disease means any notifiable infectious disease, and any disease for the time being specified in Schedule 2

notifiable infectious disease means any infectious disease for the time being specified in Part 1 of Schedule 1

offensive trade means any trade, business, manufacture, or undertaking for the time being specified in Schedule 3

owner, in relation to any land or premises, means the person for the time being entitled to receive the rent of the land or premises, whether on his own account or as the agent of or trustee for any other person, or who would be so entitled if the land or premises were let at a rent, and includes any person for the time being registered under the Land Transfer Act 2017 as owner of the land or premises

passenger, in relation to a craft means any person in or on it who is not a member of its crew

personal health has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

personal health services has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

potable water means water that—

(a) is safe to drink; and

(b) complies with the drinking water standards

premises includes any commercial premises, private premises, vehicle, ship, or aircraft

prescribed means prescribed by this Act or by regulations or bylaws thereunder

public health has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

public health order means an order made under section 92Z

public health risk, in Part 3A and sections 74 and 74AA, means a substantial risk of serious harm that 1 or more individuals who have, or may have, an infectious disease pose to the health or safety of 1 or more other persons because of the infectious disease, having regard to—

(a) the nature of the infectious disease, including, without limitation, the transmissibility and mode of transmission of the infectious disease; and

(b) the relevant circumstances of the particular case

public health services has the meaning in section 4 of the Healthy Futures (Pae Ora) Act 2022

quarantinable disease means a disease stated in Part 3 of Schedule 1

ship includes every description of vessel used in navigation

smoke includes any fumes, gases, dust, soot, grit, or other matters produced in the process of combustion

Water Services Authority means the Water Services Authority—Taumata Arowai established by section 8 of the Water Services Authority—Taumata Arowai Act 2020.

(2) If, in any proceedings for an offence against this Act or against any regulations thereunder, a question arises as to whether or not any person is a contact, as defined in subsection (1), the question shall be determined in accordance with the opinion of the medical officer of health.

(3) The Governor-General may, by Order in Council, amend Part 3 of Schedule 1 by adding or omitting the name of a disease, or substituting a new name for a disease (*see* subsection (5)).

(4) In this Act, a reference to an individual who has an infectious disease includes an individual who is infected or colonised by, or is a carrier of, an organism capable of causing the disease, even if the individual does not exhibit any of the symptoms of the disease.

(5) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) an order under the definition of communicable disease in subsection (1):

(b) an order under subsection (3).

Compare: 1920 No 45 s 2; 1940 No 17 ss 4, 9, 11(1), 16, 18; SR 1951/282

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Section 2(1) **aerodrome**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **aircraft**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **Board**: repealed, on 1 October 1988, by section 4(3) of the Health Amendment Act 1988 (1988 No 99).

Section 2(1) **chemical works**: repealed, on 1 April 1974, by section 56(1) of the Clean Air Act 1972 (1972 No 31).

Section 2(1) **communicable disease**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **communicable disease**: amended, on 4 January 2017, by section 4(1) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **contact**: amended, on 4 January 2017, by section 4(2) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **craft**: inserted, on 19 December 2006, by section 4(1) of the Health Amendment Act 2006 (2006 No 86).

Section 2(1) **Director-General**: replaced, on 1 July 1993, by section 2(1) of the Health Amendment Act 1993 (1993 No 24).

Section 2(1) **Director-General**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 2(1) **district health board**: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **drinking water standards**: inserted, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Section 2(1) **educational institution**: inserted, on 4 January 2017, by section 4(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **educational institution** paragraph (b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 2(1) **environmental health officer**: replaced, on 1 July 1993, by section 2(2) of the Health Amendment Act 1993 (1993 No 24).

Section 2(1) **epidemic management notice**: inserted, on 19 December 2006, by section 4(1) of the Health Amendment Act 2006 (2006 No 86).

Section 2(1) **epidemic notice**: inserted, on 19 December 2006, by section 4(1) of the Health Amendment Act 2006 (2006 No 86).

Section 2(1) **Health New Zealand**: inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **Health New Zealand**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2(1) **health practitioner**: inserted, on 4 January 2017, by section 4(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **health protection officer**: replaced, on 1 July 1993, by section 2(3) of the Health Amendment Act 1993 (1993 No 24).

Section 2(1) **health provider**: inserted, on 4 January 2017, by section 4(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **hospital**: replaced, on 1 October 2002, by section 58(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 2(1) **inspector**: repealed, on 26 July 1988, by section 2(3) of the Health Amendment Act 1988 (1988 No 99).

Section 2(1) **inspector of health**: repealed, on 26 July 1988, by section 2(3) of the Health Amendment Act 1988 (1988 No 99).

Section 2(1) **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **Māori Health Authority**: repealed, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 2(1) **medical examination**: inserted, on 4 January 2017, by section 4(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **medical examination order**: inserted, on 4 January 2017, by section 4(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **medical officer of health**: amended, on 1 July 1993, by section 2(6) of the Health Amendment Act 1993 (1993 No 24).

Section 2(1) **medical officer of health**: amended, on 26 November 1982, by section 2(a) of the Health Amendment Act 1982 (1982 No 34).

Section 2(1) **medical practitioner**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2(1) **Ministry of Health**: inserted, on 1 July 1993, by section 2(7) of the Health Amendment Act 1993 (1993 No 24).

Section 2(1) **Ministry of Health**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 2(1) **noxious or offensive gas**: repealed, on 1 April 1974, by section 56(1) of the Clean Air Act 1972 (1972 No 31).

Section 2(1) **owner**: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 2(1) **passenger**: inserted, on 19 December 2006, by section 4(1) of the Health Amendment Act 2006 (2006 No 86).

Section 2(1) **personal health**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **personal health**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2(1) **personal health services**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **personal health services**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2(1) **port health officer**: repealed, on 26 November 1982, by section 2(b) of the Health Amendment Act 1982 (1982 No 34).

Section 2(1) **potable water**: inserted, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Section 2(1) **premises**: replaced, on 4 January 2017, by section 4(3) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **public health**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **public health**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2(1) **public health order**: inserted, on 4 January 2017, by section 4(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **public health risk**: inserted, on 4 January 2017, by section 4(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **public health services**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **public health services**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2(1) **quarantinable disease**: replaced, on 19 December 2006, by section 4(1) of the Health Amendment Act 2006 (2006 No 86).

Section 2(1) **Taumata Arowai**: repealed, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 2(1) **venereal disease**: repealed, on 4 January 2017, by section 4(5) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(1) **Water Services Authority**: inserted, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 2(3): inserted, on 19 December 2006, by section 4(2) of the Health Amendment Act 2006 (2006 No 86).

Section 2(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(4): inserted, on 4 January 2017, by section 4(6) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 2(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 2A: inserted, on 13 December 2021, by section 4 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

3 Power of Governor-General in Council to amend Schedules

(1) The Governor-General may from time to time, by Order in Council,—

(a) add to or omit from any of the lists of notifiable infectious diseases, infectious diseases, and notifiable diseases set out in Schedules 1 and 2 the name or description of any disease; or

(b) add to or omit from the list of offensive trades set out in Schedule 3—

or otherwise amend any such list, and every such Order in Council shall have effect according to its tenor.

(2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1920 No 45 s 2

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Section 3(1)(b): amended, on 13 December 2021, by section 7 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

Section 3(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1
Administration

Ministry of Health

Heading: amended, on 1 July 1993, pursuant to section 38(3) of the Health Amendment Act 1993 (1993 No 24).

3A Function of Ministry in relation to public health

Without limiting any other enactment or rule of law, and without limiting any other functions of the Ministry or of any other person or body, the Ministry shall have the function of improving, promoting, and protecting public health.

Section 3A: inserted, on 22 January 1996, by section 13 of the Health and Disability Services Amendment Act 1995 (1995 No 84).

3B Director of Public Health

(1) There shall be a Director of Public Health, who shall be appointed under the Public Service Act 2020 by the Director-General.

(2) The Director of Public Health shall have the function of advising the Director-General on matters relating to public health, including—

(a) personal health matters relating to public health; and

(b) regulatory matters relating to public health.

(3) Nothing in this section—

(a) limits any other enactment or rule of law.

(b) *[Repealed]*

Section 3B: inserted, on 22 January 1996, by section 13 of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 3B(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 3B(3)(b): repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

3C Director-General to produce annual report on current state of public health

(1) Without limiting section 43 of the Public Finance Act 1989, the Director-General shall in each year give to the Minister a report on the current state of public health in New Zealand.

(2) The Minister shall lay a copy of the report before the House of Representatives not later than the 12th sitting day of the House of Representatives after the date on which the Minister receives the report.

Section 3C: inserted, on 22 January 1996, by section 13 of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 3C(1): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

3D Director of Public Health may provide advice or reports to Minister

(1) Without limiting section 3B, the Director of Public Health may from time to time, on the Director's own initiative (but only after consultation with the Director-General) or at the request of the Minister given after consultation with the Director-General,—

(a) advise the Minister on any matter relating to public health:

(b) report to the Minister on any matter relating to public health.

(2) In exercising the functions of the Director under this section, the Director shall not be responsible to the Director-General, but shall act independently.

(3) Nothing in subsection (2) limits the responsibility of the Director of Public Health to the Director-General for the efficient, effective, and economical management of the activities of the Director of Public Health.

Section 3D: inserted, on 22 January 1996, by section 13 of the Health and Disability Services Amendment Act 1995 (1995 No 84).

3E Public Health Agency

(1) There shall be a division of the Ministry called the Public Health Agency.

(2) The Public Health Agency shall consist of such employees of the Ministry as the Director-General from time to time determines.

(3) The functions of the Public Health Agency are—

(a) to provide systems leadership across the public health sector; and

(b) to advise the Director-General on matters relating to public health, including—

(i) personal health matters relating to public health; and

(ii) regulatory and strategic matters relating to public health.

(4) Nothing in this section—

(a) limits any other enactment or rule of law; or

(b) limits the functions of the Ministry or of any other person or body.

Section 3E: inserted, on 22 January 1996, by section 13 of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 3E heading: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 3E(1): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 3E(2): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 3E(3): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

3F Public Health Agency to consult

In order to ensure that the views of the public, persons involved in the provision of personal health services and public health services, and other persons are able to be considered in the formulation of the Public Health Agency's advice to the Director-General under section 3E(3), the Public Health Agency shall institute a programme of regular consultation with such members of the public, persons involved in the provision of personal health services and public health services, and other persons as the Director-General (after consultation with the Minister) considers appropriate, but nothing in this section shall be taken to require such consultation before each and every occasion on which such advice is formulated.

Section 3F: inserted, on 22 January 1996, by section 13 of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 3F heading: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 3F: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 3F: amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

4 Department of Health

[Repealed]

Section 4: repealed, on 1 July 1993, by section 3(1)(a) of the Health Amendment Act 1993 (1993 No 24).

5 Director-General of Health

[Repealed]

Section 5: repealed, on 1 July 1993, by section 3(1)(b) of the Health Amendment Act 1993 (1993 No 24).

5A Deputy Directors-General and Assistant Directors-General of Health

[Repealed]

Section 5A: repealed, on 1 July 1993, by section 3(1)(b) of the Health Amendment Act 1993 (1993 No 24).

5B Delegation of powers by Director-General

[Repealed]

Section 5B: repealed, on 1 July 1993, by section 3(1)(c) of the Health Amendment Act 1993 (1993 No 24).

6 Other officers and employees

[Repealed]

Section 6: repealed, on 1 July 1993, by section 3(1)(d) of the Health Amendment Act 1993 (1993 No 24).

6A Part-time deputy medical officers of health

[Repealed]

Section 6A: repealed, on 1 July 1993, by section 3(1)(e) of the Health Amendment Act 1993 (1993 No 24).

7 Principal functions of Department

[Repealed]

Section 7: repealed, on 1 July 1993, by section 3(1)(f) of the Health Amendment Act 1993 (1993 No 24).

7A Medical officers of health and other officers

(1) The Director-General shall from time to time designate as medical officers of health such persons as, in the opinion of the Director-General, are required.

(2) Each such person designated as a medical officer of health shall be a medical practitioner suitably qualified and experienced in public health medicine.

(3) The Director-General shall, at the time of designation of a medical officer of health, determine the health district or health districts within which the powers and duties of that medical officer of health may be exercised or performed.

(4) The Director-General shall from time to time designate as health protection officers such persons as, in the opinion of the Director-General, are required.

(5) Notwithstanding any other enactment, the Director-General may from time to time designate, as officers who have functions, duties, or powers under any enactment administered by the Ministry that is specified in the designation, such persons as, in the opinion of the Director-General, are required.

(6) Any designation by the Director-General under this section of any person as a medical officer of health, health protection officer, or other officer may be made on such terms and conditions as the Director-General considers appropriate; and that person shall exercise the functions, duties, and powers of that office in accordance with any direction of the Director-General.

(7) Where by virtue of any enactment, a reasonable belief in any particular state of affairs is a prerequisite for the exercise of any power by a medical officer of health, health protection officer, or other officer designated by the Director-General, it shall be sufficient if that officer exercises that power at the direction of the Director-General (or any other person designated by the Director-General for the purposes of this subsection) so long as, at the time of giving the direction, the Director-General or other person held such a belief in that state of affairs.

(8) A medical officer of health for any health district may perform or exercise in that or any other health district any of the functions, duties, or powers of a medical officer of health that relate to contact tracing.

(9) To avoid doubt, the Director-General may revoke a designation of a person as a medical officer of health or health protection officer under this section.

(10) The Director-General must consult the Director of Public Health before revoking a designation of a medical officer of health.

Section 7A: inserted, on 1 July 1993, by section 4 of the Health Amendment Act 1993 (1993 No 24).

Section 7A(2): replaced, on 1 July 1996, by section 143(1) of the Medical Practitioners Act 1995 (1995 No 95).

Section 7A(8): inserted, on 4 January 2017, by section 5 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 7A(9): inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 7A(10): inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

8 Conservation of public health in areas outside jurisdiction of local authorities

(1) The improvement, promotion, and protection of public health in any outlying islands or other areas that are not for the time being within the jurisdiction of any local authority or of any harbour board shall be a function of the Ministry, which for the purposes of this section shall be deemed to be a local authority.

(2) The powers of the Ministry for the purposes of this section shall be exercisable by the Director-General or by any other officer or officers of the Ministry acting with the authority of the Director-General.

(3) The Governor-General may by Order in Council make regulations for the purpose of giving effect to this section, and by any such Order in Council may apply, with the necessary modifications, any other regulations made under this Act.

(4) Any regulations made for the purposes of this section may prescribe reasonable fees to be payable by the owners or occupiers of lands within any area over which the Ministry has jurisdiction in accordance with this section, for the purpose of recouping the expenditure incurred by the Ministry in the exercise of its functions in such areas. All fees payable in accordance with such regulations shall be recoverable as a debt due to the Crown. For the purposes of this subsection, the term **occupier**, in relation to any land, includes a person in temporary occupation thereof, whether or not that person is in occupation as of right.

(5) Subject to the provisions of this section and to any regulations for the time being in force thereunder, all expenses incurred by the Ministry in the exercise of its powers and functions under this section shall be paid out of money to be appropriated by Parliament.

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1940 No 17 s 2

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 8(1): amended, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 8(1): amended, on 1 July 1993, by section 5 of the Health Amendment Act 1993 (1993 No 24).

Section 8(2): amended, on 1 July 1993, by section 5 of the Health Amendment Act 1993 (1993 No 24).

Section 8(4): amended, on 1 July 1993, by section 5 of the Health Amendment Act 1993 (1993 No 24).

Section 8(5): amended, on 1 July 1993, by section 5 of the Health Amendment Act 1993 (1993 No 24).

Section 8(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

9 Delegation of powers by Minister

[Repealed]

Section 9: repealed, on 1 July 1993, by section 6(1)(a) of the Health Amendment Act 1993 (1993 No 24).

9A Advisory committees and subcommittees

[Repealed]

Section 9A: repealed, on 1 July 1993, by section 6(1)(b) of the Health Amendment Act 1993 (1993 No 24).

10 Annual report

[Repealed]

Section 10: repealed, on 1 July 1993, by section 6(1)(c) of the Health Amendment Act 1993 (1993 No 24).

Board of Health

[Repealed]

Heading: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

11 Board of Health

[Repealed]

Section 11: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

11A Chairman and deputy chairman

[Repealed]

Section 11A: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

12 Remuneration and travelling allowances

[Repealed]

Section 12: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

13 Meetings and procedure of Board

[Repealed]

Section 13: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

14 Seal of Board

[Repealed]

Section 14: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

15 Secretary to Board

[Repealed]

Section 15: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

16 Functions of Board

[Repealed]

Section 16: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

17 Board may be appointed as a commission of inquiry

[Repealed]

Section 17: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

18 Committees of Board

[Repealed]

Section 18: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

18A Ad hoc subcommittees

[Repealed]

Section 18A: repealed, on 1 October 1988, by section 4(2) of the Health Amendment Act 1988 (1988 No 99).

Health districts

19 Health districts

(1) For the purposes of this Act, the Director-General may from time to time, by notice in the *Gazette*, declare New Zealand or any part of New Zealand to be divided into health districts, with such names and boundaries as the Director-General thinks fit.

(2) The boundaries of every health district shall be fixed by reference to the boundaries of the territorial authority districts comprised therein, and shall vary with any alteration in such last-mentioned boundaries.

(3) In no case shall part only of any territorial authority district be included within the boundaries of a health district.

Section 19: replaced, on 1 July 1993, by section 7(1) of the Health Amendment Act 1993 (1993 No 24).

20 Medical officer of health for every health district

[Repealed]

Section 20: repealed, on 1 July 1993, by section 8(1) of the Health Amendment Act 1993 (1993 No 24).

21 Evidence of authority of medical officer or health protection officer

The fact that any medical officer of health or any health protection officer exercises his functions in any health district shall be sufficient evidence of his authority to do so.

Compare: 1920 No 45 s 18

Section 21 heading: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 21: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

22 Certain officers to have functions of medical officers of health

(1) Every person who holds the office of Director-General of Health shall, if that person is a medical practitioner suitably experienced and qualified in public health medicine, have all the functions of a medical officer of health, and may exercise those functions in any part of New Zealand.

(2) Every person who holds the office of Director-General of Health and is not a medical practitioner suitably experienced and qualified in public health medicine shall designate a medical practitioner or medical practitioners who is or are employed in the Ministry and who is or are suitably experienced and qualified in public health medicine to exercise the functions of a medical officer of health in any part of New Zealand.

(3) A person who holds office as Director of Public Health has the functions of a medical officer of health and may exercise them in any part of New Zealand if they are a medical practitioner specialising in public health.

Section 22: replaced, on 1 July 1996, by section 143(1) of the Medical Practitioners Act 1995 (1995 No 95).

Section 22(3): inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

22A Powers of departmental officers under Factories and Commercial Premises Act 1981

[Repealed]

Section 22A: repealed, on 1 April 1993, by section 62(1) of the Health and Safety in Employment Act 1992 (1992 No 96).

Personal information

Heading: inserted, on 26 July 1988, by section 6 of the Health Amendment Act 1988 (1988 No 99).

22B Interpretation

In this section and sections 22C to 22H, unless the context otherwise requires,—

agency has the same meaning as in section 7(1) of the Privacy Act 2020

document has the same meaning as in section 2 of the Official Information Act 1982

Health Benefits Limited has the same meaning as in section 2(1) of the Health Sector (Transfers) Act 1993

health information, in relation to an identifiable individual, means—

(a) information about the health of that individual, including that individual's medical history:

(b) information about any disabilities that individual has, or has had:

(c) information about any services that are being provided, or have been provided, to that individual:

(d) information provided by that individual in connection with the donation, by that individual, of any body part, or any bodily substance, of that individual:

(e) for the purposes of section 22E and for that purpose only, information—

(i) derived from the testing or examination of any body part, or any bodily substance, donated by an individual; or

(ii) otherwise relating to any part or substance so donated, or relating to the donor and relevant (whether directly or indirectly) to the donation

individual means a natural person, and includes a deceased natural person

representative, in relation to any individual, means,—

(a) where the individual is dead, that individual's personal representative:

(b) where the individual is under the age of 16 years, that individual's parent or guardian:

(c) subject to paragraphs (a) and (b), where the individual is unable to give his or her consent or authority, a person appearing to be lawfully acting on the individual's behalf or in that individual's interests

services has the same meaning as in section 4 of the Healthy Futures (Pae Ora) Act 2022.

Section 22B: replaced, on 1 July 1993, by section 2 of the Health Amendment Act (No 2) 1993 (1993 No 32).

Section 22B: amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **agency**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 22B **Crown health enterprise**: repealed, on 1 July 1998, by section 5(4) of the Health and Disability Services Amendment Act 1998 (1998 No 74).

Section 22B **disability services**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **funder**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **Health Benefits Limited**: inserted, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **Health Funding Authority**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **health information** paragraph (c): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **health services**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **hospital and health service**: repealed, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **Public Health Commission**: repealed, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 22B **purchaser**: repealed, on 1 July 1998, by section 5(4) of the Health and Disability Services Amendment Act 1998 (1998 No 74).

Section 22B **regional health authority**: repealed, on 1 July 1998, by section 5(4) of the Health and Disability Services Amendment Act 1998 (1998 No 74).

Section 22B **services**: inserted, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22B **services**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 22B **services**: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

22C Disclosure of health information

(1) Any person (being an agency that provides services or arranges the provision of services) may disclose health information—

(a) if that information—

(i) is required by any person specified in subsection (2); and

(ii) is required (or, in the case of the purpose set out in paragraph (j) of that subsection, is essential) for the purpose set out in that subsection in relation to the person so specified; or

(b) if that disclosure is permitted—

(i) by or under a code of practice issued under section 32 of the Privacy Act 2020; or

(ii) if no such code of practice applies in relation to the information, by any of the information privacy principles set out in section 22 of that Act.

(2) The persons and purposes referred to in subsection (1)(a) are as follows:

(a) any medical officer of a prison within the meaning of the Corrections Act 2004, for the purposes of exercising or performing any of that person's powers, duties, or functions under that Act:

(b) any probation officer within the meaning of the Corrections Act 2004, for the purposes of exercising or performing any of that person's powers, duties, or functions under any enactment:

(c) a Social Worker or a Care and Protection Co-ordinator within the meaning of the Oranga Tamariki Act 1989, for the purposes of exercising or performing any of that person's powers, duties, or functions under that Act:

(d) any employee of the department for the time being responsible for the administration of the Social Security Act 2018, for the purposes of administering sections 206 and 207 (factors affecting benefit: hospitalisation) of that Act:

(e) any member of the New Zealand Defence Force, for the purposes of administering the Armed Forces Discipline Act 1971 or the Defence Act 1990:

(f) any constable, for the purposes of exercising or performing any of that person's powers, duties, or functions:

(g) any employee of the Ministry of Health, for the purposes of—

(i) administering this Act; or

(ii) compiling statistics for health purposes:

(h) any employee of the Ministry of Agriculture and Forestry authorised by the chief executive of that Ministry to receive the information, for the purposes of administering the Meat Act 1981 or the Animal Products Act 1999:

(i) any employee of the New Zealand Transport Agency, for statistical or research purposes in relation to road safety or the environment:

(j) an employee of Health New Zealand, for the purposes of exercising or performing any of that entity's powers, duties, or functions under the Healthy Futures (Pae Ora) Act 2022:

(k) *[Repealed]*

(l) an employee of the New Zealand Blood and Organ Service, for the purposes of exercising or performing any of that entity's powers, duties, or functions under the Healthy Futures (Pae Ora) Act 2022:

(m) the Inspector-General of Defence, for the purposes of exercising or performing any of that person's powers, duties, or functions under the Inspector-General of Defence Act 2023.

(3) For the purposes of information privacy principle 11(1)(c) set out in section 22 of the Privacy Act 2020, the disclosure of health information about an individual may be authorised—

(a) by that individual personally, if he or she has attained the age of 16 years; or

(b) by a representative of that individual.

(4) Information provided or obtained under Part 3A may not be used or disclosed by anyone except as authorised or required under a provision of this Act or another Act.

Section 22C: replaced, on 1 July 1993, by section 2 of the Health Amendment Act (No 2) 1993 (1993 No 32).

Section 22C(1): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22C(1)(b)(i): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 22C(1)(b)(ii): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 22C(2)(a): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 22C(2)(b): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 22C(2)(b): amended, on 30 June 2002, by section 186 of the Sentencing Act 2002 (2002 No 9).

Section 22C(2)(c): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 22C(2)(d): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 22C(2)(d): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 22C(2)(f): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 22C(2)(g)(i): amended, on 13 December 2021, by section 8 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

Section 22C(2)(h): replaced, on 1 November 1999, by section 8(1) of the Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94).

Section 22C(2)(i): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 22C(2)(j): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22C(2)(j): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 22C(2)(k): repealed, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 22C(2)(l): inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22C(2)(l): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 22C(2)(m): inserted, on 26 January 2025, by section 56 of the Inspector-General of Defence Act 2023 (2023 No 42).

Section 22C(3): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 22C(4): inserted, on 4 January 2017, by section 6 of the Health (Protection) Amendment Act 2016 (2016 No 35).

22D Duty to provide health information

(1) The Minister may at any time, by notice in writing, require Health New Zealand to provide, in such manner as may from time to time be required, such returns or other information as is specified in the notice concerning the condition or treatment of, or the services provided to, any individuals in order to obtain statistics for health purposes or for the purposes of advancing health knowledge, health education, or health research.

(2) Subject to subsection (3), it is the duty of Health New Zealand to provide the returns or other information specified in a notice given to it under subsection (1) within such time, and in such form, as is specified in the notice.

(3) No information that would enable the identification of an individual may be provided under this section unless—

(a) the individual consents to the provision of such information; or

(b) the identifying information is essential for the purposes for which the information is sought.

(4) For the purposes of subsection (3)(a), consent to the provision of information may be given—

(a) by the individual personally, if he or she has attained the age of 16 years; or

(b) by a representative of that individual.

Section 22D: replaced, on 1 July 1993, by section 2 of the Health Amendment Act (No 2) 1993 (1993 No 32).

Section 22D(1): replaced, on 1 July 1998, by section 5(4) of the Health and Disability Services Amendment Act 1998 (1998 No 74).

Section 22D(1): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 22D(1): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22D(1): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22D(2): replaced, on 1 July 1998, by section 5(4) of the Health and Disability Services Amendment Act 1998 (1998 No 74).

Section 22D(2): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 22D(2): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

22E Duty to provide information for purposes of blood collection

The Minister may, at any time, by notice in writing, require Health New Zealand to provide to an entity appointed under section 63 of the Human Tissue Act 2008, in such manner as the Minister specifies in the notice, such information as is specified in the notice, being health information of the kind referred to in paragraph (d) or paragraph (e) of the definition of that term in section 22B.

Section 22E: replaced, on 4 July 1998, by section 2 of the Health Amendment Act 1998 (1998 No 86).

Section 22E: amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 22E: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22E: amended, on 1 November 2008, by section 92 of the Human Tissue Act 2008 (2008 No 28).

22F Communication of information for diagnostic and other purposes

(1) Every person who holds health information of any kind shall, at the request of the individual about whom the information is held, or a representative of that individual, or any other person that is providing, or is to provide, services to that individual, disclose that information to that individual or, as the case requires, to that representative or to that other person.

(2) A person that holds health information may refuse to disclose that information under this section if—

(a) that person has a lawful excuse for not disclosing that information; or

(b) where the information is requested by someone other than the individual about whom it is held (not being a representative of that individual), the holder of the information has reasonable grounds for believing that that individual does not wish the information to be disclosed; or

(c) refusal is authorised by a code of practice issued under section 32 of the Privacy Act 2020.

(3) For the purposes of subsection (2)(a), neither—

(a) the fact that any payment due to the holder of any information or to any other person has not been made; nor

(b) the need to avoid prejudice to the commercial position of the holder of any information or of any other person; nor

(c) the fact that disclosure is not permitted under any of the information privacy principles set out in section 22 of the Privacy Act 2020—

shall constitute a lawful excuse for not disclosing information under this section.

(4) Where any person refuses to disclose health information in response to a request made under this section, the person whose request is refused may make a complaint to the Privacy Commissioner under Part 5 of the Privacy Act 2020, and that Part of that Act, so far as applicable and with all necessary modifications, shall apply in relation to that complaint as if the refusal to which the complaint relates were a refusal to make information available in response to an information privacy request within the meaning of that Act.

(5) Nothing in subsection (4) limits any other remedy that is available to any person who is aggrieved by any refusal to disclose information under this section.

Section 22F: replaced, on 1 July 1993, by section 2 of the Health Amendment Act (No 2) 1993 (1993 No 32).

Section 22F(1): amended, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22F(2)(c): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 22F(3)(c): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 22F(4): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

22G Inspection of records

(1) In this section, **provider** means a person who has claimed payment for services from 1 or more of the following:

(a) a department of the Crown that funds services within the meaning of section 4 of the Healthy Futures (Pae Ora) Act 2022:

(b) a district health board:

(c) the Health Funding Authority or a person authorised by the Health Funding Authority to make payments:

(d) a regional health authority or a person authorised by a regional health authority to make payments:

(e) a hospital and health service:

(f) a Crown health enterprise:

(g) an area health board:

(h) a hospital board:

(i) the Department of Health:

(j) Health New Zealand.

(k) *[Repealed]*

(2) Every provider must, forthwith after a request by the Director-General or the chief executive of Health New Zealand or of Health Benefits Limited, make available any records of the provider that relate to the services concerned for inspection—

(a) by a person authorised in writing by the Director-General or the chief executive of Health New Zealand or Health Benefits Limited (as the case may be) for this purpose, being a person who holds a professional qualification relevant to the services provided by the provider or any other person the Director-General or the chief executive considers appropriate; and

(b) for the purpose of verifying the claim for payment.

(3) Any person authorised in accordance with subsection (2) to inspect the records of a provider may copy or take notes of those records for the purposes of the inspection.

Section 22G: inserted, on 1 July 1993, by section 2 of the Health Amendment Act (No 2) 1993 (1993 No 32).

Section 22G(1): replaced, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22G(1)(a): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22G(1)(a): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 22G(1)(j): inserted, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22G(1)(k): repealed, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 22G(2): replaced, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

Section 22G(2): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 22G(2): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22G(2)(a): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 22G(2)(a): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 22G(3): inserted, on 1 January 2001, by section 111(1) of the New Zealand Public Health and Disability Act 2000 (2000 No 91).

22H Anonymous health information

Notwithstanding any enactment, rule of law, or other obligation, any person may supply to any other person health information that does not enable the identification of the individual to whom the information relates.

Section 22H: inserted, on 1 July 1993, by section 2 of the Health Amendment Act (No 2) 1993 (1993 No 32).

22I Offence to fail to retain health information

[Repealed]

Section 22I: repealed, on 1 January 1997, by section 22J.

22J Expiry of section 22I

Section 22I shall expire with the close of—

(a) 31 December 1996; or

(b) such earlier date as may be appointed by the Governor-General by Order in Council,—

whichever is the earlier, and on—

(c) 1 January 1997; or

(d) the day after any date appointed pursuant to paragraph (b),—

whichever is the earlier, section 22I shall be deemed to have been repealed.

Section 22J: replaced, on 9 December 1994, by section 2(1) of the Health Amendment Act (No 2) 1994 (1994 No 133).

Part 2
Powers and duties of local authorities

23 General powers and duties of local authorities in respect of public health

Subject to the provisions of this Act, it shall be the duty of every local authority to improve, promote, and protect public health within its district, and for that purpose every local authority is hereby empowered and directed—

(a) to appoint all such environmental health officers and other officers and servants as in its opinion are necessary for the proper discharge of its duties under this Act:

(b) to cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district:

(c) if satisfied that any nuisance, or any condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition:

(d) subject to the direction of the Director-General, to enforce within its district the provisions of all regulations under this Act for the time being in force in that district:

(e) to make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the protection of public health:

(f) to furnish from time to time to the medical officer of health such reports as to diseases and sanitary conditions within its district as the Director-General or the medical officer of health may require.

Compare: 1920 No 45 s 20

Section 23: amended, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 23(a): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

Section 23(d): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 23(e): amended, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 23(f): replaced, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 23(f): amended, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

24 Governor-General may exempt certain local authorities

[Repealed]

Section 24: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Sanitary works

25 Local authority to provide sanitary works

(1) For the purposes of this section, the term **sanitary works** means—

(a) water supply reticulation and treatment;

(b) wastewater reticulation, treatment, and disposal;

(ba) stormwater reticulation, treatment, and disposal;

(c) works for the collection and disposal of refuse, nightsoil, and other offensive matter;

(d) sanitary conveniences for the use of the public;

(e) swimming baths;

(f) dressing sheds;

(g) *[Repealed]*

(h) cemeteries;

(i) crematoria;

(j) disinfecting and cleansing stations established under this Act; and

(k) any other works declared by the Governor-General by Order in Council to be sanitary works (*see* subsection (14)),

and includes all lands, buildings, machinery, reservoirs, dams, tanks, pipes, and appliances used in connection with any such sanitary works.

(2) The Minister may, by notice in the *Gazette*, from time to time require any local authority to provide for the benefit of its district, whether within or beyond the boundaries thereof, such sanitary works as the Minister may specify in the requisition or to alter or extend any sanitary works previously provided by the local authority. Any requisition issued under this subsection may specify a time, not being less than 3 months after the service of the requisition, within which proposals for the carrying out of the work shall be submitted to the Director-General under this section, and may contain such general directions relating to the carrying out of the work, including a direction as to the amount of expenditure to be incurred, as the Director-General thinks fit.

(3) Any 2 or more local authorities may with the Director-General's approval, and shall if so required by the Director-General, combine for the purpose of providing, altering, or extending any sanitary works pursuant to this section; and where they have combined or have been required to combine for that purpose a requisition under subsection (2) may be issued to them jointly, and any reference in subsections (4) to (9) to a local authority shall be construed accordingly.

(4) Every requisition issued under this section shall be in writing and shall be served on the local authority.

(5) Any such requisition as aforesaid may at any time in like manner be withdrawn or modified by a further requisition under this section:

provided that—

(a) a requisition shall not, without the consent of the local authority to which it was issued, be modified or withdrawn after the Director-General has approved the proposals of that local authority:

(b) the modification of a requisition shall not prejudice the local authority's right to raise a loan under section 27(2).

(6) Any local authority to which a requisition is issued shall within the time specified in the requisition submit to the Director-General proposals for the provision, alteration, or extension of sanitary works in accordance with the requisition. The proposals shall include plans and specifications of the works and all other particulars of the work to be carried out, and an estimate of its cost.

(6A) Before approving a proposal under subsection (6), the Director-General must consult the Water Services Authority.

(7) The Director-General may approve the proposals with or without modifications, which may include conditions subject to which the work is to be carried out, and the local authority shall carry out the work in accordance with the proposals as approved.

(8) If the local authority fails to submit proposals within the time specified in the requisition, or if the Director-General does not approve the proposals, the Director-General may himself or herself make proposals, and any proposals so made by the Director-General shall have effect as if made and submitted by the local authority.

(9) Before making or modifying any proposals the Director-General shall send a draft of the proposals or modifications to the local authority and shall give the local authority an opportunity of making representations in relation to the draft. Notice of the Director-General's final determination on the proposals shall be served on the local authority.

(10) Any expenses actually incurred by the Director-General in making or modifying proposals under this section, together with a reasonable charge for services rendered by any officer or employee of the Director-General or of any government department in connection therewith, shall be defrayed by the local authority concerned in the proposals or, if there are 2 or more local authorities concerned, by those authorities in such proportions as the Director-General may, in default of agreement, determine. The expenses actually incurred may be paid in the first instance out of money appropriated by Parliament for the purpose.

(11) Any expenses so paid and any charges so made for services may be recovered as a debt due from the local authority or authorities to the Crown or may be deducted from any money payable by the Crown to the local authority or authorities.

(12) Any person authorised in writing in that behalf by the medical officer of health may at any time during the office hours of a local authority, but not so as to interfere unreasonably with the carrying out of his duties by any officer of that local authority, inspect all documents in the local authority's possession

relating to any sanitary works which it is proposed, whether under this section or otherwise, to provide, alter, or extend.

(13) The obligation of a local authority to comply with the provisions of this section and with any requisition issued under this section shall not be limited by the fact that the local authority may not be empowered by any Act other than this Act to undertake works of the kind referred to in the requisition.

(14) An order under subsection (1)(k) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1920 No 45 s 22; SR 1937/103; SR 1938/129; SR 1941/16; 1951 No 44 s 4

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 25(1)(a): replaced, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 25(1)(b): replaced, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 25(1)(ba): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 25(1)(g): repealed, on 23 November 1973, by section 3(1) of the Health Amendment Act 1973 (1973 No 111).

Section 25(1)(k): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 25(2): amended, on 23 March 1987, by section 7(1) of the Health Amendment Act 1987 (1987 No 10).

Section 25(2): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(3): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(4): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(5)(a): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(5)(b): amended, on 7 July 2004, by section 21 of the Local Government Act 1974 Amendment Act 2004 (2004 No 64).

Section 25(6): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(6A): inserted, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Section 25(6A): amended, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 25(7): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(8): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(9): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(10): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 25(11): replaced, on 1 July 1993, by section 12 of the Health Amendment Act 1993 (1993 No 24).

Section 25(14): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

26 Appeal against requisition or determination of Board of Health

[Repealed]

Section 26: repealed, on 23 March 1987, by section 7(3) of the Health Amendment Act 1987 (1987 No 10).

27 Local authority may raise loans for sanitary works

(1) All sanitary works within the meaning of this Act shall be deemed to be public works within the meaning of the Public Works Act 1981.

(2) Any local authority required by the Minister to provide, alter, or extend any sanitary works under this Act may raise a loan for that purpose.

Compare: 1920 No 45 s 24; 1951 No 44 s 6

Section 27(1): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 27(2): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

27A Grants and subsidies for refuse disposal works, sewerage works, and water supplies

(1) There may from time to time be paid to any local authority, out of money appropriated by Parliament for the purpose, towards the cost of the investigation, planning, and construction of public water supplies, refuse disposal works, sewerage works, and works for the disposal of sewage by the local authority such sums by way of grant, subsidy, or otherwise as the Minister may think fit in the particular case.

(2) For the purposes of this section, the term **local authority** includes the Auckland Regional Authority.

Section 27A: replaced, on 23 March 1987, by section 11(1) of the Health Amendment Act 1987 (1987 No 10).

Appointment of environmental health officers

Heading: amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

28 Appointment of environmental health officers by local authorities

(1) For the purposes of this Part, every local authority shall, subject to the provisions of any regulations made under this Act, appoint 1 or more environmental health officers, being not less in any case than the number required in that behalf by the Director-General.

(2) Notwithstanding anything in subsection (1) or in any other enactment, the Minister may at any time, acting on the recommendation of the Director-General, by notice in writing given to 2 or more local authorities, require those local authorities to combine to appoint an environmental health officer upon and subject to such terms and conditions as to payment of the salary and expenses of the environmental health officer, and as to the apportionment of his or her duties among the local authorities, as may be agreed upon between the local authorities:

provided that no local authority whose district has a population of 15 000 or more shall be required, without its consent, to combine with any other local authority to appoint an environmental health officer.

(3) If the local authorities to whom any such notice is given fail to agree on any question relating to the salary, expenses, or apportionment of duties of any such environmental health officer, the question shall be determined by the Director-General. If any such local authority is dissatisfied with the determination of the Director-General, it may appeal to the Minister against the determination by notice in writing given within 1 month after it has received notice of the Director-General's determination. Notice of the appeal shall at the same time be given to the other local authorities who are parties to the dispute. On any such appeal the Minister may either confirm the Director-General's determination or vary it as the Minister thinks fit, and the Minister's decision shall be final and binding on the parties to the dispute.

(4) Every environmental health officer appointed under subsection (2) shall be deemed for the purposes of this Part to be the environmental health officer for each of the districts of the local authorities by whom he or she is appointed.

(5) While any regulations are in force under this Act prescribing the qualifications to be possessed by persons appointed as environmental health officers, no person shall be appointed by any local authority as an environmental health officer who is not qualified for appointment as such in accordance with those regulations.

(6) If any local authority fails to appoint or to continue to employ such number of environmental health officers as the Director-General may require, or fails to appoint an environmental health officer when required to do so by the Minister as aforesaid, any health protection officer authorised in that behalf by the

Director-General may carry out the duties of an environmental health officer within the district of that local authority; and in any such case the salary and expenses of that health protection officer for the period during which he or she so acts, or such proportion thereof as the Director-General may appoint, shall be payable by the local authority, and may be recovered accordingly as a debt due to the Crown, or may be deducted from any money payable to that local authority out of a Crown Bank Account or any departmental bank account.

(7) Notwithstanding anything in the foregoing provisions of this section, any local authority may with the approval of the Director-General, instead of appointing any environmental health officer as aforesaid, pay into a Crown Bank Account from time to time such sums as may be agreed on between the Director-General and the local authority towards the salary and expenses of a health protection officer; and in any such case the powers, functions, and duties of an environmental health officer within the district of that local authority shall be exercised and performed by such health protection officer as for the time being is authorised in that behalf by the Director-General.

(8) No agreement entered into by a local authority for the purposes of subsection (7) shall, except with the concurrence of the Director-General, be terminated unless at least 12 months' notice in writing of intention to terminate the agreement has been given to the Director-General by the local authority.

Section 28: replaced, on 1 July 1993, by section 13(1) of the Health Amendment Act 1993 (1993 No 24).

Section 28(6): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 28(7): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Nuisances

29 Nuisances defined for purposes of this Act

Without limiting the meaning of the term **nuisance**, a nuisance shall be deemed to be created in any of the following cases, that is to say:

(a) where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health:

(b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:

(c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:

(d) where any premises are so situated, or are in such a state, as to be offensive or likely to be injurious to health:

(e) *[Repealed]*

(f) where any building or part of a building is so overcrowded as to be likely to be injurious to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or bylaw under this or any other Act:

(g) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not kept in a clean state, and free from any smell or leakage from any drain or sanitary convenience:

(h) where any factory, workroom, shop, office, warehouse, or other place of trade or business is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein:

(i) where any factory, workroom, shop, office, warehouse, or other place of trade or business is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be likely to be injurious to the health of the persons employed therein:

(j) where any buildings or premises used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive or likely to be injurious to health:

(k) where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:

(ka) where any noise or vibration occurs in or is emitted from any building, premises, or land to a degree that is likely to be injurious to health:

(l) where any trade, business, manufacture, or other undertaking is so carried on as to be unnecessarily offensive or likely to be injurious to health:

(m) where any chimney, including the funnel of any ship and the chimney of a private dwellinghouse, sends out smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health, or in any manner contrary to any regulation or Act of Parliament:

(n) where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:

(o) where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:

(p) where any well or other source of water supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to be injurious to health:

(q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.

Compare: 1920 No 45 s 26; 1940 No 17 s 18; 1943 No 20 s 15

Section 29(d): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 29(e): repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 29(ka): inserted, on 20 October 1978, by section 2 of the Health Amendment Act 1978 (1978 No 96).

Section 29(ka): amended, on 23 July 1993, by section 2 of the Health Amendment Act (No 3) 1993 (1993 No 71).

Section 29(m): amended, on 1 January 1983, by section 27(a) of the Clean Air Amendment Act 1982 (1982 No 31).

Section 29(m): amended, on 1 January 1983, by section 27(b) of the Clean Air Amendment Act 1982 (1982 No 31).

30 Penalties for permitting or causing nuisances

(1) Every person by whose act, default, or sufferance a nuisance arises or continues, whether that person is or is not the owner or occupier of the premises in respect of which the nuisance exists, commits an offence against this Act.

(2) Whenever, after any conviction of any offence under this section, the person convicted can lawfully abate the nuisance and fails or neglects, or continues to fail or neglect, to do so, he shall be deemed to have committed a further offence and shall be liable therefor under subsection (1).

Compare: 1920 No 45 s 27

31 Provisions of this Act as to nuisances to be in addition to other rights

The provisions of this Act relating to nuisances shall be deemed not to abridge or affect any right, remedy, or proceeding under any other Act or at law or in equity:

provided that no person shall be punished for the same offence both under the provisions of this Act and under any other enactment or any bylaw.

Compare: 1920 No 45 s 28

32 Provisions of this Act as to nuisances to apply to Crown

The provisions of this Act relating to nuisances, including any regulations or bylaws thereunder, shall, unless otherwise specifically provided therein, apply to nuisances created by the Government or by any employee thereof in his capacity as such employee.

Compare: 1920 No 45 s 29

Section 32: amended, on 1 July 1993, by section 14 of the Health Amendment Act 1993 (1993 No 24).

33 Proceedings in respect of nuisances

(1) All proceedings under this Act in respect of nuisances shall be heard and determined by the District Court presided over by a District Court Judge alone.

(2) The court, if satisfied that a nuisance exists on the premises, or that, though abated, it is likely to recur, may by order—

(a) require the owner and the occupier to abate the nuisance effectively:

(b) prohibit the recurrence of the nuisance:

(c) both require the abatement and prohibit the recurrence of the nuisance:

(d) specify the works to be done in order to abate the nuisance or prevent its recurrence, and the time within which they shall be done.

(3) If the court is of opinion that by reason of the nuisance any dwelling or other building is unfit for human occupation, it may, by the same or any subsequent order, prohibit the use thereof for that purpose until the nuisance has been effectively abated to its satisfaction, or until provision has been made to its satisfaction to prevent the recurrence of the nuisance.

(4) Any order made under subsection (3) may be rescinded by the court when it is satisfied that the nuisance has been effectively abated, or, as the case may be, that due provision has been made to prevent its recurrence; but until the order is rescinded it shall not be lawful to let or occupy the house or building to which the order relates.

(5) Every person commits an offence against this Act who makes default in duly complying with any order made under the foregoing provisions of this section.

(6) If the default consists of not doing the works necessary in order to abate the nuisance effectively, or to prevent its recurrence, the local authority, or the medical officer of health on behalf of the local authority, shall cause the works to be done at the expense in all things of the owner and the occupier, who shall be jointly and severally liable for the cost of the works.

(7) If there is no known owner or occupier of the land or premises on which any such nuisance as aforesaid exists, or if the owner or occupier cannot be found, the court may by order direct that the nuisance be abated by the local authority or medical officer of health at the expense of the local authority.

(8) All expenses incurred by or on behalf of the local authority under this section, together with reasonable costs in respect of the services of the local authority, shall be recoverable from the owner or the occupier of the premises in respect of which they are incurred as a debt due to the local authority, and until paid they shall by virtue of this Act be deemed to be a charge on the land on which the premises are situated.

(9) All materials, refuse, and things removed by the local authority or the medical officer of health in abating any such nuisance or doing any such works as aforesaid shall be sold, destroyed, or otherwise disposed of as the local authority or the medical officer of health thinks fit. All money arising therefrom shall

be applied in or towards satisfaction of the expenses incurred, and the surplus, if any, shall be carried to the account of the fund or rate applicable to works relating to sanitation, or, if there is no such fund or rate, shall form part of the general funds of the local authority.

(10) In any proceedings under this section the District Court Judge may himself examine the premises or authorise any other person to do so, and may direct the owner and the occupier of any other premises to be summoned in respect of the nuisance, and join them as parties to the proceedings.

Compare: 1920 No 45 s 30

Section 33(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 33(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 33(10): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

34 Power to abate nuisance without notice

(1) Where by reason of the existence of a nuisance on any premises within the district of any local authority immediate action for the abatement of the nuisance is necessary in the opinion of the engineer or environmental health officer of the local authority, the engineer or environmental health officer, with such assistants as may be necessary, and without notice to the occupier, may enter on the premises and abate the nuisance.

(2) All expenses incurred in the abatement of a nuisance under this section shall be recoverable from the owner or the occupier of the premises in respect of which they are incurred, as a debt due to the local authority.

Compare: 1920 No 45 s 31

Section 34(1): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

35 Proceedings when nuisance caused by default outside district

In any case where it appears that a nuisance existing within the district of a local authority is wholly or partly caused by some act or default outside the district, proceedings may be taken against any person in respect of that act or default in the same manner and with the same incidents and consequences as if the act or default were wholly inside the district.

Compare: 1920 No 45 s 32

Refuse and sanitary services

[Repealed]

Heading: repealed, on 1 April 1980, pursuant to section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

36 Local authorities to make provision for removal of refuse, etc

[Repealed]

Section 36: repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

37 Further provisions as to removal of refuse, etc

[Repealed]

Section 37: repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

38 Right of local authority to use portion of reserve for depot

[Repealed]

Section 38: repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

Buildings

39 Requirements of dwellinghouses as to supply of water and sanitary conveniences

(1) It shall not be lawful for any person to erect or rebuild any building intended for use as a dwellinghouse, or for any person to sell, or let, or sublet, or permit to be occupied as a dwellinghouse, any building or part of a building, unless in every such case sufficient provision is made in accordance with the building code and the Building Act 2004 for the following matters, that is to say:

(a) an adequate and convenient supply of water that is potable (as defined in section 69G), available for the inmates of the dwelling:

(b) suitable appliances for the disposal of refuse water in a sanitary manner:

(c) sufficient sanitary conveniences available for the inmates of the dwelling.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding $500 who contravenes or fails to comply in any respect with any of the provisions of this section.

(3) Where any building intended for use as a dwellinghouse is erected or rebuilt in contravention of this section, or where any building or part of a building is let or sublet as a dwellinghouse in contravention of this section, the owner of the building, or, in the case of any such subletting as aforesaid, the person for the time being entitled to receive the rent payable in respect of the subletting, shall be liable, in addition to any penalty under the last preceding subsection, to a

fine not exceeding $50 for every day during which the building so erected or rebuilt or any part thereof, or, as the case may be, the building or part thereof so let or sublet, is inhabited while not in conformity with the requirements of this section.

Compare: 1920 No 45 s 36; 1945 No 40 s 32

Section 39(1): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 39(1): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 39(1)(a): amended, on 1 July 2008, by section 5 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

Section 39(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 39(2): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

Section 39(3): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

40 Sanitary requirements for business premises

[Repealed]

Section 40: repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

41 Owners or occupiers may be required to cleanse premises

(1) If any local authority is of opinion that the cleansing of any premises is necessary for preventing danger to health or for rendering the premises fit for occupation, it may cause an order (in this section referred to as a **cleansing order**) to be served on the owner or occupier of the premises requiring him to cleanse the same in the manner and within the time specified in the order in that behalf.

(2) If the person on whom the cleansing order is served does not comply therewith, the local authority may cause the premises to be cleansed in the manner specified in the order at the cost in all things of the owner or occupier.

(3) Every person commits an offence against this Act who fails to comply with any cleansing order served on him under this section.

Compare: 1920 No 45 s 39

42 Local authority may require repairs and issue closing order

(1) This section shall apply in any case where the medical officer of health, or the engineer of any local authority, or any other officer of a local authority duly authorised in that behalf, gives to the local authority a certificate to the effect—

(a) *[Repealed]*

(b) that any dwellinghouse within that district is, by reason of its situation or insanitary condition, likely to cause injury to the health of any persons therein, or otherwise unfit for human habitation; or

(c) *[Repealed]*

(d) *[Repealed]*

(e) that any dwellinghouse within that district does not comply with any regulations made under section 120C.

(2) In any case to which this section applies, the local authority may, and shall if so required by the Director-General, cause to be served on the owner of the premises, or his agent, a notice in writing requiring the owner to carry out any repairs, alterations, or works specified in the notice (hereinafter referred to as a **repair notice**) within a time to be specified in the notice, and stating that if the notice is not complied with an offence is committed and a closing order may be issued under this section. If the owner is not the occupier of the premises a copy of the notice shall be served on the occupier (if any). A copy of the notice shall also be served on every person having a registered interest in the land under any mortgage or other encumbrance.

(3) Where any such notice is not complied with to the satisfaction of the local authority, the local authority may, and shall if so required by the Director-General, issue an order (hereinafter referred to as a **closing order**) prohibiting the use of the premises for human habitation or occupation from a time to be specified in the order (being not less than 21 days after the issue of the order) until such repairs, alterations, or works as may be specified in the closing order have been carried out to the satisfaction of the local authority. The closing order shall be served forthwith on the occupier of the premises; and if the occupier is not the owner a copy shall be served on the owner or his agent. If the premises are unoccupied, the closing order shall be served on the owner or his agent. A copy of the closing order shall also be served on every person having a registered interest in the land under any mortgage or other encumbrance.

(4) Notwithstanding anything in subsection (2) or subsection (3), the Director-General may in any case to which this section applies, if in his opinion a closing order should be issued immediately, direct the local authority to issue a closing order under the said subsection (3) without first giving notice under the said subsection (2); and thereupon the local authority shall issue and serve a closing order accordingly.

(5) If the owner of any premises to which this section applies cannot be found, or is out of New Zealand and has no known agent in New Zealand, the occupier (if any) of the premises shall be deemed for the purposes of this section to be the agent of the owner.

(6) Without limiting anything in subsections (3) and (4), every owner commits an offence against this Act who fails without reasonable excuse to comply with a repair notice served on the owner under subsection (2).

Compare: 1920 No 45 s 40; 1940 No 17 s 6; 1949 No 51 s 23

Section 42(1)(a): repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 42(1)(b): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 42(1)(c): repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 42(1)(d): repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 42(1)(e): inserted, on 30 November 1979, by section 3(1) of the Health Amendment Act 1979 (1979 No 64).

Section 42(2): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 42(2): amended, on 23 March 1987, by section 12(1) of the Health Amendment Act 1987 (1987 No 10).

Section 42(3): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 42(6): inserted, on 23 March 1987, by section 12(2) of the Health Amendment Act 1987 (1987 No 10).

43 Appeal against closing order

(1) The owner or occupier of any premises in respect of which a closing order is issued, or any person having a registered interest in the land under any mortgage or other encumbrance, may appeal against the closing order by applying to the District Court, within 14 days after the service on him of the closing order, or, as the case may be, the copy of the closing order, for an order cancelling or modifying the closing order.

(2) Pending the determination of any such application the closing order shall be deemed to be suspended.

(3) On the hearing of the application the court, whose decision shall be final, may cancel the closing order, or may confirm it either absolutely or subject to such modifications and conditions as the court thinks fit.

(4) Every application to the court under this section shall be made and dealt with by way of originating application, on notice, under the rules of procedure for the time being in force under the District Court Act 2016, and the provisions of those rules shall apply accordingly.

Compare: 1920 No 45 ss 41, 42, 43

Section 43(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 43(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

44 Issue of closing order by medical officer of health

(1) Where a local authority fails to issue a repair notice or a closing order when required or directed to do so under section 42, the medical officer of health, when authorised to do so by the Director-General, may issue a repair notice or, as the case may require, a closing order, which shall be served in the same manner and shall have the same effect, and, in the case of a closing order, shall be subject to appeal in the same manner, as if it were a repair notice or a closing order issued by the local authority, and the provisions of this Act relating thereto, so far as they are applicable and with the necessary modifications, shall apply accordingly.

(2) All costs incurred by or against the medical officer of health on any appeal under this section shall be recoverable from the local authority as a debt due to the Crown or may be deducted from any money payable by the Crown to the local authority.

Compare: 1920 No 45 s 45

Section 44(2): replaced, on 1 July 1993, by section 15 of the Health Amendment Act 1993 (1993 No 24).

45 Determination of closing order

(1) As soon as the repairs, alterations, or works specified in a closing order have been carried out to the satisfaction of the Engineer or other authorised officer of the local authority or, as the case may require, the medical officer of health, the local authority or medical officer of health shall cancel the closing order, which shall then cease to have any force or effect.

(2) Every person aggrieved by any refusal or failure of the local authority or medical officer of health to cancel a closing order under this section may appeal against that refusal or failure by applying to the District Court for an order cancelling the closing order.

(3) Every such application to the court shall be made and dealt with in the same manner as if it were an appeal against the issue of a closing order.

(4) On the hearing of any such application the court, whose decision shall be final, may make such order as it thinks fit.

Compare: 1920 No 45 s 46

Section 45(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

46 Closing order for premises owned by local authority

(1) This section shall apply to any premises, including any dwellinghouse, owned by any local authority.

(2) Where in respect of any premises to which this section applies the medical officer of health gives to the Director-General a certificate to the effect of any of the provisions of paragraphs (a), (b), and (e) of subsection (1) of section 42, the Director-General may cause to be served in respect of the premises a repair notice and, in default of compliance therewith by the local authority, a closing order. A repair notice and a closing order under this section shall be served in the same manner and shall have the same effect and, in the case of a closing order, be subject to appeal and be cancelled in the same manner, as if it were a repair notice or a closing order issued by a local authority, and the provisions of this Act relating thereto, so far as they are applicable and with the necessary modifications, shall apply accordingly.

Section 46(2): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 46(2): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

47 Failure to comply with closing order

Every person commits an offence against this Act who, being the owner or occupier of any premises in respect of which a closing order is in force—

(a) inhabits or occupies the premises or any part thereof; or

(b) permits or suffers any other person to inhabit or occupy the premises or any part thereof.

Compare: 1920 No 45 s 44

48 Local authority may require demolition

[Repealed]

Section 48: repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

49 District Court may make demolition order

[Repealed]

Section 49: repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

50 Issue of requisition by medical officer of health

[Repealed]

Section 50: repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

51 Enforcement of demolition order

[Repealed]

Section 51: repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

52 Offences in respect of requisition or demolition order

[Repealed]

Section 52: repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

53 Restriction on use of materials for building

[Repealed]

Section 53: repealed, on 1 July 1993, by section 16 of the Health Amendment Act 1993 (1993 No 24).

53A Mortgagee may do acts required of owner

(1) Where, by or under any of sections 41, 42, 44, and 46, the owner of any dwellinghouse or other premises is required to do any act or thing and the owner fails or refuses to do that act or thing, any mortgagee of the land on which the dwellinghouse or other premises is situated may do the act or thing.

(2) Notwithstanding any covenant or agreement to the contrary, any expenses incurred by any mortgagee pursuant to this section shall be recoverable by the mortgagee from the owner as a debt due to the mortgagee by the owner.

(3) Without limiting subsection (2), on notice in writing to the mortgagor by the mortgagee, any such expenses incurred by the mortgagee shall be deemed to

be added to the principal sum owing under the mortgage and to be secured thereby; and, if the mortgagor is not the owner, the amount so deemed to be added shall be recoverable by the mortgagor from the owner as a debt due to the mortgagor by the owner.

(4) The exercise by a mortgagee of the powers conferred by this section shall not relieve any person from liability to any penalty for failure to comply with the requirements of any of the provisions of this Act specified in subsection (1).

(5) In this section the term **mortgagee**, in relation to a dwellinghouse, means a mortgagee of the land under a mortgage that is registered under the Deeds Registration Act 1908 or the Land Transfer Act 2017, or in respect of which a caveat is lodged with the Registrar-General of Land; and includes the holder of any charge on the land that is duly registered pursuant to subpart 5 of Part 3 of the Land Transfer Act 2017.

Section 53A: inserted, on 30 November 1979, by section 4(1) of the Health Amendment Act 1979 (1979 No 64).

Section 53A(1): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 53A(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

53B Provisions where owner is a trustee

Where any owner who is a trustee is served with an order or a notice under any of sections 41, 42, 44, and 46, he may, notwithstanding anything to the contrary in the instrument (if any) creating the trust,—

(a) carry out such works as are specified in the notice:

(b) demolish the dwellinghouse or other premises to which the order or notice relates and, if he thinks fit, erect another dwellinghouse or other premises in substitution therefor, or sell the land on which the dwellinghouse or other premises were erected:

(c) pay or apply any capital money subject to the same trust for or towards any such purpose:

(d) raise any money required for or towards any such purpose by obtaining an advance from the local authority or by sale, conversion, calling in, or mortgage of all or any part of the property subject to the same trust and for the time being in possession.

Section 53B: inserted, on 30 November 1979, by section 4(1) of the Health Amendment Act 1979 (1979 No 64).

Section 53B: amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 53B(a): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 53B(d): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

53C Advances by local authority to owners

A local authority may make advances to any owner upon whom an order or notice is served under any of sections 41, 42, 44, and 46 to enable that owner to comply in all respects with the requirements of the order or notice.

Section 53C: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Offensive trades

54 Restrictions on carrying on offensive trade

(1) No person shall establish any offensive trade within the district of any local authority, or erect or extend any premises for the purposes of or in connection with any offensive trade, except with the prior consent in writing of the local authority and of the medical officer of health and subject to such conditions as the local authority or the medical officer of health may impose. For the purposes of this subsection a person who recommences an offensive trade in any premises after not less than 2 years' disuse of those premises for the purposes of any such trade shall be deemed to establish an offensive trade.

(2) Where any local authority consents to the establishment of any offensive trade under this section, and the premises or proposed premises on which the offensive trade is to be carried on are or will be situated within 8 kilometres of any part of the boundary of the district of any other local authority, the consenting local authority shall forthwith give notice in writing to that other local authority of the fact that the consent has been given. In any such case, the consent shall not take effect until after the expiry of 3 months from the date of the notice or, if within that period that other local authority gives notice of appeal under section 55, until the appeal is heard and the consent is confirmed by the District Court:

provided that if within the said period of 3 months that other local authority notifies the consenting local authority that it does not intend to appeal against the consent, the consent shall thereupon take effect.

(3) No person shall carry on any offensive trade except on premises for the time being registered by the local authority in accordance with regulations made under this Act.

(4) No person shall carry on any offensive trade established in contravention of subsection (1), or carry on any offensive trade in any premises erected or extended in contravention of that subsection.

(5) Any local authority may, in its discretion, refuse to register or to renew the registration of any premises under this section, and, subject to any regulations made under this Act, may impose such conditions as it thinks fit in respect of the registration or renewal of registration of the premises.

(6) Every person who acts in contravention of or fails to comply in any respect with any provision of this section or any condition prescribed under this section

commits an offence and is liable on conviction to a fine not exceeding $1,000 and, in the case of a continuing offence, to a further fine not exceeding $100 for every day on which the offence has continued.

(7) Nothing in this section relating to local authorities (including consents and registration) shall apply to any offensive trade where a resource consent for that activity has been granted under the Resource Management Act 1991.

Compare: 1920 No 45 ss 54, 55(1), (2), 56; 1940 No 17 s 7

Section 54(2): amended, on 14 November 2018, by section 72 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 54(2): amended, on 23 November 1973, by section 4(1) of the Health Amendment Act 1973 (1973 No 111).

Section 54(5) proviso: repealed, on 1 April 1974, by section 4(2) of the Health Amendment Act 1973 (1973 No 111).

Section 54(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 54(6): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

Section 54(7): replaced, on 23 July 1993, by section 3 of the Health Amendment Act (No 3) 1993 (1993 No 71).

Section 54(7): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

55 Appeal against decision refusing consent for offensive trade or refusing registration of premises for offensive trade

(1) This section applies if—

(a) consent to establish, or to erect or extend premises for, an offensive trade under section 54(1) is refused by a local authority or the medical officer of health; or

(b) a local authority refuses to register or renew the registration of premises for an offensive trade under section 54(5).

(2) A person who is refused consent, or registration or renewal of registration, may appeal to the District Court.

(3) If a local authority consents to the establishment of an offensive trade that will be located within 8 kilometres of the boundary of the district of any other local authority, that other local authority may appeal the decision to the District Court.

(4) An appeal under this section must be brought within 3 months after the date on which the person or the other local authority is notified of the decision.

Section 55: replaced, on 14 November 2018, by section 73 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

56 Local authority to notify medical officer of health of registered chemical works

[Repealed]

Section 56: repealed, on 1 April 1974, by section 56(2) of the Clean Air Act 1972 (1972 No 31).

Animals

57 Local authority may restrict keeping of animals

[Repealed]

Section 57: repealed, on 23 March 1987, by section 13 of the Health Amendment Act 1987 (1987 No 10).

58 Restrictions on establishment of stock saleyards

(1) No person shall establish any stock saleyard within the district of any local authority, or extend any stock saleyard, except with the prior consent in writing of the local authority and of the medical officer of health and subject to such conditions as the local authority or the medical officer of health may impose. For the purposes of this subsection a person who uses any premises as a stock saleyard after not less than 2 years' disuse of those premises for the purposes of such a saleyard shall be deemed to establish a stock saleyard.

(2) No person shall use any premises as a stock saleyard unless the premises are for the time being registered by the local authority as a stock saleyard in accordance with regulations made under this Act.

(3) Any local authority may refuse to register or to renew the registration of any premises under this section if—

(a) the medical officer of health certifies that the premises are maintained in an insanitary condition; and

(b) the owner or occupier of the premises, after the certificate is given, fails to comply with a requisition from the local authority requiring the carrying out of such sanitary improvements as the medical officer of health deems necessary.

(4) Every person who acts in contravention of or fails to comply in any respect with any provision of this section or any condition prescribed under this section commits an offence and is liable on conviction to a fine not exceeding $1,000 and, in the case of a continuing offence, to a further fine not exceeding $100 for every day on which the offence has continued.

(5) For the purposes of this section, the expression **stock saleyard** means any premises used or intended to be used as a saleyard for cattle, horses, sheep, swine, or goats.

Compare: 1920 No 45 ss 58, 59, 60

Section 58(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 58(4): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

59 Appeal against decision refusing consent for stock saleyard or refusing registration of premises for stock saleyard

(1) This section applies if—

(a) consent to establish or extend a stock saleyard under section 58(1) is refused by a local authority or the medical officer of health; or

(b) registration or renewal of registration of premises for a stock saleyard under section 58(3) is refused by a local authority.

(2) A person who is refused consent, or registration or renewal of registration, may appeal to the District Court.

(3) An appeal under this section must be brought within 3 months after the date on which the person is notified of the decision.

Section 59: replaced, on 14 November 2018, by section 74 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Pollution of watercourses, etc

[Repealed]

Heading: repealed, on 1 July 2013, by section 6 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

60 Pollution of water supply

[Repealed]

Section 60: repealed, on 1 July 2013, by section 6 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

61 Control of watercourses, etc

[Repealed]

Section 61: repealed, on 1 July 2013, by section 6 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

62 Supply of water from polluted source

[Repealed]

Section 62: repealed, on 1 July 2013, by section 6 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

63 Powers of Director-General as to polluted water supply

[Repealed]

Section 63: repealed, on 1 July 2013, by section 6 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

Bylaws

64 Bylaws

(1) Every local authority may, for the purposes of this Act, make bylaws for all or any of the following matters, namely:

(a) improving, promoting, or protecting public health, and preventing or abating nuisances:

(b) prescribing the minimum area of land on which a dwellinghouse may be erected in the district of the local authority or any specified part thereof:

(c) prescribing the minimum air space adjacent to any dwellinghouse or to any specified class of dwellinghouse that shall be kept free of buildings or other structures; and generally for preventing the overcrowding of land with buildings:

(d) prescribing for buildings a minimum frontage to a public or private street or road:

(e) *[Repealed]*

(f) *[Repealed]*

(g) regulating drainage and the collection and disposal of sewage, and prescribing conditions to be observed in the construction of approved drains:

(h) with respect to the cleansing of buildings, and the paving and sanitation of yards and other areas appurtenant to buildings:

(i) regulating the situation of stables, cow sheds, and piggeries:

(j) regulating the situation and sanitation of stock saleyards:

(k) *[Repealed]*

(l) *[Repealed]*

(m) regulating, licensing, or prohibiting the keeping of any animals in the district or in any part thereof:

(n) *[Repealed]*

(o) regulating the handling and storage of noxious substances, or of goods which are or are likely to become offensive:

(p) regulating the situation of buildings used for or in connection with offensive trades:

(q) regulating the conduct of offensive trades, and of manufactures and processes which may be offensive or dangerous to the persons employed in or about the same or injurious to health:

(r) making provision for the proper cleansing, ventilation, sanitation (including the provision of sanitary conveniences available for the use of the public), and disinfection of theatres, halls, and churches, and of pla-

ces of public resort, and requiring such buildings and places to be closed for admission to the public at such intervals and during such periods as may be deemed necessary to enable such cleansing, ventilation, and disinfection to be effectively undertaken:

(s) regulating and prescribing the cleansing and renovation of public conveyances:

(t) prescribing the sanitary precautions to be adopted in respect of any business or trade:

(u) for preventing the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin:

(v) for the protection from pollution of food intended for human consumption and of any water supply:

(w) regulating the sending forth of smoke from the funnels of ships, and from chimneys other than the chimneys of private dwellinghouses:

(x) providing for the inspection of any land or premises for the purposes of this Act:

(y) generally, for the more effectual carrying out of any of the provisions of this Act relating to the powers and duties of local authorities.

(2) The powers conferred by this section are in addition to the powers conferred on any local authority by any other Act.

Compare: 1920 No 45 s 67

Section 64(1)(a): amended, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 64(1)(e): repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(1)(f): repealed, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(1)(g): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(1)(h): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(1)(i): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(1)(j): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(1)(k): repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

Section 64(1)(l): repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

Section 64(1)(n): repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

Section 64(1)(p): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(1)(p): amended, on 1 April 1974, by section 56(1) of the Clean Air Act 1972 (1972 No 31).

Section 64(1)(q): amended, on 1 April 1974, by section 56(1) of the Clean Air Act 1972 (1972 No 31).

65 General provisions as to bylaws

With respect to bylaws under this Act the following provisions shall apply:

(a) a bylaw may leave any matter or thing to be determined, applied, dispensed with, prohibited, or regulated by the local authority from time to time by resolution, either generally or for any classes of cases, or in any particular case:

(b) a bylaw providing for the licensing or registration of persons or property may provide for the payment of reasonable fees in respect thereof:

(c) a bylaw may provide for the payment of reasonable fees for inspections and other services, and may provide that where inspections and other services in respect of which a fee has been paid have not been made or given the local authority may refund any such fee or such portion thereof as it may determine:

(d) every fee payable to a local authority under a bylaw shall be recoverable as a debt due to the local authority:

(e) a bylaw may apply to any land, building, work, or property under the control of the local authority, although situated beyond the district of the local authority:

(f) a bylaw may apply generally throughout the district of the local authority, or within any specified part or parts thereof.

Compare: 1920 No 45 ss 68, 69

65A Effect of Building Act 2004 on bylaws

(1) A local authority may not make any bylaw under this Act that purports to have the effect of requiring any building to achieve performance criteria additional to or more restrictive than those specified in the Building Act 2004 or the building code.

(2) For the purposes of this section, the terms **building**, **building code**, and **performance criteria** have the meanings ascribed to them by the Building Act 2004.

Section 65A: inserted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 65A heading: amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 65A(1): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 65A(2): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

66 Penalties for breach of bylaws

(1) Every person who contravenes or fails to comply with any bylaw made under this Act commits an offence and is liable on conviction to a fine not exceeding $500 and, in the case of a continuing offence, to a further fine not exceeding $50 for every day on which the offence has continued.

(2) The local authority may, after the conviction of any person for a continuing offence against any bylaw, apply to any court of competent jurisdiction for an injunction to restrain the further continuance of the offence by the person so convicted.

(3) The continued existence of any work or thing in a state contrary to any bylaw shall be deemed to be a continuing offence within the meaning of this section.

Compare: 1920 No 45 ss 70, 71

Section 66(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 66(1): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

67 Mode of making bylaws

(1) All bylaws made by a local authority under this Act must be made in the same manner in all respects as if they were bylaws made pursuant to the Local Government Act 2002.

(2) A copy of all bylaws proposed to be made under this Act shall be sent to the medical officer of health for submission to the Director-General not less than 28 days before the bylaws are confirmed.

Compare: 1920 No 45 s 73

Section 67(1): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

68 Copies of bylaws to be available

The local authority shall cause printed copies of all its bylaws under this Act to be kept at its office, and to be sold at a reasonable charge to any person who applies for the same.

Compare: 1920 No 45 s 72

Duties and powers of harbour boards

[Repealed]

Heading: repealed, on 1 July 1993, by section 18 of the Health Amendment Act 1993 (1993 No 24).

69 Duties and powers of harbour boards

[Repealed]

Section 69: repealed, on 1 July 1993, by section 18 of the Health Amendment Act 1993 (1993 No 24).

Part 2A
Drinking water

[Repealed]

Part 2A: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69A Purpose

[Repealed]

Section 69A: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Application of this Part

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69B This Part generally to apply on commencement

[Repealed]

Section 69B: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69C Application of sections 69S to 69ZC generally

[Repealed]

Section 69C: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69D Application of sections 69S to 69ZC to bulk suppliers

[Repealed]

Section 69D: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69E Application of sections 69S to 69ZC to water carriers

[Repealed]

Section 69E: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69F Bulk suppliers, networked suppliers, and water carriers may elect earlier compliance

[Repealed]

Section 69F: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Interpretation

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69G Interpretation

[Repealed]

Section 69G: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69H All practicable steps

[Repealed]

Section 69H: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69I Part binds the Crown

[Repealed]

Section 69I: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Registration of drinking-water suppliers and certain self-suppliers

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69J Drinking-water register

[Repealed]

Section 69J: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69K Applications for registration

[Repealed]

Section 69K: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69L Renewal of registration by water carriers

[Repealed]

Section 69L: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69M Duty to update details on register

[Repealed]

Section 69M: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69N Removal from register

[Repealed]

Section 69N: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Drinking-water standards

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69O Minister may issue, adopt, amend, or revoke drinking-water standards

[Repealed]

Section 69O: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69P Minister must consult before issuing, adopting, or amending drinking-water standards

[Repealed]

Section 69P: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69Q Drinking-water standards must be notified and made available

[Repealed]

Section 69Q: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

69R Commencement of drinking-water standards

[Repealed]

Section 69R: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Duties of drinking-water suppliers and temporary drinking-water suppliers

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69S Duty of suppliers in relation to provision of drinking water

[Repealed]

Section 69S: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69T Duties where risk to water is actual or foreseeable

[Repealed]

Section 69T: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69U Duty to take reasonable steps to contribute to protection of source of drinking water

[Repealed]

Section 69U: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69V Duty to comply with drinking-water standards

[Repealed]

Section 69V: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69W Duty to take reasonable steps to supply wholesome drinking water

[Repealed]

Section 69W: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69X Duties in relation to new water sources

[Repealed]

Section 69X: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69Y Duty to monitor drinking water

[Repealed]

Section 69Y: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69Z Duty to prepare and implement water safety plan

[Repealed]

Section 69Z: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZA Medical officer of health may require preparation and implementation of water safety plan

[Repealed]

Section 69ZA: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZB Duration of plans

[Repealed]

Section 69ZB: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZC Review and renewal of plans

[Repealed]

Section 69ZC: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZD Duty to keep records and make them available

[Repealed]

Section 69ZD: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZE Duty to investigate complaints

[Repealed]

Section 69ZE: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZF Duty to take remedial action if drinking-water standards breached

[Repealed]

Section 69ZF: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZG Duty to provide reasonable assistance to drinking-water assessors, designated officers, and medical officers of health

[Repealed]

Section 69ZG: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZH Duty to provide information to territorial authority

[Repealed]

Section 69ZH: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZI Temporary supplier to notify medical officer of health of source and quality of raw water

[Repealed]

Section 69ZI: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZJ Powers of medical officer of health relating to temporary drinking-water suppliers

[Repealed]

Section 69ZJ: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Drinking-water assessors and designated officers

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZK Director-General may appoint drinking-water assessors

[Repealed]

Section 69ZK: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZL Functions of drinking-water assessors

[Repealed]

Section 69ZL: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZM Drinking-water assessors accountable to Director-General for performance of functions

[Repealed]

Section 69ZM: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZN Functions of designated officers

[Repealed]

Section 69ZN: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZO Powers of designated officers

[Repealed]

Section 69ZO: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZP Powers of drinking-water assessors and designated officers

[Repealed]

Section 69ZP: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZQ Ancillary powers

[Repealed]

Section 69ZQ: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZR Restrictions on exercise of powers

[Repealed]

Section 69ZR: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZS Requirement for warrant to enter dwellinghouse

[Repealed]

Section 69ZS: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZT Standard conditions applying where warrant executed

[Repealed]

Section 69ZT: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZU Drinking-water assessors and designated officers must produce identification

[Repealed]

Section 69ZU: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZV Inventory of things seized to be provided

[Repealed]

Section 69ZV: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZW Review of decisions of drinking-water assessors

[Repealed]

Section 69ZW: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZX Register of drinking-water assessors

[Repealed]

Section 69ZX: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Recognised laboratories

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZY Director-General may recognise laboratories

[Repealed]

Section 69ZY: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZ Compliance tests must be carried out by recognised laboratory

[Repealed]

Section 69ZZ: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Emergency powers

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZA Minister may declare drinking-water emergency

[Repealed]

Section 69ZZA: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZB Maximum duration of drinking-water emergency declaration

[Repealed]

Section 69ZZB: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZC Drinking-water emergency may be declared or continued even if other emergency declared

[Repealed]

Section 69ZZC: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZD Special powers of designated officers during drinking-water emergency

[Repealed]

Section 69ZZD: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZE Compensation for property requisitioned or destroyed

[Repealed]

Section 69ZZE: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZF Actions taken under emergency powers may be exempted from requirements of Part 3 of Resource Management Act 1991

[Repealed]

Section 69ZZF: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZG Effect of exemption

[Repealed]

Section 69ZZG: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Compliance orders

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZH Medical officer of health may issue compliance order

[Repealed]

Section 69ZZH: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZI Compliance with compliance order

[Repealed]

Section 69ZZI: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZJ Form and content of compliance order

[Repealed]

Section 69ZZJ: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZK Appeals

[Repealed]

Section 69ZZK: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZL Stay of compliance order pending appeal

[Repealed]

Section 69ZZL: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZM Variation and cancellation of compliance order

[Repealed]

Section 69ZZM: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZN Appeals against decision on change or cancellation of compliance order

[Repealed]

Section 69ZZN: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Contamination of water supplies and sources

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZO Contamination of raw water or pollution of water supply

[Repealed]

Section 69ZZO: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZP Local authority may be required to warn users of self-supplied building water supplies about contamination

[Repealed]

Section 69ZZP: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Offences

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZQ Offence to supply or transport water if not registered

[Repealed]

Section 69ZZQ: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZR Offences against sections in this Part

[Repealed]

Section 69ZZR: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZS Strict liability and defence to offences

[Repealed]

Section 69ZZS: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZT Offences involving deception

[Repealed]

Section 69ZZT: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZU Time for filing charging document

[Repealed]

Section 69ZZU: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZV Penalties

[Repealed]

Section 69ZZV: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZW Additional penalty for certain offences for commercial gain

[Repealed]

Section 69ZZW: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZX Liability of principal for acts of agents

[Repealed]

Section 69ZZX: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Miscellaneous

[Repealed]

Heading: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZY Regulations

[Repealed]

Section 69ZZY: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZZ Protecting water supplies from risk of back-flow

[Repealed]

Section 69ZZZ: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZZA Keeping, inspection, and copying of registers

[Repealed]

Section 69ZZZA: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZZB Director-General must publish annual report

[Repealed]

Section 69ZZZB: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZZC Statements by Director-General

[Repealed]

Section 69ZZZC: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZZD Protection of persons performing or exercising functions, duties, or powers under this Part

[Repealed]

Section 69ZZZD: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

69ZZZE Relationship between this Part and other enactments

[Repealed]

Section 69ZZZE: repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Part 3
Infectious and notifiable diseases

70 Special powers of medical officer of health

(1) For the purpose of preventing the outbreak or spread of any infectious disease, the medical officer of health may from time to time, if authorised to do so by the Minister or if a state of emergency has been declared under the Emergency Management Act 2026 or while an epidemic notice is in force, by notice,—

(a) declare any land, building, or thing to be insanitary, and prohibit its use for any specified purpose:

(b) cause any insanitary building to be pulled down, and the timber and other materials thereof to be destroyed or otherwise disposed of as he thinks fit:

(c) cause insanitary things to be destroyed or otherwise disposed of as he thinks fit:

(d) cause infected animals to be destroyed in such manner as he thinks fit:

(e) require persons to report themselves or submit themselves for medical examination at specified times and places:

(ea) if the spread of the disease would be a significant risk to the public, require people to report, or submit themselves for medical testing, at stated times and places:

(f) require persons, places, buildings, ships, vehicles, aircraft, animals, or things to be isolated, quarantined, or disinfected as he thinks fit:

(fa) if the spread of the disease would be a significant risk to the public, require people, places, buildings, ships, vehicles, aircraft, animals, or things to be tested as he or she thinks fit:

(g) forbid persons, ships, vehicles, aircraft, animals, or things to come or be brought to any port or place in the health district from any port or place which is or is supposed to be infected with any infectious disease:

(h) require people to remain in the health district or the place in which they are isolated or quarantined until they have been medically examined and found to be free from infectious disease, and until they have undergone such preventive treatment as he may in any such case prescribe:

(i) forbid the removal of ships, vehicles, aircraft, animals, or things from the health district, or from one port or part thereof to another, or from the place where they are isolated or quarantined, until they have been disinfected or examined and found to be free from infection:

(j) prohibit the keeping of animals or of any species of animal in any specified part of the health district:

(k) forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water supply:

(l) use or authorise any local authority to use as a temporary site for a special hospital or place of isolation any reserve or endowment suitable for the purpose, notwithstanding that such use may conflict with any trust, enactment, or condition affecting the reserve or endowment:

(la) in writing to the person appearing to be in charge of the premises concerned, do either or both of the following:

(i) require to be closed immediately, until further notice or for a fixed period, any premises within the health district (or a stated area of the district):

(ii) require to be closed immediately, until further notice or for a fixed period, any premises within the health district (or a stated area of the district) in which infection control measures described in the notice are not operating:

(m) require to be closed, until further notice or for a fixed period, all premises within a health district (or stated area of a health district) of any stated kind or description:

(n) require to be closed, until further notice or for a fixed period, all premises within a health district (or a stated area of a health district) of any stated kind or description in which infection control measures described in the notice are not operating:

(o) forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within a health district (or a stated area of a health district):

(p) forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within a health district (or a stated area of a health district) in which infection control measures described in the notice are not operating.

(n) *[Repealed]*

(o) *[Repealed]*

(1A) A notice under paragraph (la), (m), (n), (o), or (p) of subsection (1) 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 5 of the Parliament Act 2025); 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).

(1B) A notice under paragraph (la), (m), (n), (o), or (p) of subsection (1) may exempt people engaged in necessary work in the premises to which it relates.

(1C) A notice under subsection (1)—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and

(b) may come into force when it is made, even if it is not yet published.

(1D) *[Repealed]*

(2) The medical officer of health, and any environmental health officer or other person authorised in that behalf by the medical officer of health, may at any time, with or without assistants, enter on any lands, buildings, or ships, and inspect the same and all things thereon or therein; and may do, with respect to any persons, places, lands, buildings, ships, animals, or things, whatever in the opinion of the medical officer of health is necessary or expedient for the purpose of carrying out the foregoing provisions of this section.

(3) In no case shall the medical officer of health, or any environmental health officer or assistant or other person, incur any personal liability by reason of anything lawfully done by him under the powers conferred by this section.

(4) If satisfied that it is desirable in the circumstances to do so, the Director-General may authorise a medical officer of health to operate in a stated area outside his or her district; and in that case, this section and section 71 apply as if the area is part of both his or her district and the district of which it is in fact part.

Compare: 1920 No 45 s 76

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	If it is made under subsection (1)(m) to (p), the maker must: • publish it in a newspaper circulating in the health district; or	LA19 ss 73, 74(1)(a), Sch 1 cl 14

	• cause it to be announced in a broadcast by a television channel or radio station that can be received by most households in the health district If it is published in a newspaper, the maker must make reasonable efforts to also have its contents or gist announced in such a broadcast If it is made under any other paragraph, it is not required to be published	
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 70(1): amended, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Section 70(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1): amended, on 19 December 2006, by section 5(1) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1): amended, on 1 December 2002, by section 117 of the Civil Defence Emergency Management Act 2002 (2002 No 33).

Section 70(1): amended, on 3 November 1964, by section 3 of the Health Amendment Act 1964 (1964 No 34).

Section 70(1)(ea): inserted, on 19 December 2006, by section 5(2) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(f): amended, on 19 December 2006, by section 5(3) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(fa): inserted, on 19 December 2006, by section 5(4) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(g): amended, on 19 December 2006, by section 5(5) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(h): amended, on 19 December 2006, by section 5(6) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(i): amended, on 19 December 2006, by section 5(5) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(la): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1)(la): inserted, on 19 December 2006, by section 5(7) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(la)(i): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1)(la)(ii): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1)(m): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1)(n): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1)(n): repealed, on 19 December 2006, by section 5(7) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(o): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1)(o): repealed, on 19 December 2006, by section 5(7) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1)(p): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1A): inserted, on 19 December 2006, by section 5(8) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1A): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1A)(b): amended, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Section 70(1B): inserted, on 19 December 2006, by section 5(8) of the Health Amendment Act 2006 (2006 No 86).

Section 70(1B): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1C): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(1D): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 70(2): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

Section 70(3): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

Section 70(4): inserted, on 19 December 2006, by section 5(9) of the Health Amendment Act 2006 (2006 No 86).

71 Powers of medical officer of health on outbreak of infectious disease

(1) In the event of the outbreak of any infectious disease the medical officer of health, with the authority in writing of the Minister or during a state of emergency declared under the Emergency Management Act 2026 or while an epidemic notice is in force, may—

(a) by requisition in writing served on its owner or occupier, take possession of, occupy, and use any land or building (whether public or private) that in his or her opinion is required for the accommodation and treatment of patients:

(ab) by requisition in writing served on the owner, occupier, or other person for the time being in charge of it, take possession of, occupy, and use any land, building, vehicle, or craft (other than an aircraft), whether public or private, that in his or her opinion is required for the storage or disposal of bodies:

(b) by requisition in writing served on the owner or other person for the time being in charge of it, take possession of and use any vehicle or craft, whether public or private, that in his or her opinion is required for the transport of—

(i) patients, medical personnel, medicine, medical equipment or devices, food, or drink; or

(ii) clothing, bedding, or tents or other temporary facilities or structures; or

(iii) personnel involved in loading, moving, unloading, distributing, erecting, or otherwise dealing with anything transported or to be transported under subparagraph (i) or subparagraph (ii):

(c) by requisition in writing served on the occupier of any premises or on any person for the time being in charge of any premises, require to be delivered to him or in accordance with his order such drugs and articles of food or drink, and such other materials, as he deems necessary for the treatment of patients.

(2) Every person who suffers any loss or damage by the exercise of any of the powers conferred on the medical officer of health by this section shall be entitled to compensation to be determined in case of dispute by the District Court, whose decision shall be final.

(3) Every person who refuses or fails to comply with any requisition under this section, or who counsels, procures, aids, or incites any other person so to do, or who interferes with or obstructs the medical officer of health or any person acting under the authority of the medical officer of health in the exercise of any powers under this section, commits an offence and is liable on conviction before a District Court Judge to a fine not exceeding $1,000.

Compare: 1920 No 45 s 75

Section 71(1): amended, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Section 71(1): amended, on 19 December 2006, by section 6(1) of the Health Amendment Act 2006 (2006 No 86).

Section 71(1): amended, on 1 December 2002, by section 117 of the Civil Defence Emergency Management Act 2002 (2002 No 33).

Section 71(1): amended, on 3 November 1964, by section 4 of the Health Amendment Act 1964 (1964 No 34).

Section 71(1)(a): replaced, on 19 December 2006, by section 6(2) of the Health Amendment Act 2006 (2006 No 86).

Section 71(1)(ab): inserted, on 19 December 2006, by section 6(2) of the Health Amendment Act 2006 (2006 No 86).

Section 71(1)(b): replaced, on 19 December 2006, by section 6(2) of the Health Amendment Act 2006 (2006 No 86).

Section 71(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 71(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 71(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 71(3): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

71A Power of constables to assist medical officer of health in relation to infectious diseases

(1) A constable may do any thing reasonably necessary (including the use of force)—

(a) to help a medical officer of health or any person authorised by a medical officer of health in the exercise or performance of powers or functions under section 70 or 71; or

(b) to help a person to do a thing that a medical officer of health or any person authorised by a medical officer of health has caused or required to be done in the exercise or performance of powers or functions under section 70 or 71; or

(c) to prevent people from obstructing or hindering a medical officer of health or any person authorised by a medical officer of health in the exercise or performance of powers or functions under section 70 or 71; or

(d) to prevent people from obstructing or hindering a person doing a thing that a medical officer of health or any person authorised by a medical officer of health has caused or required to be done in the exercise or performance of powers or functions under section 70 or 71; or

(e) to compel, enforce, or ensure compliance with a requirement made by a medical officer of health or any person authorised by a medical officer of health in the exercise or performance of powers or functions under section 70 or 71; or

(f) to prevent, or reduce the extent or effect 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 or performance of powers or functions under section 70 or 71.

(2) A constable acting under subsection (1) may at any time do any or all of the following things:

(a) enter into or on any land, building, aircraft, ship, or vehicle:

(b) inspect any land, building, aircraft, ship, or vehicle, and any thing in or on it:

(c) whether for the purposes of paragraph (a) or (b) (or both) or in the exercise of a power conferred by subsection (1),—

(i) stop a ship or vehicle, or a taxiing aircraft; or

(ii) prevent a stationary aircraft, ship, or vehicle from moving; or

(iii) prevent an aircraft or ship from departing.

(3) Subsection (2) does not limit the generality of subsection (1).

(4) A constable may do a thing authorised by subsection (1) or (2) whether or not a medical officer of health has asked him or her to do so.

(5) Sections 128, 129, and 177 of the Search and Surveillance Act 2012, with any necessary modifications, apply to the powers conferred by subsection (2)(c).

(6) A constable does not incur any personal liability by reason of anything done by him or her in good faith in the exercise or intended exercise of a power conferred by this section.

Section 71A: inserted, on 19 December 2006, by section 7 of the Health Amendment Act 2006 (2006 No 86).

Section 71A heading: amended, on 1 October 2008, pursuant to section 116(a)(i) of the Policing Act 2008 (2008 No 72).

Section 71A(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 71A(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 71A(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 71A(5): replaced, on 1 October 2012, by section 330 of the Search and Surveillance Act 2012 (2012 No 24).

Section 71A(6): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

72 Offences relating to obstructing medical officer of health or people assisting medical officer of health

A person 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 who in any way (directly or indirectly, by act or default)—

(a) threatens, assaults, or intentionally obstructs or hinders a medical officer of health or any person authorised by a medical officer of health in the exercise or performance of powers or functions under section 70 or 71; or

(b) threatens, assaults, or intentionally obstructs or hinders a constable acting under section 71A; or

(c) does anything forbidden by a medical officer of health or any person authorised by a medical officer of health under section 70 or 71; or

(d) fails or refuses to comply with, or delays complying with, a direction or requirement of a medical officer of health or any person authorised by a medical officer of health given in the exercise of powers or functions under section 70 or 71; or

(e) does, or delays ceasing to do, a thing prohibited or forbidden by a medical officer of health or any person authorised by a medical officer of health in the exercise of powers or functions under section 70 or 71.

Section 72: replaced, on 19 December 2006, by section 7 of the Health Amendment Act 2006 (2006 No 86).

Section 72: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 72(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

73 Medical officer of health may cause sanitary works to be undertaken

(1) Without limiting the liability of any person for an offence under the last preceding section, if any offence under that section consists in not doing any sanitary work or in failing to remedy any sanitary defect the medical officer of health may himself cause the work to be done or the defect to be remedied at the expense in all things of the offender.

(2) All such expenses shall be recoverable as a debt due to the Crown.

Compare: 1920 No 45 s 78

Section 73(2): replaced, on 1 July 1993, by section 19 of the Health Amendment Act 1993 (1993 No 24).

74 Health practitioners to give notice of cases of notifiable disease

(1) Every health practitioner who has reason to believe that any person professionally attended by him is suffering from a notifiable disease or from any sickness of which the symptoms create a reasonable suspicion that it is a notifiable disease shall—

(a) in the case of a notifiable infectious disease, forthwith inform the occupier of the premises and every person nursing or in immediate attendance on the patient of the infectious nature of the disease and the precautions to be taken, and forthwith give notices in the prescribed form to the medical officer of health, and, if the disease is specified in section A of Part 1 of Schedule 1, to the local authority of the district:

(b) in the case of a notifiable disease other than a notifiable infectious disease, forthwith give notice in the prescribed form to the medical officer of health.

(2) *[Repealed]*

(3) Every health practitioner who by post-mortem examination or otherwise becomes aware that any deceased person was affected with a notifiable disease shall forthwith give notice in the prescribed form to the medical officer of health.

(3A) A health practitioner who gives notice of a notifiable disease under subsection (1) or (3) must not disclose identifying information of the patient or deceased person if the disease is specified in section C of Part 1 of Schedule 1.

(3B) Despite subsection (3A), a medical officer of health may require a health practitioner to disclose identifying information of the patient or deceased person if disclosure of the identifying information is necessary to respond effectively to a public health risk.

(3C) In this section and section 74AA, **identifying information**, in relation to a person, means—

(a) the person's name, address, and place of work or education; and

(b) any other information required by regulations made under this Act.

(4) Every health practitioner commits an offence against this Act who fails to comply with the requirements of this section.

(5) *[Repealed]*

Compare: 1920 No 45 s 79

Section 74 heading: amended, on 4 January 2017, by section 7(1) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(1): amended, on 4 January 2017, by section 7(2) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(1)(a): amended, on 4 January 2017, by section 7(3) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(1)(a): amended, on 6 December 1962, by section 2(1) of the Health Amendment Act 1962 (1962 No 76).

Section 74(2): repealed, on 1 July 1993, by section 20(1) of the Health Amendment Act 1993 (1993 No 24).

Section 74(3): amended, on 4 January 2017, by section 7(2) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(3A): inserted, on 4 January 2017, by section 7(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(3B): inserted, on 4 January 2017, by section 7(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(3C): inserted, on 4 January 2017, by section 7(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(4): amended, on 4 January 2017, by section 7(2) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74(5): repealed, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

74AA Medical laboratories to give notice of cases of notifiable disease

(1) The person in charge of a medical laboratory must take all reasonably practicable steps to ensure that there are in place in it efficient systems for reporting to him or her (or to any other person for the time being in charge of it) the results of a test or other procedure undertaken in it that indicate that a person or thing is, has been, or may be or have been, infected with a notifiable disease.

(2) The person for the time being in charge of a medical laboratory to whom results are reported under subsection (1) (or who himself or herself becomes aware of results of a kind to which that subsection applies) must immediately tell the health practitioner for whom the test or other procedure concerned was undertaken, and the medical officer of health, of the infectious nature of the disease concerned.

(2A) A person in charge of a medical laboratory who gives notice of a notifiable disease under subsection (2) must not disclose identifying information of a person who is, or has been, or may be or may have been, infected with a disease specified in section C of Part 1 of Schedule 1.

(2B) Despite subsection (2A), a medical officer of health may require a person in charge of a medical laboratory to disclose identifying information of the person who is, or has been, or may be or may have been, infected with a disease if disclosure of the identifying information is necessary to respond effectively to a public health risk.

(3) A person who fails to comply with subsection (2)—

(a) commits an offence against this Act; and

(b) is liable on conviction to a fine not exceeding $10,000 and, if the offence is a continuing one, to a further fine not exceeding $500 for every day on which it has continued.

Section 74AA: inserted, on 18 December 2007, by section 8 of the Health Amendment Act 2006 (2006 No 86).

Section 74AA(2A): inserted, on 4 January 2017, by section 8 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74AA(2B): inserted, on 4 January 2017, by section 8 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 74AA(3)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

74A National Cervical Screening Register

[Repealed]

Section 74A: repealed, on 7 March 2005, by section 3 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

74B Medical laboratories may be required to give notice of cases of disease during epidemic

(1) Before the commencement of section 8 of the Health Amendment Act 2006, an epidemic management notice may provide for this Act to have effect as if section 74AA (as to be inserted by that section) were already in force, but in relation only to the disease stated in the notice.

(2) Unless the notice provides that section 74AA is to apply to medical laboratories in stated parts of New Zealand only, the section applies to medical laboratories throughout New Zealand.

(3) While the notice is in force, every provision of this Act (other than this section) has effect—

(a) as if section 74AA were in force; but

(b) as if the references in that section to a notifiable disease were references to the quarantinable disease stated in the notice (or, if 2 or more notices are in force, to the quarantinable diseases stated in the notices).

(4) The fact that the notice has expired does not affect any criminal or civil liability arising while it was in force.

Section 74B: inserted, on 19 December 2006, by section 9 of the Health Amendment Act 2006 (2006 No 86).

Section 74B(1): amended, on 13 December 2021, by section 9 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

74C Priorities for medicines

(1) The Director-General may at any time devise policies determining the priorities with which supplies of medicines that are under the control of the Crown or a Crown entity are to be dispensed during outbreaks of quarantinable diseases.

(2) While an epidemic notice is in force,—

(a) the Director-General may, if satisfied that there is or is likely to be a shortage of medicines because of the outbreak of the disease stated in the epidemic notice, in accordance with a policy devised under subsection (1) for the medicines, by notice require persons administering, dispensing, prescribing, or supplying stated medicines that are under the control of the Crown or a Crown entity to administer, dispense, prescribe, or supply them in accordance with priorities, and subject to any conditions, stated in the notice; and

(b) every person administering, dispensing, prescribing, or supplying medicines stated in the notice that are under the control of the Crown or a Crown entity must—

(i) comply with the priorities; and

(ii) comply with any conditions, stated in the notice.

(3) A notice under subsection (2) must state whether it applies to—

(a) all persons administering, dispensing, prescribing, or supplying the medicines concerned; or

(b) particular classes of person administering, dispensing, prescribing, or supplying the medicines concerned; or

(c) particular persons administering, dispensing, prescribing, or supplying the medicines concerned.

(4) A notice under subsection (2) may relate to any medicine, whether or not it can be used in relation to the disease stated in the epidemic notice.

(5) The Director-General must publish every policy; but may do so by making it available on the Internet.

(6) In this section, **medicine** means any substance used or capable of being used to prevent, treat, or palliate a disease, or the symptoms or effects of a disease.

(7) A notice under subsection (2) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14

Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 74C: inserted, on 19 December 2006, by section 9 of the Health Amendment Act 2006 (2006 No 86).

Section 74C(2)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 74C(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

74D Redirection of aircraft

(1) While an epidemic management notice providing for medical officers of health to do so is in force, a medical officer of health may by written or oral notice (in the case of an oral notice, whether given face-to-face or by radio) require the pilot in charge of an aircraft that has landed at a place in New Zealand to travel, as soon as practicable, to another stated place in New Zealand.

(2) The medical officer of health must not give the notice unless satisfied—

(a) that—

(i) the disease stated in the epidemic management notice has or is likely to have broken out in a place the aircraft has come from (whether directly, or via other places); or

(ii) the disease has or is likely to have broken out in the place where the aircraft has landed; or

(iii) the aircraft is or is likely to be carrying people infected with the disease; and

(iv) the aircraft or anything in it is or is likely to be contaminated with the disease; and

(b) measures necessary to deal with the situation can more practicably be carried out at the other place.

Section 74D: inserted, on 19 December 2006, by section 9 of the Health Amendment Act 2006 (2006 No 86).

75 Duty of occupier of premises as to infectious disease

(1) When any person is suffering from any sickness of which the symptoms create a reasonable suspicion that it is a notifiable infectious disease, it shall be the duty of the occupier or other person for the time being in charge of the premises in which the first-mentioned person is living to consult a medical practitioner, or to notify the local authority of the district of the existence of a disease suspected to be a notifiable infectious disease.

(2) Every person commits an offence against this Act who fails to comply with the provisions of this section.

Compare: 1920 No 45 s 80

76 Duty of master of vessel in harbour as to infectious disease

(1) When any person on board a ship in any harbour is suffering from any sickness of which the symptoms create a reasonable suspicion that it is a notifiable infectious disease, it shall be the duty of the master of the ship to notify the medical officer of health of the existence of a disease suspected to be a notifiable infectious disease.

(2) Every such master commits an offence against this Act who fails to comply with the provisions of this section.

Compare: 1920 No 45 s 81

Section 76(1): amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

77 Medical officer of health may enter premises

The medical officer of health, or any medical practitioner authorised in that behalf by the medical officer of health or by the local authority of the district, may at all reasonable times enter any premises in which he has reason to believe that there is or recently has been any person suffering from a notifiable infectious disease or recently exposed to the infection of any such disease, and may medically examine any person on those premises for the purpose of ascertaining whether that person is suffering or has recently suffered from any such disease.

Compare: 1920 No 45 s 82

78 Director-General of Health may order post-mortem examination

If the death of any person is suspected to have been due to a notifiable disease and the facts relating to the death cannot with certainty be ascertained without a post-mortem examination, or if it is desirable for preventing the occurrence or spread of a notifiable disease that the facts relating to the death of any person should be ascertained, the Director-General of Health may order a post-mortem examination of the body of the deceased person to be made by a medical practitioner.

Compare: 1920 No 45 s 83

79 Isolation of persons likely to spread infectious disease

[Repealed]

Section 79: repealed, on 4 January 2017, by section 9 of the Health (Protection) Amendment Act 2016 (2016 No 35).

80 Offences in respect of infectious or communicable diseases

(1) Every person commits an offence against this Act who—

(a) while to his own knowledge suffering from any infectious disease, wilfully is in any public place without having taken proper precautions against the spread of infection:

(b) while in charge of any person suffering as aforesaid, takes him into or allows him to be in any public place without having taken proper precautions against the spread of infection:

(c) while suffering as aforesaid, enters any public conveyance; or, while in charge of any person so suffering, takes him into any public conveyance without in every such case notifying the driver or conductor of the fact.

(2) Every person commits an offence against this Act who—

(a) lends, sells, transmits, or exposes any things which to his knowledge have been exposed to infection from any communicable disease, unless they have first been effectively disinfected, or proper precautions have been taken against spreading the infection:

(b) lets for hire any house or part of a house to be shared or occupied in common by or with any person who to his knowledge is suffering from any communicable disease:

(c) lets for hire any house or part of a house in which there then is, or within the previous month has been, any person to his knowledge suffering from any communicable disease, unless the house or part thereof, as the case may be, and all things therein liable to infection have been effectively disinfected to the satisfaction of a medical officer of health before the person hiring goes into occupation:

(d) when letting or negotiating to let to any person for hire any house in which any person suffering from an infectious disease is then living, or any part of any such house, does not disclose that fact.

(3) For the purposes of this section, the expression **public place** has the same meaning as in section 2 of the Summary Offences Act 1981.

(4) For the purposes of this section, the keeper of a lodginghouse or boardinghouse or the licensee or person charged with the management of any premises licensed or deemed to be licensed under the Sale and Supply of Alcohol Act 2012 shall be deemed to let part of a house for hire to any person admitted as a guest or lodger to the lodginghouse or boardinghouse or premises.

Compare: 1920 No 45 ss 85(1)(a)–(c), (3), 86

Section 80(3): amended, on 1 February 1982, pursuant to section 51(3) of the Summary Offences Act 1981 (1981 No 113).

Section 80(4): amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 80(4): amended, on 1 April 1990, pursuant to section 230(2) of the Sale of Liquor Act 1989 (1989 No 63).

81 Power of local authority to disinfect premises

Where the local authority is of opinion that the cleansing or disinfection of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease, the local authority may authorise any environmental health officer, with or without assistants, to enter on the premises and to carry out such cleansing and disinfection.

Compare: 1920 No 45 s 87

Section 81: amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

82 Medical officer of health may order premises to be disinfected

(1) Whenever the medical officer of health is of opinion that the cleansing or disinfection of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any communicable disease, or otherwise for preventing danger to health, or for rendering any premises fit for occupation, he may, by notice in writing, require the local authority of the district to cleanse or disinfect the premises or article within a time specified in the notice.

(2) On receipt of a notice under subsection (1) it shall be the duty of the local authority, within the time specified in the notice in that behalf, to cleanse and disinfect the premises or article accordingly.

(3) If the local authority fails to carry out any work within the time specified in the notice, or in any other case where the medical officer of health thinks fit to do so, the medical officer of health may authorise any environmental health officer, with or without assistants, to enter on any premises and to carry out such disinfection and cleansing; and the cost of such disinfection or cleansing shall be recoverable from the local authority as a debt due to the Crown.

Compare: 1920 No 45 s 88

Section 82(3): amended, on 1 July 1993, by section 23 of the Health Amendment Act 1993 (1993 No 24).

Section 82(3): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

83 Infected articles may be destroyed

Where any article dealt with by a local authority or any environmental health officer under section 81 or section 82 is of such a nature that it cannot be effectively disinfected, the local authority or environmental health officer may cause the article to be destroyed.

Compare: 1920 No 45 s 89

Section 83: amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

84 Establishment of mortuaries and disinfecting stations

(1) Any local authority may either separately or jointly with any other local authority or local authorities,—

(a) provide, equip, and maintain places for the reception of dead bodies (**mortuaries**) pending the carrying out of any post-mortem examination or until removal for interment, and provide facilities for carrying out in the mortuaries post-mortems authorised or directed under the Coroners Act 2006 or under any other enactment and for making good for burial dead bodies on which post-mortems of that kind have been carried out:

(b) provide, equip, and maintain disinfecting and cleansing stations, plant, equipment, and attendance for the cleansing of persons and for the disinfection of bedding, clothing, or other articles which have been exposed to or are believed to be contaminated with the infection of infectious disease, or which are dirty or verminous:

(c) provide vehicles for the conveyance of infected articles and any other accommodation, equipment, or articles required for dealing with any outbreak of infectious disease:

(d) provide disinfectants for public use.

(2) No building shall be erected or maintained under the foregoing provisions of this section as a mortuary or as a disinfecting or cleansing station unless the plans and specifications and the site thereof have been approved by the Director-General.

Compare: 1920 No 45 s 91; 1954 No 55 s 2

Section 84(1): amended, on 1 July 1993, by section 24 of the Health Amendment Act 1993 (1993 No 24).

Section 84(1): amended, on 23 November 1973, by section 3(2) of the Health Amendment Act 1973 (1973 No 111).

Section 84(1)(a): replaced, on 1 July 2007, by section 146 of the Coroners Act 2006 (2006 No 38).

85 Notice of death from infectious disease

(1) When any person has died of an infectious disease, the funeral director or other person having charge of the funeral of the deceased shall forthwith, after having been informed of the cause of death and before the removal of the body from the building or other place in which it may then be, give to the medical officer of health notice in the prescribed form and manner of the fact of the death and the cause thereof.

(2) *[Repealed]*

Compare: 1920 No 45 s 92

Section 85(2): repealed, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

86 Duties of local authorities as to burials

(1) Where the body of any person who has died is in such a state as to be dangerous to health, the medical officer of health may order the body to be buried forthwith, or within a time limited in the order, and may, if he thinks fit, order that the body, pending burial, be removed to the nearest mortuary.

(2) If the order is not complied with, it shall be the duty of the local authority to cause the body to be buried forthwith or to be removed to a mortuary for the purpose of being thence buried.

(3) Any order under this section may be complied with on behalf of and at the cost of the local authority by any health protection officer, or any constable, or any person authorised in that behalf by the medical officer of health or health protection officer.

(4) If the body is removed to the mortuary, it shall be the duty of the local authority to cause it to be buried.

(5) The expenses of the removal and burial of the body by the local authority may be recovered from any person legally liable to pay the expenses of the burial, as a debt due to the local authority.

(6) Every person commits an offence against this Act who in any way prevents or obstructs the due and prompt execution of any order under this section or of any of the powers exercisable under this section.

(7) In this section, references to **burial** shall be deemed to include references to cremation in any case where cremation may be lawfully carried out.

Compare: 1920 No 45 s 93

Section 86(3): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

87 Compensation for persons injuriously affected

(1) Subject to the provisions of this section, in every case where any building, animal, or thing is destroyed by or by order of the medical officer of health, or a health protection officer, or any local authority, pursuant to the powers conferred by this Part, every person injuriously affected thereby shall be entitled to compensation.

(2) The compensation shall not exceed the actual market value of the building, animal, or thing in respect of which the claim is made.

(3) If the destruction was necessary by reason of any breach or neglect of duty or of the ordinary rules of sanitary carefulness or cleanliness on the part of the claimant, or of any person for whose acts or default the claimant is responsible, no compensation shall be payable.

(4) If the destruction was necessary by reason of any such breach or neglect as aforesaid on the part of the local authority, the compensation shall be payable by that local authority.

(5) If the destruction was necessary in the interests of public health, and without any such breach or neglect as aforesaid, the compensation shall be payable out of money to be appropriated by Parliament for the purpose.

(6) All questions and disputes relating to claims for compensation shall be heard and determined by the District Court, whose decision shall be final.

Compare: 1920 No 45 s 94

Section 87(1): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 87(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

87A Communicable diseases occurring in animals

(1) The Governor-General may from time to time by Order in Council specify the communicable diseases to which this section shall apply.

(2) Every veterinary surgeon who has reason to believe that any animal professionally attended by him is suffering from a communicable disease to which this section applies shall forthwith give notice in the prescribed form to the medical officer of health.

(3) Every person in charge of a laboratory who has reason to believe, as a result of investigations made in that laboratory, that any animal is suffering or has suffered from a communicable disease to which this section applies shall, unless he is satisfied that notice has been given pursuant to subsection (2), forthwith give notice in the prescribed form to the medical officer of health for the health district in which that animal is or was so suffering.

(3A) *[Repealed]*

(4) Every person commits an offence against this Act who fails to comply with the provisions of this section.

(5) This section shall bind the Crown.

(6) Notwithstanding anything in the preceding provisions of this section, or in any Order in Council made hereunder nothing in those provisions shall apply in respect of any animal found to be suffering from a communicable disease in the course of any campaign for the eradication of that disease conducted by or at the instance of the responsible Ministry.

(7) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 87A: inserted, on 3 November 1964, by section 6 of the Health Amendment Act 1964 (1964 No 34).

Section 87A(3A): repealed, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 87A(6): inserted, on 20 October 1972, by section 2 of the Health Amendment Act 1972 (1972 No 65).

Section 87A(6): amended, on 1 July 1995, pursuant to section 6(1)(b) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

Section 87A(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Venereal disease

[Repealed]

Heading: repealed, on 4 January 2017, by section 10 of the Health (Protection) Amendment Act 2016 (2016 No 35).

88 Persons suffering from venereal disease to undergo treatment

[Repealed]

Section 88: repealed, on 4 January 2017, by section 10 of the Health (Protection) Amendment Act 2016 (2016 No 35).

89 Duty of medical practitioner as to patient suffering from venereal disease

[Repealed]

Section 89: repealed, on 4 January 2017, by section 10 of the Health (Protection) Amendment Act 2016 (2016 No 35).

90 Treatment of children

[Repealed]

Section 90: repealed, on 4 January 2017, by section 10 of the Health (Protection) Amendment Act 2016 (2016 No 35).

91 Persons other than medical practitioners treating venereal disease

[Repealed]

Section 91: repealed, on 4 January 2017, by section 10 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92 Infecting any person with venereal disease

[Repealed]

Section 92: repealed, on 4 January 2017, by section 10 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Part 3A
Management of infectious diseases

Part 3A: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Subpart 1—Overarching principles

Subpart 1 heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92A Principles to be taken into account

(1) The principles set out in sections 92C to 92H are to be taken into account by every person and every court performing a function under this Part.

(2) Nothing in sections 92C to 92H is to be taken as indicating that the principles in those sections are set out in any order of importance.

(3) To avoid doubt, an individual undertaking contact tracing in response to a request under section 92ZZD(2) is not performing a function under this Part.

Section 92A: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92B Paramount consideration

The paramount consideration in the application of the principles in sections 92C to 92H is the protection of public health.

Section 92B: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92C Respect for individuals

(1) An individual must be treated with respect for the dignity of the individual when any functions, duties, or powers are exercised or performed in relation to him or her under this Part.

(2) The person exercising or performing the functions, duties, or powers must take into account any known special circumstances or vulnerabilities of the individual, to the extent that the protection of public health permits this to be done.

Section 92C: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92D Voluntary compliance

(1) If an individual poses a public health risk, and that risk can be prevented or minimised by the individual's voluntary compliance with certain measures, the individual must be given the opportunity to voluntarily comply with those measures before measures under this Part are applied to the individual.

(2) A person or court exercising or performing any functions, duties, or powers under this Part must take into account whether the individual has had an opportunity to minimise the risk of transmitting the infectious disease, and

whether he or she has done so, or the extent to which he or she has done so, particularly in response to—

(a) any directions given to the individual:

(b) any request or instruction from a medical practitioner, medical officer of health, or health protection officer.

(3) Individuals and communities should be encouraged to take responsibility for their own health and, to that end, to participate in decisions about how to protect and promote their own health and the health of their communities.

Section 92D: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92E Individual to be informed

A person exercising or performing any functions, duties, or powers in relation to an individual under this Part must, so far as is practicable in the circumstances, promptly inform the individual, in a way that the individual is most likely to understand, about—

(a) the nature of the functions, duties, or powers being exercised or performed and their implications for the individual:

(b) any steps planned to be taken in respect of the individual:

(c) any right of the individual to appeal against the exercise or performance of the functions, duties, or powers and to apply for judicial review.

Section 92E: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92F Principle of proportionality

Measures applied to an individual under this Part must—

(a) be proportionate to the public health risk sought to be prevented, minimised, or managed; and

(b) not be made or taken in an arbitrary manner.

Section 92F: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92G Least restrictive alternative

In any case where this Part enables alternative measures to be applied to an individual, preference must be given to the least restrictive measure that, in the judgment of the person or court concerned, will achieve the objective of minimising the public health risk posed by the individual.

Section 92G: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92H Measures to apply no longer than necessary

Measures applied to an individual under this Part must not be applied longer than is necessary to prevent or minimise the public health risk that the individual poses.

Section 92H: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Subpart 2—Directions

Subpart 2 heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92I Medical officer of health may give directions to individual posing public health risk

(1) This section applies if a medical officer of health believes on reasonable grounds that an individual poses a public health risk.

(2) The medical officer of health may give the individual any direction or directions listed in subsection (4) that the medical officer of health thinks are necessary to prevent or minimise the public health risk posed by the individual.

(3) If the disease that the individual is believed to have is not a notifiable infectious disease, every direction given to the individual must have the prior approval of the Director-General.

(4) The medical officer of health may direct the individual to—

(a) participate in any of the following that are conducted by a health provider:

(i) counselling:

(ii) education:

(iii) other activities related to the infectious disease:

(b) refrain from carrying out specified activities (for example, undertaking employment, using public transport, or travelling within and outside New Zealand) either absolutely or unless stated conditions are observed:

(c) refrain from going to specified places either absolutely or unless stated conditions are observed:

(d) refrain from associating with specified persons or specified classes of persons:

(e) take specified actions to prevent or minimise the public health risk posed by the individual:

(f) stay, at all times or at specified times, at a specified place of residence, subject to specified conditions:

(g) accept supervision by a named person or a person for the time being holding a named office, including, without limitation,—

(i) attending meetings arranged by that person; and

(ii) providing that person with information on any action, occurrence, or plan that is relevant to the public health risk posed by the individual:

(h) comply with instructions to prevent the spread of the infectious disease.

(5) In no case may a direction require an individual to submit to compulsory treatment.

(6) Subsection (7) applies if a direction requires an individual to refrain from carrying out a specified activity either absolutely or unless stated conditions are observed and a medical officer of health believes on reasonable grounds that the persons responsible for the activity need to be informed in order to prevent or minimise the public health risk posed by the individual.

(7) The medical officer of health may contact any person who occupies a position of responsibility in relation to the activity and tell that person about 1 or more of the following matters:

(a) the direction:

(b) the public health risk posed by the individual's engagement in the activity:

(c) ways of minimising that public health risk.

(8) If the Director-General so requires, the medical officer of health must send him or her a copy of all or any of the directions given by the medical officer of health under this section.

(9) Despite anything in the Privacy Act 2020, if a person requires another person to provide information under this section,—

(a) the person required to provide the information must comply with the requirement and be advised that the information must be provided for the effective management of infectious diseases; and

(b) nothing in this section limits the right of an individual to access or disclose information about him or her under that Act or any other Act.

Section 92I: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92I(9): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92J Medical officer of health may give directions to contacts of individuals posing public health risk

(1) This section applies if a medical officer of health believes on reasonable grounds that—

(a) an individual has been in contact with a person who has, or may have, an infectious disease; and

(b) if the disease has been transmitted to the individual, the individual poses, or is likely to pose, a public health risk.

(2) The medical officer of health may give the individual any 1 or more directions listed in subsection (4) that the medical officer of health thinks are necessary to prevent or minimise the public health risk posed by the individual.

(3) If the disease that the individual is believed to have is not a notifiable infectious disease, every direction given to the individual must have the prior approval of the Director-General.

(4) The medical officer of health may direct the individual to—

(a) participate in any of the following that are conducted by a health provider:

(i) counselling:

(ii) education:

(iii) other activities related to the infectious disease:

(b) refrain from carrying out specified activities (for example, undertaking employment, using public transport, or travelling within and outside New Zealand) either absolutely or unless stated conditions are observed:

(c) refrain from going to specified places either absolutely or unless stated conditions are observed:

(d) refrain from associating with specified persons or specified classes of persons:

(e) take specified actions to prevent or minimise the public health risk posed by the individual:

(f) stay, at all times or at specified times, at a specified place of residence, subject to specified conditions:

(g) accept supervision by a named person or a person for the time being holding a named office, including, without limitation,—

(i) attending meetings arranged by that person; and

(ii) providing that person with information on any action, occurrence, or plan that is relevant to the public health risk posed by the individual:

(h) comply with instructions to prevent the spread of the infectious disease.

(5) In no case may a direction require an individual to submit to compulsory treatment.

(6) Subsection (7) applies if a direction requires an individual to refrain from carrying out a specified activity either absolutely or unless stated conditions are observed and a medical officer of health believes on reasonable grounds that the persons responsible for the activity need to be informed in order to prevent or minimise the public health risk posed by the individual.

(7) The medical officer of health may contact any person who occupies a position of responsibility in relation to the activity and tell that person about 1 or more of the following matters:

(a) the direction:

(b) the public health risk posed by the individual's engagement in the activity:

(c) ways of minimising that public health risk.

(8) If the Director-General so requires, the medical officer of health must send him or her a copy of all or any of the directions given by the medical officer of health under this section.

(9) Despite anything in the Privacy Act 2020, if a person requires another person to provide information under this section,—

(a) the person required to provide the information must comply with the requirement and be advised that the information must be provided for the effective management of infectious diseases; and

(b) nothing in this section limits the right of an individual to access or disclose information about him or her under that Act or any other Act.

Section 92J: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92J(9): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92K Direction for medical examination

(1) This section applies if a medical officer of health believes on reasonable grounds that—

(a) an individual may have an infectious disease (for example, because the individual has been in contact with a person who has an infectious disease); and

(b) the individual's medical practitioner or a medical officer of health has requested the individual to undergo, within a specified period, a medical examination to establish whether the individual has the infectious disease; and

(c) the individual has not undergone that examination within that period; and

(d) if the individual has the infectious disease, the individual poses a public health risk.

(2) The medical officer of health may direct the individual to undergo 1 or more medical examinations and may specify the places where those examinations are to be conducted and the health providers who are to conduct them.

(3) The medical officer of health may also direct the individual, until those examinations are completed, to—

(a) participate in any of the following that are conducted by a health provider:

(i) counselling:

(ii) education:

(iii) other activities related to the infectious disease:

(b) refrain from carrying out specified activities (for example, undertaking employment, using public transport, or travelling within and outside New Zealand) either absolutely or unless stated conditions are observed:

(c) refrain from going to specified places either absolutely or unless stated conditions are observed:

(d) refrain from associating with specified persons or specified classes of persons:

(e) take specified actions to prevent or minimise the public health risk posed by the individual:

(f) stay, at all times or at specified times, at a specified place of residence, subject to specified conditions:

(g) accept supervision by a named person or a person for the time being holding a named office, including, without limitation,—

(i) attending meetings arranged by that person; and

(ii) providing that person with information on any action, occurrence, or plan that is relevant to the public health risk posed by the individual:

(h) comply with instructions to prevent the spread of the infectious disease.

(4) In no case may a direction require an individual to submit to compulsory treatment.

(5) Subsection (6) applies if a direction requires an individual to refrain from carrying out a specified activity either absolutely or unless stated conditions are observed and a medical officer of health believes on reasonable grounds that the persons responsible for the activity need to be informed in order to prevent or minimise the public health risk posed by the individual.

(6) The medical officer of health may contact any person who occupies a position of responsibility in relation to the activity and tell that person about 1 or more of the following matters:

(a) the direction:

(b) the public health risk posed by the individual's engagement in the activity:

(c) ways of minimising that public health risk.

(7) Any medical examination an individual is directed to undergo must be—

(a) in accordance with current best practice in diagnosing the presence of, or immunity to, the infectious disease; and

(b) the least invasive type of examination that is necessary to establish whether the individual has, or is immune to, the infectious disease.

(8) The medical officer of health must send to the Director-General a copy of every direction given under this section.

(9) Despite anything in the Privacy Act 2020, if a person requires another person to provide information under this section,—

(a) the person required to provide the information must comply with the requirement and be advised that the information must be provided for the effective management of infectious diseases; and

(b) nothing in this section limits the right of an individual to access or disclose information about him or her under that Act or any other Act.

Section 92K: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92K(9): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92L Direction to close educational institutions

(1) This section applies if a medical officer of health believes on reasonable grounds that—

(a) 1 or more persons attending an educational institution have, or may have, an infectious disease; and

(b) there is a substantial risk that the infectious disease will be transmitted to other persons attending the educational institution; and

(c) the risk of the infectious disease being transmitted to other persons attending the educational institution cannot be adequately managed solely by giving directions to the individual with the infectious disease.

(2) The medical officer of health may give a direction to the person in charge of the educational institution to—

(a) direct persons attending the educational institution to stay away from its property until further notice:

(b) close part of the educational institution:

(c) close the entire educational institution.

(3) The medical officer of health must not give a direction under subsection (2) without first consulting the person in charge of the educational institution.

(4) If the Director-General so requires, the medical officer of health must send him or her a copy of all or any of the directions given by the medical officer of health under this section.

Section 92L: replaced, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92M Director-General may require copies of directions given under this Part

The Director-General may from time to time require a medical officer of health to provide him or her with a report on any directions given by the medical officer of health under this Part.

Section 92M: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

General provisions concerning directions and notices

Heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92N Written directions and notices to be served on individual

(1) A direction or notice under this Part must be in writing and must be served on the individual to whom it is given.

(2) If the person to whom the direction or notice relates is under the age of 16 years or lacks legal capacity, a medical officer of health or a health protection officer must serve the direction or notice on the parent, guardian, or other person in charge of the person to whom the direction or notice relates.

(3) However, if it is not reasonably practicable in the circumstances to serve the direction or notice on the individual in person, alternative steps must be taken to bring the direction to the attention of the individual as soon as possible.

(4) In this section, **notice** does not include an urgent public health order or a court order.

Section 92N: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92O Duration of directions

(1) When giving a direction under this Part, a medical officer of health must specify the period for which the direction is to remain in effect.

(2) A direction given by the medical officer of health must not remain in effect for more than 6 months, unless the direction is extended under section 92Q.

(3) A direction ceases to have effect at the close of the earliest of the following days:

- (a) the last day of the period stated in the direction or in the extension of the direction:
- (b) the day (if any) on which the medical officer of health rescinds the direction under section 92S:
- (c) the day (if any) on which the direction is cancelled on appeal under section 92T:
- (d) the day (if any) on which the medical examinations required by a direction under section 92K(2) have been completed.

Section 92O: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92P Medical officer of health must review directions

A medical officer of health must—

(a) regularly review each direction that is in effect in the health district or districts for which the officer is responsible; and

(b) consider whether the direction is still required; and

(c) rescind the direction under section 92S if he or she is satisfied that the individual no longer poses a public health risk; and

(d) if directed by the Director-General to do so, advise the Director-General why the direction needs to continue in effect.

Section 92P: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92Q Directions may be extended

(1) A medical officer of health may at a reasonable time before the expiry of a direction, by notice to the individual concerned, extend the direction for a period of not more than 6 months if he or she is satisfied that the conditions for giving the direction continue to be satisfied.

(2) The medical officer of health may extend the direction on 1 or more occasions.

Section 92Q: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92R Repeated directions may be given

A direction under this Part may be given to an individual on 1 or more occasions.

Section 92R: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92S Directions may be varied or rescinded

A medical officer of health may at any time, by notice to the individual concerned, vary or rescind a direction previously given.

Section 92S: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92T Appeal against directions

(1) An individual who is required to comply with a direction may appeal to the District Court against—

(a) the direction, or any part of the direction:

(b) a variation of the direction:

(c) an extension of the direction.

(2) On the appeal, the District Court may confirm, vary, or cancel the direction, variation, or extension.

(3) The filing of the appeal does not affect the direction, variation, or extension unless the District Court otherwise orders.

(4) A party to an appeal under this section may appeal against the court's determination of the appeal in accordance with section 72 of the District Courts Act 1947.

Section 92T: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92U Confidentiality

Despite anything in the Privacy Act 2020, information provided or obtained under a direction under this Part may not be used or disclosed by anyone except for the effective management of infectious diseases, but nothing in this section limits the right of an individual to access or disclose information about him or her under that Act or any other Act.

Section 92U: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92U: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Compliance with directions

Heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92V Offence for failing to comply with directions

An individual commits an offence and is liable on conviction to a fine not exceeding $2,000 who, without reasonable excuse, fails to comply with a direction given by a medical officer of health under this Part.

Section 92V: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92W Offence to obstruct compliance with directions

(1) This section applies to—

(a) a parent, guardian, or person in charge of an individual aged under 16 years; and

(b) a person in charge of an individual who is lacking in legal capacity.

(2) A person to whom this section applies commits an offence who intentionally obstructs that other individual's compliance with a direction given by a medical officer of health under this Part.

(3) A person who commits an offence against subsection (2) is liable on conviction to a fine not exceeding $2,000.

Section 92W: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92X Duty of care relating to individuals under 16 years and persons lacking in legal capacity

(1) This section applies to—

(a) a parent, guardian, or person in charge of an individual aged under 16 years; and

(b) a person in charge of an individual who is lacking in legal capacity.

(2) If the individual aged under 16 years or lacking in legal capacity is suffering from any infectious disease, the person to whom this section applies must take reasonable steps and care to—

(a) ensure that the individual is professionally attended by a medical practitioner, and facilitate diagnosis and treatment; and

(b) prevent or minimise the risk of transmission of the disease by the individual.

(3) Nothing in this section limits or affects the operation of any provisions of the Protection of Personal and Property Rights Act 1988 or any other Act that are applicable to a person or individual referred to in subsection (1).

Section 92X: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92Y Force not permissible

In no case may force be used to secure compliance with a direction.

Section 92Y: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Subpart 3—Orders

Subpart 3 heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Public health orders

Heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92Z District Court may make public health order

On an application by a medical officer of health, the District Court may make a public health order in respect of an individual if the court is satisfied that the individual poses a public health risk.

Section 92Z: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZA Public health order may impose certain requirements on individual

(1) The District Court may, in making a public health order, impose on an individual any 1 or more of the following requirements the court thinks are necessary to prevent or minimise the public health risk posed by the individual:

(a) to be detained, at all times or at specified times, in a hospital or other suitable place or in specified parts of the hospital or place:

(b) to stay, at all times or at specified times, at a specified place of residence:

(c) to refrain from carrying out specified activities (for example, undertaking employment, using public transport, or travelling within and outside New Zealand) either absolutely or unless stated conditions are observed:

(d) to be supervised by a named person or by a person for the time being holding a named office, including, without limitation,—

(i) attending meetings arranged by that person; and

(ii) providing that person with information on any action, occurrence, or plan that is relevant to the public health risk posed by the individual:

(e) after the views of the individual have been taken into account, to be subject to public health surveillance, with or without the aid of electronic communication devices, by a named person or by a person for the time being holding a named office or by a named organisation:

(f) to be treated for the infectious disease by a specified health provider:

(g) to participate in any of the following that are conducted by a health provider:

(i) counselling:

(ii) education:

(iii) other activities related to the infectious disease:

(h) to refrain from going to specified places either absolutely or unless stated conditions are observed:

(i) to refrain from associating with specified persons or specified classes of persons:

(j) to take specified actions to prevent or minimise the public health risk posed by the individual.

(2) Before the court imposes a requirement of the kind described in subsection (1)(f), the court must be satisfied that, short of detaining the individual indefinitely, treating him or her is the only effective means of managing the public health risk posed by the individual.

(3) If an order requires an individual to be detained in a hospital or other place operated by Health New Zealand, Health New Zealand board must permit the individual to be detained in the hospital or place.

(4) The court may impose any requirement specified in subsection (1) subject to any conditions or restrictions that the court considers appropriate.

Section 92ZA: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92ZA(3): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

92ZB Matters that District Court may take into account in assessing public health risk

In assessing, for the purposes of an application for a public health order, whether an individual poses a public health risk, the District Court may, without limitation, take into account—

(a) the infectious disease that the individual has or may have:

(b) if the individual has had an opportunity to minimise the risk of communicating the infectious disease, whether he or she has done so, or the extent to which he or she has done so, and, in particular,—

(i) if directions have been given to the individual, whether the individual has complied with, or the extent to which the individual has complied with, those directions:

(ii) if a medical practitioner, medical officer of health, person acting under the direction of a medical officer of health, or health protection officer has requested the individual to take steps to prevent or minimise the risk, whether the individual has responded to those requests or the extent to which the individual has responded to those requests.

Section 92ZB: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZC Duration of public health order

(1) When making a public health order under section 92Z, the District Court must specify the period for which the order is to remain in effect.

(2) A public health order must not remain in effect for more than 6 months, unless the order is extended under section 92ZD.

(3) A public health order ceases to have effect at the close of the earliest of the following days:

(a) the last day of the period stated in the order or in the extension of the order or, if no period is stated in the order, the day that is 6 months after the date on which the order is made:

(b) the day (if any) on which the court cancels the order under section 92ZR:

(c) the day (if any) on which the order is cancelled on appeal under section 92ZT or 92ZU:

(d) the day (if any) on which the Registrar cancels the order after being satisfied that the medical officer of health has certified that the order

is no longer necessary to manage the public health risk posed by the individual.

(4) A requirement imposed by a public health order under section 92ZA ceases to have effect at the close of the earlier of the following days:

(a) the day on which the order ceases to have effect:

(b) the day (if any) on which the Registrar cancels the order after being satisfied that the medical officer of health has certified that the requirement is no longer necessary to manage the public health risk posed by the individual.

Section 92ZC: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZD Public health order may be extended

(1) The District Court may, at a reasonable time before the expiry of a public health order made under section 92Z, on the application of a medical officer of health, extend the order for a period of not more than 6 months if the court considers that extending the public health order is necessary to remove or minimise a public health risk.

(2) The court may extend the public health order on 1 or more occasions.

Section 92ZD: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZE Relationship between directions and public health orders

(1) The District Court may make a public health order that corresponds to, or differs from, any direction previously given.

(2) Any direction previously given to an individual ceases to have effect when a public health order is made in respect of that individual.

(3) However, the making of a public health order in respect of an individual does not of itself cancel a direction for a medical examination under section 92K or a medical examination order under section 92ZH in respect of the individual.

(4) A medical officer of health may not give a direction under this Part to an individual while a public health order made in respect of that individual is in force.

(5) However, nothing in this section or in any other provision of this Part requires a prior direction before a public health order may be made.

Section 92ZE: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Urgent public health orders

Heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZF Medical officer of health may make urgent public health order

(1) This section applies if a medical officer of health believes on reasonable grounds that—

(a) an individual poses a public health risk; and

(b) the medical officer of health cannot adequately manage the public health risk by giving the individual a direction; and

(c) to address the risk, the medical officer of health needs to take urgent action; and

(d) it is not practicable to wait for the District Court to determine an application for a public health order.

(2) The medical officer of health may sign and give, or authorise another person to give, the individual an urgent public health order that requires the individual to be detained at specified premises or specified parts of premises, subject to any stated conditions.

(3) If the infectious disease that the individual is believed to have is not a notifiable disease, the urgent public health order must not be given to the individual without the prior approval of the Director-General.

(4) The medical officer of health must write on the order the date and time it is given to the individual.

(5) The medical officer of health must send to the Director-General a copy of the urgent public health order.

Section 92ZF: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZG Duration of urgent public health order

(1) An urgent public health order has effect for 72 hours from the time that it is given to an individual.

(2) However, if the District Court determines an application for a public health order in respect of the individual before the close of the 72-hour period, the urgent public health order ceases to have effect on the court's determination of the application.

Section 92ZG: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Medical examination orders and orders concerning contacts

Heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZH Medical examination orders

(1) The District Court may, on the application of a medical officer of health, make a medical examination order in respect of an individual if the court is satisfied that—

(a) the individual may have an infectious disease (for example, because the individual is, or has been, in contact with a person who has the infectious disease); and

(b) the individual's medical practitioner or a medical officer of health has asked the individual to undergo, within a specified period, a medical examination to establish whether the individual has the infectious disease; and

(c) the individual has not undergone that examination within that period; and

(d) the individual poses a public health risk.

(2) The medical examination order must direct the individual to undergo whatever medical examinations the medical officer of health considers necessary to establish whether the individual has the infectious disease.

(3) The medical examination order may also impose on the individual, until those examinations are completed, any 1 or more of the requirements stated in section 92ZA(1)(b), (c), (d), (h), (i), and (j) that the court thinks necessary to prevent or minimise the public health risk that the individual may pose.

(4) The court may impose any requirement referred to in subsection (3) subject to any conditions or restrictions that the court thinks appropriate.

(5) If the court makes a medical examination order under this section, any medical examination an individual is directed to undergo must be—

(a) in accordance with current best practice in diagnosing the presence of, or immunity to, the infectious disease; and

(b) the least invasive type of examination that is necessary to establish whether the individual has, or is immune to, the infectious disease.

(6) The medical examination order ceases to have effect when the medical examination has been completed and it has been established whether the individual has the infectious disease.

Section 92ZH: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZI District Court may make public health order contingent on examinations establishing infectious disease

(1) When the District Court makes a medical examination order in respect of an individual, the court may also make a public health order under section 92Z.

(2) The public health order—

(a) must be made in accordance with section 92Z, with the court entitled to assume that the individual has the infectious disease for which he or she is to be examined; and

(b) takes effect in accordance with subsection (3).

(3) The public health order may provide that it takes effect only if a medical officer of health signs and dates a certificate that states that the individual has undergone the examinations in accordance with the medical examination order and that those examinations establish that the individual has the infectious disease for which he or she has been examined.

(4) The order may be sealed only if the Registrar of the court has seen and filed the certificate described in subsection (3).

Section 92ZI: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZJ Order for contacts

(1) The District Court may, on the application of a medical officer of health, make an order in respect of an individual if the court is satisfied that—

(a) the individual has been in contact with a person who has, or may have, an infectious disease; and

(b) if the infectious disease has been transmitted to the individual, the individual poses, or is likely to pose, a public health risk.

(2) The order may impose on the individual any of the requirements stated in section 92ZA(1)(b), (c), (d), (h), (i), and (j) that the court thinks are necessary to prevent or minimise the public health risk that the individual may pose.

(3) The court may impose any requirement referred to in subsection (2) subject to any conditions or restrictions that the court considers appropriate.

(4) If the terms of the order provide that the order may be brought to an end if the medical officer of health certifies to a Registrar of the court that the order is no longer necessary to manage the public health risk posed by the individual and the Registrar is satisfied that the medical officer of health has given an appropriate certification,—

(a) the Registrar must cancel the order; and

(b) the order ceases to have effect on cancellation.

(5) In determining, for the purposes of subsection (4), that the individual no longer poses a public health risk, the medical officer of health must have regard to any known incubation period for the infectious disease.

Section 92ZJ: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Proceedings

Heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZK Proceedings under this Part in District Court to be heard by Family Court Judges, if practicable

(1) The District Court has jurisdiction to hear and determine—

(a) appeals under this Part against directions given; and

(b) applications for orders made under this Part.

(2) Every proceeding referred to in subsection (1) must, if practicable having regard to the time required and to the availability of Judges and court staff and resources, be heard and determined by a Family Court Judge.

(3) Any District Court Judge may hear and determine a proceeding referred to in subsection (1) that cannot practicably be heard and determined by a Family Court Judge.

(4) The fact that a District Court Judge exercises jurisdiction under this section is conclusive evidence of the authority of the District Court Judge to do so.

(5) Appeals under this section should be heard as soon as practicable.

Section 92ZK: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZL Proceedings under this Part not open to public

(1) Unless the Judge presiding at a hearing of a proceeding referred to in section 92ZK(1) otherwise directs, no person may be present during the hearing except the following:

(a) the Judge:

(b) officers of the court:

(c) parties to the proceeding and their lawyers and any other person nominated by the individual who is the subject of the proceeding:

(d) witnesses:

(e) any other person whom the Judge permits to be present.

(2) The parties or their lawyers on their behalf have the right to be heard, present evidence, and cross-examine witnesses in the proceeding.

(3) A witness must leave the courtroom if asked to do so by the Judge.

(4) The Judge may, by order, restrict or prohibit the public availability of all or any part of the court record and judgment.

(5) This section does not limit any other power of the court to hear proceedings in private or to exclude any person from the court.

Compare: 1992 No 46 s 24

Section 92ZL: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZM District Court may appoint lawyers to act for individuals under 16 years

Whenever an individual aged under 16 years or lacking in legal capacity is the subject of an application for an order under this Part, the District Court that hears the application may appoint a lawyer to act for the individual.

Section 92ZM: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

General provisions concerning orders

Heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZN Application for order

(1) A medical officer of health may apply to the District Court for an order under this Part in respect of an individual who the medical officer of health believes, on reasonable grounds, poses a public health risk.

(2) If the infectious disease that the individual is believed to have is not a notifiable disease, the application must not be made without the prior approval of the Director-General.

(3) The medical officer of health must send to the Director-General a copy of the application.

Section 92ZN: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZO Prior consultation with individual and individual's family or whānau

(1) If a medical officer of health is considering applying to the District Court for an order under this Part, the medical officer of health must, whenever practicable, consult the individual and may, at the officer's discretion, consult the individual's family or whānau.

(2) The purpose of consultation under subsection (1) is to enable the medical officer of health—

(a) to ascertain if the need for an order can be avoided by voluntary compliance by the individual and, if the individual agrees, by any assistance on the part of the family or whānau; and

(b) to ascertain, if an order is required, the extent to which the terms of the order and the way it is implemented can take into account the needs and wishes of the individual without prejudicing the protection of public health.

Section 92ZO: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZP Case conferences

The consultation under section 92ZO may, at the discretion of the medical officer of health, take the form of a case conference, which may be conducted by telephone or video link.

Section 92ZP: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZQ Medical officer of health must review orders

(1) A medical officer of health must—

(a) regularly review each order that is in effect in the health district or districts for which the officer is responsible; and

(b) consider whether the order is still required; and

(c) apply to the District Court to cancel the order under section 92ZR if he or she is satisfied that the order is no longer required; and

(d) if directed by the Director-General to do so, advise the Director-General why the order needs to continue in effect.

(2) A medical officer of health may apply to the District Court for variation of an order under section 92ZR(2).

(3) If, following a review, a medical officer of health wishes to apply for an extension of the duration of an order, the application must be made under section 92ZD.

Section 92ZQ: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZR District Court may cancel or vary orders

(1) The District Court may, on the application of a medical officer of health or of the individual concerned, cancel an order made under this Part if the court is satisfied that the order is no longer required.

(2) The court may, on the application of a medical officer of health or of the individual concerned, vary the terms of an order by making a determination that the court is otherwise authorised to make under this Part and that the court considers desirable in the circumstances.

(3) If the medical officer of health applies to the court to cancel an order, the order is suspended, and the individual subject to the order ceases to be required to comply with the terms of the order until the court has determined the application to cancel the order.

(4) The medical officer of health must send to the Director-General a copy of every application under this section.

(5) The court may deal with an application under this section on the papers if the parties agree.

Section 92ZR: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZS Confidentiality

Despite anything in the Privacy Act 2020, information provided or obtained under an order under this Part may not be used or disclosed by anyone except for the effective management of infectious diseases, but nothing in this section limits the right of an individual to access or disclose information about him or her under that Act or any other Act.

Section 92ZS: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92ZS: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Subpart 4—Appeals and enforcement

Subpart 4 heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZT Appeals to High Court

(1) A medical officer of health and an individual in respect of whom an order has been made under this Part (other than an urgent public health order made under section 92ZF) may each appeal to the High Court against the decision of the District Court.

(2) The medical officer of health may appeal against the dismissal of an application under this Part or against the District Court's refusal to make an order, or impose a requirement, sought in the application.

(3) The individual may appeal against—

(a) the order, or any part of the order:

(b) a variation of the order:

(c) an extension of the order.

(4) Subject to subsection (5), the High Court Rules and sections 74 to 78 of the District Courts Act 1947, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under section 72 of that Act.

(5) On the without notice application of the appellant, the District Court may order that the appellant is not required under section 74(1) of the District Courts Act 1947 to give the Registrar of the High Court security for costs.

(6) Subject to section 92ZU, the decision of the High Court on an appeal to that court under this section is final.

(7) The medical officer of health must send to the Director-General a copy of every notice of appeal under this section.

(8) Appeals under this section should be heard as soon as practicable.

Section 92ZT: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZU Appeals to Court of Appeal

(1) A party to any appeal under section 92ZT may, with the leave of the Court of Appeal, appeal to the Court of Appeal against any determination of the High Court on a question of law arising in that appeal.

(2) On an appeal to the Court of Appeal under this section, the Court of Appeal has the same power to adjudicate on the proceedings as the High Court had.

(3) The decision of the Court of Appeal on an appeal to that court under this section, and on an application to it under this section for leave to appeal, is final.

(4) Appeals under this section should be heard as soon as practicable.

Section 92ZU: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZV Enforcement of order by medical officer of health

(1) A medical officer of health may require an individual to comply with an order made under this Part that imposes requirements on the individual, and in doing so may be assisted by any number of assistants (who may be or include constables) and use any force that is reasonable in the circumstances.

(2) However, in no case may force be used to require an individual to accept medical treatment.

(3) The medical officer of health must promptly advise the Director-General of any force used for the purpose of requiring an individual to comply with an order.

Section 92ZV: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZW Offence not to comply with order

(1) An individual commits an offence who, without reasonable excuse, intentionally fails to comply with an order made under this Part that is binding on the individual.

(2) An individual who commits an offence against this section is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding $2,000.

(3) The District Court may, instead of imposing a sentence, make an order under one or both of sections 92Z and 92ZH.

(4) This section does not limit the power of the District Court to punish the failure or refusal to comply with an order made by a court as a contempt of court.

Section 92ZW: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZX Offence to obstruct compliance with order

(1) This section applies to—

(a) a parent, guardian, or person in charge of an individual aged under 16 years; and

(b) a person in charge of an individual who is lacking in legal capacity.

(2) A person to whom this section applies commits an offence who intentionally obstructs that other individual's compliance with an order made under this Part.

(3) A person who commits an offence against subsection (2) is liable on conviction to a fine not exceeding $2,000.

Section 92ZX: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Subpart 5—Contact tracing

Subpart 5 heading: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZY Purpose of contact tracing

The purpose of contact tracing is to obtain information about the contacts of persons with infectious diseases or suspected of having infectious diseases in order to—

(a) identify the source of the infectious disease or suspected infectious disease:

(b) make the contacts aware that they too may be infected, thereby encouraging them to seek testing and treatment if necessary:

(c) limit the transmission of the infectious disease or suspected infectious disease.

Section 92ZY: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZZ What contact tracing involves

Contact tracing, in respect of an individual with an infectious disease or suspected of having an infectious disease, involves—

(a) ascertaining the identity of each of the individual's contacts; and

(b) communicating with each contact, so far as this is practicable and appropriate; and

(c) ascertaining the circumstances in which the infectious disease or suspected infectious disease may have been transmitted to or by the contact; and

(d) providing information and advice to the contact about the risks that the contact faces because of his or her exposure to the infectious disease or suspected infectious disease, including, where appropriate, advice about—

(i) medical examinations for the infectious disease or suspected infectious disease; and

(ii) the risk that the contact may have transmitted the infectious disease or suspected infectious disease to others; and

(iii) the risk that the contact may pose to others; and

(iv) appropriate exclusion, treatment, and prophylaxis; and

(e) obtaining information about the contacts of that contact, including information required under section 92ZZC in relation to those other contacts.

Section 92ZZ: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZZA Who may be contact tracer

(1) For the purposes of this Part, in any case involving proposed or actual contact tracing in respect of an individual, the **contact tracer** may be a—

(a) medical officer of health:

(b) health protection officer:

(c) person suitably qualified in health or community work who is nominated to undertake contact tracing by Health New Zealand or medical officer of health.

(2) To avoid doubt, nothing in this Part makes it unlawful to undertake contact tracing otherwise than under this Part.

Section 92ZZA: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92ZZA(1)(c): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

92ZZB Appropriateness of contact tracing

(1) The contact tracer may form the view that contact tracing in respect of an individual with an infectious disease or suspected of having an infectious disease should be undertaken if the contact tracer considers that the purpose of contact tracing is likely to be achieved by doing so.

(2) If the contact tracer is a medical officer of health, he or she may take into account any recommendation made by the individual's medical practitioner.

Section 92ZZB: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZZC Duty of individual with infectious disease to provide information about contacts

(1) If the contact tracer has, under section 92ZZB, formed the view that contact tracing in respect of an individual with an infectious disease or suspected of having an infectious disease should be undertaken, the contact tracer may require the individual to give the contact tracer information about the circum-

stances in which the infectious disease may have been transmitted to, or by, the individual.

(2) Before requiring an individual under subsection (1), the contact tracer must inform the individual of the reasons for the requirement.

(3) An individual with an infectious disease or suspected of having an infectious disease must, if required by the contact tracer, provide information about—

(a) those people with whom he or she is, and has been, in contact:

(b) the circumstances in which he or she believes he or she contracted, or may have transmitted, the infectious disease.

(4) For the purposes of subsection (3), the information the individual with an infectious disease or suspected of having an infectious disease may be required to provide about each person with whom he or she has been in contact includes—

(a) the name of each contact:

(b) the age of each contact:

(c) the sex of each contact:

(d) the address and other contact details of each contact:

(e) any other information required by regulations made under this Act.

(5) If the individual is under 16 years of age, or lacks legal capacity, or the individual is deceased, the contact tracer may require that the applicable one of the following persons provide the information:

(a) the parent, guardian, or person in charge of the individual who is under 16 years of age:

(b) the person in charge of the individual who lacks legal capacity:

(c) the individual's legal representative.

Section 92ZZC: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZZD Consideration as to whether contact tracing can be undertaken by individual

(1) Before requiring information from an individual under section 92ZZC, the contact tracer must consider whether the information is necessary, taking into account—

(a) the seriousness of the public health risk posed by the individual; and

(b) the ability and willingness of the individual to undertake the contact tracing.

(2) If the contact tracer considers that it would be appropriate for the individual to undertake the contact tracing, the contact tracer must ask the individual to undertake the contact tracing, to the extent of the individual's ability, and to report back to the contact tracer by a time specified by the contact tracer.

Section 92ZZD: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZZE When contact tracer may undertake contact tracing

(1) This section applies whenever a contact tracer requires an individual to provide information under section 92ZZC and one of the following applies:

(a) the contact tracer does not consider that it would be possible or appropriate for the individual to undertake the contact tracing; or

(b) the contact tracer has asked the individual to undertake the contact tracing, and the contact tracer is not satisfied that the contact tracing has been undertaken or that it has been undertaken adequately.

(2) If this section applies, the contact tracer may undertake the contact tracing.

(3) The contact tracer must, wherever practicable, inform the individual of the course of action taken under subsection (2).

Section 92ZZE: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

92ZZF Contact tracer may require certain persons to provide information

(1) For the purpose of identifying the contacts of an individual who has been given a direction under section 92ZZC, a contact tracer may approach a person specified in subsection (2) and require that person to provide the contact tracer with the names and addresses of the contacts of the individual that are known to the person.

(2) The persons are—

(a) the employer of the individual:

(b) an educational institution attended by the individual:

(c) any business or other organisation that the individual has dealt with:

(d) an event co-ordinator or other person likely to have a list of persons attending an event.

(3) A person referred to in subsection (2) must provide information in response to a request made under subsection (1) despite anything in the Privacy Act 2020.

(4) Despite anything in the Privacy Act 2020, if a person requires another person to provide information under this section,—

(a) the person required to provide the information must comply with the requirement and be advised that the information must be provided for the effective management of infectious diseases; and

(b) nothing in this section limits the right of an individual to access or disclose information about him or her under that Act or any other Act.

Section 92ZZF: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92ZZF(3): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 92ZZF(4): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92ZZG Duty of confidentiality

(1) A contact tracer who approaches a contact under this Part or approaches a person under section 92ZZF must not, as far as practicable, disclose to the contact or that other person the identity of the individual who may have—

(a) transmitted the infectious disease to the contact; or

(b) exposed the contact to the risk of contracting the infectious disease.

(2) Despite anything in the Privacy Act 2020, information provided or obtained by a contact tracer under this Part may not be used or disclosed by anyone except for the effective management of infectious diseases, but nothing in this section limits the right of an individual to access or disclose information about him or her under that Act or any other Act.

Section 92ZZG: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 92ZZG(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92ZZH Offence to fail to comply with direction to provide required information about contacts

(1) A person commits an offence who, having been required to provide information under section 92ZZC or 92ZZF,—

(a) without reasonable excuse, fails to give the required information; or

(b) intentionally omits any part of that information or gives any information that the person knows to be false.

(2) A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $2,000.

Section 92ZZH: inserted, on 4 January 2017, by section 11 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Part 4
Quarantine

93 Port health officers

[Repealed]

Section 93: repealed, on 1 April 1983, by section 4(1) of the Health Amendment Act 1982 (1982 No 34).

94 Places of inspection for ships

The Minister may from time to time, by notice in the *Gazette*, declare any specified portion of any harbour to be a place of inspection to which ships

liable to quarantine shall be taken while awaiting inspection by the medical officer of health or health protection officer.

Compare: 1920 No 45 s 95

Section 94: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 94: amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

95 Infected places

The Minister may from time to time, by notice in the *Gazette*, declare any place in New Zealand to be an infected place for the purposes of this Part, on the ground that the place is infected with a quarantinable disease.

Compare: 1920 No 45 s 98

96 Ships and aircraft liable to quarantine

(1) Except as otherwise provided in any regulations made under this Act, the following ships shall be liable to quarantine:

(a) every ship arriving in New Zealand from any port beyond New Zealand:

(b) every ship arriving at any port in New Zealand from any infected place in New Zealand:

(c) every ship on board which any quarantinable disease, or any disease reasonably believed or suspected to be a quarantinable disease, has broken out or been discovered.

(2) Except as otherwise provided in any regulations made under this Act, the following aircraft shall be liable to quarantine:

(a) every aircraft arriving in New Zealand from any place beyond New Zealand:

(b) every aircraft arriving at any aerodrome in New Zealand from any infected place in New Zealand.

Compare: 1920 No 45 s 100; 1940 No 17 s 11

97 People liable to quarantine

(1) A person is liable to quarantine if he or she is on board, or disembarks from, a craft that is liable to quarantine.

(2) This subsection applies to a person liable to quarantine if the medical officer of health believes or suspects, on reasonable grounds,—

(a) that he or she is infected with a quarantinable disease; or

(b) that, within the 14 days before he or she arrived in New Zealand, he or she has been exposed to a disease that (whether or not it was a quarantinable disease at the time of the believed or suspected exposure) is a quarantinable disease.

Section 97: replaced, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

97A People liable to quarantine to comply with directions and supply information

(1) A person who is liable to quarantine—

(a) must comply with all directions, requirements, or conditions given, made, or imposed by the medical officer of health or a person authorised by the medical officer of health under this Part; and

(b) must, on request by the medical officer of health or a person authorised by the medical officer of health, give any information the officer believes on reasonable grounds to be necessary to enable the management of risks to public health.

(2) In the case of people arriving in New Zealand by craft, the medical officer of health or a person authorised by the medical officer of health may request information under subsection (1)(b) by requiring the person appearing to the officer to be in charge of the craft to collect or supply some or all of it—

(a) by requiring the person to distribute and collect cards or forms for passengers and crew to fill in; or

(b) in any other reasonable manner the officer may require.

(3) A person required under subsection (2) to collect or supply information must take all reasonably practicable steps to do so promptly.

(4) For the purposes of subsection (1)(b), the information that may be requested from a person includes—

(a) his or her name; and

(b) his or her recent travel history; and

(c) his or her recent activities; and

(d) his or her previous and present addresses, and proposed routes, destinations, and addresses; and

(e) his or her movements during the 14 days before his or her arrival; and

(f) whether he or she is experiencing or has recently experienced particular symptoms.

(5) Subsection (2) does not limit subsection (1).

(6) The medical officer of health or a person authorised by the medical officer of health may obtain from the department of State responsible for keeping it (and the department may supply to the medical officer of health or a health protection officer) any information about a person who is liable to quarantine that the officer believes on reasonable grounds to be necessary to obtain in order to trace the person's movements or discover the contacts the person has had with other people.

(7) Subsection (1)(b) does not limit the generality of subsection (1)(a).

Section 97A: inserted, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

97B Detention of craft and people

(1) The medical officer of health, a health protection officer, or a person acting under the written directions of the medical officer of health or a health protection officer, may direct that a craft and its passengers and crew be detained for inspection if—

(a) the craft has arrived in New Zealand; and

(b) it appears to the officer that, during the voyage of the craft,—

(i) a person on it has died, or become ill, from a quarantinable disease; or

(ii) death not attributable to poison or other measures for destruction has occurred among birds, insects, or rodents on the craft.

(2) The medical officer of health or health protection officer must tell the person in charge of the airport or port concerned of any direction he or she gives under subsection (1); and that person must not allow the craft concerned to leave the airport or port until given written notice under section 97C of the lifting of the detention of the craft.

Section 97B: inserted, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

97C Lifting of detention of craft

The detention of a craft under section 97B ceases when the medical officer of health or a health protection officer gives the person in charge of the airport or port written notice to that effect.

Section 97C: inserted, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

97D Powers and duties of medical officer of health or health protection officer in relation to quarantinable diseases

(1) If a craft arrives in New Zealand carrying a person to whom section 97(2) applies, the medical officer of health or a health protection officer may—

(a) require the person to be examined:

(b) require to be taken from the person any bodily sample the officer may reasonably require:

(c) require to be taken from the craft or any thing in or on it any reasonable sample the officer may require:

(d) require the captain of the craft to take or help take any steps that, in the opinion of the medical officer of health or health protection officer, are reasonably necessary—

(i) to prevent the spread of infection by the person; or

(ii) to destroy birds, insects, or rodents; or

(iii) to remove or abate conditions on the craft likely to convey infection, including conditions that might facilitate the harbouring of vermin.

(2) A person whom subsection (1) empowers the medical officer of health or a health protection officer to examine or take a sample from must allow the officer to examine him or her or (as the case requires) take the sample.

Section 97D: inserted, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

97E Surveillance of certain people liable to quarantine

(1) This subsection applies to a person if—

(a) section 97(2) applies to him or her; or

(b) he or she is liable to quarantine and has been quarantined under section 70(1)(f).

(2) A person to whom subsection (1) applies must (whether or not he or she is detained under subsection (3)(a) or kept under surveillance at large under subsection (3)(b)) give to the medical officer of health all information he or she reasonably requires to enable the management of risks to public health.

(3) The medical officer of health or a health protection officer may cause a person to whom subsection (1) applies—

(a) to be removed to a hospital or other suitable place and detained under surveillance until the medical officer of health or a health protection officer is satisfied that he or she—

(i) is not infected with the disease concerned; or

(ii) is not able to pass that disease on; or

(b) to be kept under surveillance at large.

(4) Detention under subsection (3)(a)—

(a) must not continue for more than 28 days; and

(b) must not continue for more than 14 days unless the medical officer of health or a health protection officer has considered the latest information available on the disease concerned, and is satisfied that the person is infected with it and still likely to be able to pass it on.

(5) Before being placed under surveillance at large, a person must give an undertaking, in a form prescribed by regulations made under this Act, that he or she will report to the medical officer of health or a medical practitioner at the times and places required.

(6) While kept under surveillance at large, a person must—

(a) present himself or herself for and submit to any medical examination or testing required by the medical officer of health in whose district he or she may be:

(b) give to the medical officer of health all information he or she reasonably requires to enable the management of risks to public health:

(c) if instructed to do so by the medical officer of health, do either or both of the following:

(i) report on arrival in any district to the medical officer of health or to a medical practitioner nominated by the medical officer of health:

(ii) report in person daily or at stated intervals to the medical officer of health or a medical practitioner nominated by the medical officer of health:

(d) if he or she leaves for another place, tell the medical officer of health, or the medical practitioner nominated by the medical officer of health, and give details of the address to which he or she is going.

Section 97E: inserted, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

97F Children and people under disability

Every person who has the custody or charge of a child or the role of providing day-to-day care for a child, or has charge of a person who is under disability,—

(a) must comply with every direction, requirement, or condition given, made, or imposed in respect of the child or person under disability under any of sections 97A to 97E; and

(b) must give in respect of the child or person under disability all information required under any of those sections.

Section 97F: inserted, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

97G Offences against this Part

Every person who fails or refuses to comply with any of sections 97A(1), 97A(2), 97B(2), 97D(2), 97E(5), 97E(6), or 97F commits an offence against this Act

Section 97G: inserted, on 19 December 2006, by section 10(1) of the Health Amendment Act 2006 (2006 No 86).

98 Continuance of liability to quarantine

(1) Every ship or aircraft liable to quarantine shall continue to be so liable until pratique is granted.

(2) Every person liable to quarantine shall continue to be so liable until he is released from quarantine pursuant to regulations made under this Act.

Compare: 1920 No 45 s 103; 1940 No 17 s 11

99 Restrictions applying while ship liable to quarantine

(1) Subject to the provisions of any regulations made under this Act, while any ship is liable to quarantine it shall not be lawful, except in the case of urgent necessity due to a marine casualty or other like emergency, or except with the authority of the medical officer of health or health protection officer,—

(a) for the master, pilot, or other officer in charge of the navigation of that ship to bring that ship or allow that ship to be brought to any wharf or other landing place; or

(b) for any person to go on board that ship, except the medical officer of health or health protection officer, and the assistants of any such officer, or a pilot, or an officer of Customs, or a constable, or an officer appointed or authorised under the Immigration Act 2009, or an inspector appointed under section 15 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995; or

(c) for any person to leave that ship, except the persons specified in paragraph (b); or

(d) for any goods, mails, or other articles whatsoever to be landed or transhipped from that ship; or

(e) for any boat, launch, or vessel, other than one in the service of the Police or the Ministry of Health, to be brought within 50 metres of that ship.

(2) Any authority given by the medical officer of health or health protection officer under this section may be given subject to such exceptions and conditions as that officer thinks fit, and may be revoked by that officer at any time.

Section 99: replaced, on 1 July 1993, by section 28(1) of the Health Amendment Act 1993 (1993 No 24).

Section 99(1)(b): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 99(1)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 99(1)(b): amended, on 1 July 1995, pursuant to section 4(1)(a) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

100 Quarantine signal for ships

The master of every ship liable to quarantine shall cause the prescribed quarantine signal to be hoisted at the mainmast head of his ship before she comes within 1 league of any port at which she is about to call, and shall cause the signal to be kept so hoisted until pratique is granted.

Compare: 1920 No 45 s 105

101 Inspection of ship or aircraft liable to quarantine

(1) Subject to the provisions of any regulations made under this Act, the medical officer of health or health protection officer, before granting pratique to any ship liable to quarantine, shall board that ship and inspect it for the purpose of ascertaining whether any infectious disease exists on the ship.

(2) Subject to the provisions of any regulations made under this Act, the medical officer of health or health protection officer may board any aircraft liable to quarantine and inspect it.

(3) Subject to the provisions of any regulations made under this Act, the medical officer of health may examine any person who arrives by any such aircraft and who is suffering from any infectious disease, or is believed or suspected by him, on reasonable grounds, to be suffering from any quarantinable disease or to have been exposed to the infection of a quarantinable disease during such period as may be prescribed by any such regulations.

(4) In respect of any such ship, aircraft, or person, the medical officer of health or health protection officer shall have for the purposes of this section such powers and duties as may be prescribed by regulations made under this Act.

(5) Every person to whom this section applies shall, when required to do so, present himself before the medical officer of health and submit himself to such examination.

(6) The master of every such ship, and the pilot in command of every such aircraft, shall facilitate, by all reasonable means, the boarding of the ship or aircraft by the medical officer of health or health protection officer and the exercise of his powers and duties under this section.

Section 101: replaced, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

Section 101(1): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 101(2): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 101(4): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 101(6): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

102 Ship’s declaration of health

(1) The master of any ship that is on its way to New Zealand from any port beyond New Zealand shall, before the ship arrives in New Zealand, ascertain the state of health of each person on board.

(2) On arriving in New Zealand, the master shall complete and deliver to the medical officer of health or the health protection officer a maritime declaration in the prescribed form.

(3) The form shall be countersigned by the ship’s medical officer (if there is one).

(4) The master, and the medical officer (if there is one), shall from time to time supply to the medical officer of health, or to any person acting under the authority of that officer, any further information required by the medical officer of health or the health protection officer relating to the state of health of any person who was on board the ship on its arrival in New Zealand.

(5) The master or the medical officer commits an offence and is liable on conviction to a fine not exceeding $1,000 if the master or medical officer—

(a) refuses, or fails without reasonable excuse, to comply with any of the preceding provisions of this section; or

(b) gives to the medical officer of health, or to any person acting under the authority of that officer, any declaration, answer, or information that the master or medical officer knows to be false or misleading.

(6) The master or medical officer, or any other person, commits an offence and is liable on conviction to a fine not exceeding $2,000 if the master, medical officer, or other person deceives or attempts to deceive the medical officer of health, or any person acting under the authority of that officer, in respect of any matter with intent—

(a) to obtain pratique; or

(b) to influence in any other respect the exercise by or on behalf of the medical officer of health of any authority conferred on that officer by this Part.

Section 102: replaced, on 26 July 1988, by section 7(1) of the Health Amendment Act 1988 (1988 No 99).

Section 102(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 102(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

103 Aircraft declaration

[Repealed]

Section 103: repealed, on 23 March 1987, by section 14 of the Health Amendment Act 1987 (1987 No 10).

104 Offences under last 2 preceding sections

[Repealed]

Section 104: repealed, on 26 July 1988, by section 7(2)(a) of the Health Amendment Act 1988 (1988 No 99).

105 Ship arriving from infected place

The master of any ship that arrives at any port from any infected place within New Zealand shall not suffer or permit the ship to be moored or berthed at

any place except a place of inspection, unless he is otherwise instructed by the medical officer of health or health protection officer.

Compare: 1920 No 45 s 108

Section 105: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 105: amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

106 Ship with quarantinable disease on board

Where any ship arrives at any port in New Zealand from any other port in New Zealand (not being an infected place), and there is on board the ship any person suffering from any quarantinable disease or any disease reasonably believed or suspected to be a quarantinable disease, the master shall not suffer or permit the ship to be moored or berthed at any place except a place of inspection, unless he is otherwise instructed by the medical officer of health or health protection officer.

Compare: 1920 No 45 s 109

Section 106: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 106: amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

107 Grant of pratique

(1) Subject to the provisions of any regulations made under this Act, when the medical officer of health or health protection officer is satisfied, with respect to any ship liable to quarantine, that no quarantinable disease exists on board the ship, he shall give to the master of the ship a certificate of pratique in the prescribed form.

(2) Subject to the provisions of any regulations made under this Act, when the medical officer of health or health protection officer is satisfied, with respect to any aircraft liable to quarantine, that no quarantinable disease exists on board the aircraft, he shall give to the pilot in command of the aircraft a certificate of pratique in the prescribed form.

Compare: 1920 No 45 s 110; 1940 No 17 s 11

Section 107(1): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 107(1): amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

Section 107(2): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 107(2): amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

108 Persons suffering from quarantinable disease

If any person on board any ship, or arriving by any aircraft, is found to be suffering from any quarantinable disease, or is believed or suspected by the medical officer of health or health protection officer, on reasonable grounds, to be suffering from any such disease, or to have been so recently exposed to the infection of any such disease that he may suffer therefrom in consequence, the medical officer of health or health protection officer may do all such things and give all such directions in respect of that person as may be prescribed by regulations made under this Act.

Section 108: replaced, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

Section 108: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

109 Infected baggage, cargo, or stores

(1) If the medical officer of health or a health protection officer believes that a quarantinable disease is likely to be spread by any baggage, bedding, cargo, clothing, drink, equipment, food, linen, luggage, stores, water, or other substance or thing that is on or has been removed from a craft, he or she may do any thing, and give any directions, in respect of it prescribed by regulations under this Act.

(2) Subsection (1) does not empower the medical officer of health or a health protection officer to enter a private dwellinghouse.

(3) A person who fails to comply with a direction under subsection (1)—

(a) commits an offence against this Act; and

(b) is liable on conviction to a fine not exceeding $10,000 and, if the offence is a continuing one, to a further fine not exceeding $500 for every day on which it has continued.

Section 109: replaced, on 19 December 2006, by section 11 of the Health Amendment Act 2006 (2006 No 86).

Section 109(3)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

110 Disinfection and fumigation of craft

(1) The medical officer of health or a health protection officer may, if he or she believes that a craft is in an insanitary condition or in a condition favourable to the outbreak or spread of an infectious disease, sign and give to the master or pilot a written order requiring the craft to be cleansed, fumigated, disinfected, or treated, in a manner, within a time, and at a place stated in the order.

(2) The order may be given whether or not the craft is liable to quarantine.

(3) If the order is not complied with,—

(a) the master or pilot commits an offence, and is liable on conviction to a fine not exceeding $10,000; and

(b) the medical officer of health or a health protection officer may have the craft cleansed, fumigated, disinfected, or treated (whether in accordance with the order or otherwise).

(4) All expenses incurred by the Crown in acting under subsection (3)(b) are recoverable from the owner or agents of the craft as a debt due to the Crown.

(5) No action taken in respect of a craft under paragraph (b) of subsection (3) limits the liability of its master or pilot under paragraph (a) of that subsection.

(6) Regulations made under this Act may give the medical officer of health and health protection officers powers in respect of the destruction of birds, rodents, or insects on ships.

(7) Subsection (6) does not limit the general powers given by this section.

Section 110: replaced, on 19 December 2006, by section 11 of the Health Amendment Act 2006 (2006 No 86).

Section 110(3)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

111 Power to board any ship and inspect

(1) The medical officer of health or health protection officer or any officer of the Ministry of Health or any person acting under the authority of a medical officer of health or a health protection officer may at any time board any ship in any port and enter and inspect any part of the ship, and inspect all animals and goods on board the ship, and the passenger list, and, with the prior authority of the Director-General, inspect the logbook and other ship's papers.

(2) Where the medical officer of health boards any ship under this section he may require any person on board the ship who in his opinion may be suffering from any infectious disease to submit to any prescribed examination, and that person shall submit to such examination accordingly.

Compare: 1920 No 45 s 129

Section 111(1): replaced, on 1 July 1993, by section 30(1) of the Health Amendment Act 1993 (1993 No 24).

Section 111(2): amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

112 Offences

(1) The master of any ship who permits any person liable to quarantine to leave that ship without the authority of the medical officer of health or health protection officer commits an offence and is liable, on conviction before a District Court Judge, to imprisonment for a term not exceeding 3 months or to a fine not exceeding $2,000, or to both.

(2) Every person on any ship who, being liable to quarantine, leaves the ship without the authority of the medical officer of health or health protection officer commits an offence and is liable on conviction before a District Court Judge to imprisonment for a term not exceeding 3 months or to a fine not

exceeding $2,000 or to both. Every person who commits an offence against this subsection may be arrested without warrant by any constable, or by the medical officer of health or any person authorised by him in that behalf, and may be taken in custody to the ship or to any hospital or place of isolation, and may be detained until he is released from quarantine pursuant to section 98.

(3) Every person arriving by any aircraft who, being liable to quarantine, leaves the aerodrome, or that part of the aerodrome in which passengers are lawfully detained pending the granting of pratique, or any place where he is lawfully detained pending his release from quarantine, without the authority of the medical officer of health commits an offence and is liable, on conviction before a District Court Judge, to imprisonment for a term not exceeding 3 months or to a fine not exceeding $2,000, or to both. Every person who commits an offence against this subsection may be arrested without warrant by any constable, or by the medical officer of health or any person authorised by him in that behalf, and may be taken in custody to that aerodrome or place or to any hospital or place of isolation, and may be detained there until he is released from quarantine pursuant to section 98.

(4) Every person commits an offence against this Act who contravenes or fails to comply in any respect with any provision of this Part or with any requirement or direction of the medical officer of health or health protection officer pursuant to any such provision.

Compare: 1920 No 45 ss 117, 118, 131; 1940 No 17 s 11

Section 112(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 112(1): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 112(1): amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

Section 112(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 112(1): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

Section 112(2): replaced, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

Section 112(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 112(2): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

Section 112(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 112(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 112(3): amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

Section 112(4): replaced, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

Section 112(4): amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

112AA Sections 70 and 71 and this Part operate independently

The powers conferred by sections 70 and 71 and the powers conferred by this Part may be used in respect of the same situation; and—

(a) nothing in section 70 or 71 limits or affects the powers conferred by this Part; and

(b) nothing in this Part limits or affects the powers conferred by section 70 or 71.

Section 112AA: inserted, on 19 December 2006, by section 12 of the Health Amendment Act 2006 (2006 No 86).

Part 4A
National Cervical Screening Programme

Part 4A: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112A Purpose

The purpose of this Part is—

(a) to reduce the incidence and mortality rate of cervical cancer by providing for the continuation of the NCSP; and

(b) to facilitate the operation and evaluation of that national cervical screening programme by—

(i) enabling access to information and specimens by the persons operating the programme; and

(ii) enabling access to information and specimens by screening programme evaluators appointed to evaluate that programme; and

(iii) enabling access to information by specified classes of persons for the purpose of providing cervical screening, assessment, and treatment services and by researchers.

Section 112A: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112A(b)(ii): amended, on 29 June 2021, by section 4(1) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112A(b)(iii): inserted, on 29 June 2021, by section 4(2) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

112B Interpretation

In this Part, unless the context otherwise requires,—

cancer has the meaning set out in section 2 of the Cancer Registry Act 1993

cancer registry means the cancer registry maintained under the Cancer Registry Act 1993

cervical cancer means any cancer of the cervix

cervical screening service means any service provided for the purpose of providing cervical screening, assessment, and treatment services in relation to a particular woman as part of the NCSP

diagnostic test means a test taken to determine or confirm the presence of cancer, or a precursor to cancer, in a woman's cervix or vagina, and may include—

(a) a colposcopic procedure:

(b) an examination of a histological specimen taken from the woman

evaluate has the meaning set out in section 112T(1)

evaluation material means any information about, and any specimen taken from, an identifiable individual that was obtained by a screening programme evaluator under this Part

health information has the meaning set out in paragraphs (a) and (c) of the definition of that term in section 22B, but does not include information about assisted dying services provided under the End of Life Choice Act 2019.

health practitioner has the meaning set out in section 5 of the Health Practitioners Competence Assurance Act 2003

hospital means a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001

NCSP means the programme that, at the date of commencement of this section, is operated by the Ministry of Health and known as the National Cervical Screening Programme

NCSP information means—

(a) register information; and

(b) information held by the NCSP as a result of an evaluation conducted in accordance with this Part

NCSP manager means—

(a) the person appointed under section 112C(3) as the NCSP manager; or

(b) if no person has been appointed as the NCSP manager, the Director-General

NCSP register means the National Cervical Screening Programme register maintained by the persons appointed under section 112C, and includes any part of the register that is replaced

register information means information held on the NCSP register

relevant woman, for the purposes of sections 112X, 112ZB, 112ZC, and 112ZD, has the meaning set out in section 112X(1)

review committee means an NCSP review committee established under section 112O

screening programme evaluator means a person designated as a screening programme evaluator under section 112U(1)

screening test means a test, such as a high-risk HPV test or a cervical or vaginal cytology test, designed to identify women who may have, or are at higher risk of developing, cervical cancer or a precursor to cervical cancer

specimen means a bodily sample or tissue sample taken from a woman for the purpose of a screening test or a diagnostic test, and includes cervical and vaginal cytology and histology slides and blocks.

Section 112B: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112B **cervical screening service**: inserted, on 29 June 2021, by section 5(3) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112B **diagnostic test**: amended, on 29 June 2021, by section 5(1) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112B **health information**: replaced, on 6 November 2021, by section 41 of the End of Life Choice Act 2019 (2019 No 67).

Section 112B **NCSP information**: inserted, on 29 June 2021, by section 5(3) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112B **NCSP register**: amended, on 29 June 2021, by section 5(2) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112B **register information**: inserted, on 29 June 2021, by section 5(3) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112B **screening test**: replaced, on 29 June 2021, by section 5(4) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112B **specimen**: amended, on 29 June 2021, by section 5(5) of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Operation of NCSP

Heading: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112C Appointment of persons to operate NCSP

(1) All persons appointed to operate the NCSP, and to perform functions in relation to the operation of that programme, must be appointed under section 66 of the Public Service Act 2020, unless it is not reasonably practicable to do so.

(2) If the Director-General wishes to appoint a particular person to perform particular functions in relation to the operation of the NCSP, and it is not reasonably practicable to appoint that person under section 66 of the Public Service Act 2020, the Director-General may appoint that person to perform those functions under this subsection.

(3) The Director-General may appoint, either under section 66 of the Public Service Act 2020 or under subsection (2), 1 person to be the manager of the NCSP.

(4) The NCSP manager may direct a person appointed under section 66 of the Public Service Act 2020 or under subsection (2) in relation to the performance of that person's functions, and that person must comply with the NCSP manager's direction.

(5) The Director-General may direct the NCSP manager in relation to the performance of the NCSP manager's functions, and the NCSP manager must comply with the Director-General's direction.

Section 112C: inserted, on 1 July 2004, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112C(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 112C(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 112C(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 112C(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

112D Objectives of NCSP

The objectives of the NCSP are to—

(a) promote high quality cervical screening, assessment, and treatment services, while recognising and managing the differences between the various types of cervical cancer, with a view to reducing the incidence and mortality rate of cervical cancer; and

(b) inform women and the community of the risks, benefits, and expected population health gains from participation in the NCSP; and

(c) promote the regular recall of women who are enrolled in the NCSP for screening tests; and

(d) facilitate continuous quality improvement by allowing and performing regular evaluations of the NCSP; and

(e) ensure that information that is collected for the purposes of the NCSP is—

(i) available, in a reliable, accurate, and timely manner, to persons authorised under this Part, or any other enactment, to have access to it; and

(ii) safely stored, including on the NCSP register; and

(f) provide information to women about the quality and effectiveness of the NCSP including, if it is appropriate, information based on the results of evaluations.

Section 112D: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112E Enrolment in NCSP

(1) The NCSP manager must enrol in the NCSP every woman who—

(a) has a screening test, the result of which is reported to the NCSP; or

(b) undergoes a colposcopic procedure, the result of which is reported to the NCSP.

(2) The NCSP manager may, at his or her discretion, enrol in the NCSP a woman who undergoes a surgical procedure during which a histological specimen is taken that includes a cervical component if the results of an analysis of that specimen are reported to the NCSP.

(3) Subsections (1) and (2) do not apply if the woman to whom the results relate—

(a) is already enrolled in the NCSP; or

(b) has cancelled her enrolment in the NCSP; or

(c) has notified the NCSP manager, under section 112G(2), that she does not wish to be enrolled in the NCSP.

Section 112E: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112F Duties of NCSP manager that relate to enrolled women

(1) As soon as practicable after enrolling a woman in the NCSP, the NCSP manager must—

(a) notify the woman that she has been enrolled in the NCSP; and

(b) provide information to the woman about—

(i) the importance of having regular screening tests; and

(ii) the risks and benefits of participation in the NCSP; and

(iii) who has access to information on the NCSP register, and the uses to which that information may be put; and

(iv) the objectives of the NCSP, including that of continuous quality improvement through evaluation; and

(v) the possible use by screening programme evaluators of evaluation material relevant to the woman for the purpose of evaluations of the NCSP; and

(c) advise the woman that she may cancel her enrolment by advising the NCSP manager under section 112G(1).

(2) The NCSP manager must record on the NCSP register every result that is reported to the NCSP manager from a screening test, or from a diagnostic test, if that result relates to a woman who is enrolled in the NCSP.

Section 112F: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112G Procedure to prevent or cancel enrolment in NCSP

(1) A woman who is enrolled in the NCSP may, at any time, cancel that enrolment by advising the NCSP manager in the manner and form specified by the NCSP manager.

(2) A woman who is not enrolled in the NCSP, and who does not wish to be enrolled, may, at any time, notify the NCSP that she does not wish to be enrolled.

(3) A notification under subsection (2) must—

(a) be in the manner and form specified by the NCSP manager; and

(b) include information that will enable the NCSP manager, in the future, to identify the woman as a woman who must not be enrolled in the NCSP (which information may be kept on the NCSP register and used by the NCSP manager for that purpose).

Section 112G: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112H Duties of NCSP manager when women cancel enrolment in NCSP

(1) If a woman cancels her enrolment in the NCSP under section 112G(1), or notifies the NCSP manager that she does not wish to be enrolled under section 112G(2), the NCSP manager must—

(a) send a notice to the woman confirming that her enrolment in the NCSP has been cancelled or, as the case requires, that she will not be enrolled; and

(b) delete any information that relates to that woman from the current NCSP register; and

(c) dispose of any information that is held by the NCSP manager in hard copy format and that relates to that woman by either—

(i) returning it to her; or

(ii) destroying it (if she requests that it be destroyed); and

(d) while that woman is not enrolled in the NCSP,—

(i) ensure that no information that is provided to the NCSP and that relates to that woman is included on the NCSP register; and

(ii) return or destroy any information that is provided to the NCSP and that relates to that woman.

(2) Subsection (1) does not apply to information that the NCSP manager determines it is necessary to keep for the purpose of identifying the woman as a woman whose results must not be entered on the NCSP register, such as, for example, her name, address, date of birth, and national health index number, but the information that is retained must be no more than is required for that purpose.

(3) Despite subsection (1)(c), the NCSP manager may retain information that relates to a woman who cancels her enrolment in the NCSP if that information—

(a) is in hard copy format; and

(b) was received before the date of commencement of this section.

(4) To avoid any doubt, subsection (1) overrides the Health (Retention of Health Information) Regulations 1996 (SR 1996/343).

Section 112H: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112I Procedure to re-enrol in NCSP

(1) A woman who has cancelled her enrolment in the NCSP may re-enrol, at any time, by advising the NCSP manager in the manner and form specified by the NCSP manager.

(2) A woman who has notified the NCSP manager, under section 112G(2), that she does not wish to be enrolled in the NCSP may cancel that notification and enrol in the NCSP, at any time, by advising the NCSP manager in the manner and form specified by the NCSP manager.

Section 112I: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112J Restriction on access to, and use, retention, and disclosure of, NCSP information

(1) No person may access, use, retain, or disclose NCSP information if that information identifies a woman, except as provided by this section.

(2) The following persons may access register information by directly accessing the NCSP register:

(a) a health practitioner engaged by or on behalf of a woman to provide cervical screening services to that woman, for the purpose of providing cervical screening services in relation to that woman:

(b) a health practitioner engaged to provide cervical screening services in relation to the woman by or on behalf of a health practitioner referred to in paragraph (a), for the purpose of providing cervical screening services in relation to that woman:

(c) administrative support staff engaged by a health practitioner referred to in paragraph (a) or (b) who access the information at the direction of the health practitioner, for the purpose of providing cervical screening services in relation to that woman:

(d) Health New Zealand NCSP team staff performing the functions of NCSP register administrators and any other person or class of persons authorised for that purpose by the NCSP manager, for the purpose of supporting the operation of the NCSP:

(e) a person engaged by the Ministry of Health or Health New Zealand, and any other person or class of persons authorised for that purpose by the NCSP manager, for the purpose of providing support services to women experiencing barriers to accessing cervical screening services:

(f) a person authorised by the NCSP manager, for the purpose of providing information to any person authorised to receive it under subsection (3) or (4).

(3) Register information may be disclosed by a person referred to in subsection (2)(f), to—

(a) a person authorised to access the NCSP register under subsection (2), for the authorised purpose; or

(b) a person engaged by the Ministry of Health or Health New Zealand, and any other person or class of persons authorised for that purpose by the NCSP manager, for the purpose of enabling results from a screening test or a diagnostic test to be followed up; or

(c) a person engaged by the Ministry of Health or Health New Zealand, and any other person or class of persons authorised for that purpose by the NCSP manager, for the purpose of enabling notices related to the NCSP to be sent to women who are enrolled in the NCSP, including reminder notices to women who are due for another screening test.

(4) NCSP information may be accessed and disclosed by a person authorised for that purpose by the NCSP manager, if the disclosure is—

(a) to a screening programme evaluator under section 112X(2)(a); or

(b) to a review committee, in accordance with a request from that committee under section 112Q(1); or

(c) for the purpose of research, in accordance with regulations made under section 112ZF(1)(a); or

(d) for the purpose of enabling the compilation and publication of statistics that do not enable the identification of the women to whom those statistics relate, unless the disclosure is prohibited by any regulations made under section 112ZF(1)(b).

(5) Any person who accesses or receives information in accordance with subsection (2), (3), or (4) may use and retain the information for the purpose of that subsection and any directly related purpose.

Section 112J: replaced, on 29 June 2021, by section 6 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112J(2)(d): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 112J(2)(e): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 112J(3)(b): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 112J(3)(c): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

112JA Further provisions relating to NCSP information

(1) Nothing in section 112J prevents any person from accessing, using, retaining, or disclosing NCSP information about a particular woman with the consent of that woman or her personal representative.

(2) Nothing in section 112J prevents any person from accessing, using, retaining, or disclosing NCSP information in accordance with this Part (*see*, for example, sections 112Q, 112X, 112Y, and 112ZE).

(3) Access to the NCSP register is subject to any conditions and procedures that the NCSP manager thinks necessary to impose or establish for the purpose of ensuring privacy and security of the material or information.

(4) No person may amend the information stored on the NCSP register unless authorised for that purpose by the NCSP manager.

Section 112JA: inserted, on 29 June 2021, by section 6 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

112K Delegation of functions and powers

(1) The Director-General may, in writing, delegate to the NCSP manager any of his or her functions or powers under sections 112M(2)(b) and (c), 112N(2)(b) and (c), 112ZB(2), 112ZC(2), and 112ZD(2), on any conditions that the Director-General thinks fit.

(2) The NCSP manager may, in writing, delegate to any person any of his or her functions or powers under this Part, on any conditions that the NCSP manager thinks fit, except—

(a) any power or function delegated to the NCSP manager by the Director-General; and

(b) this power of delegation.

(3) Subject to any general or special directions given or conditions attached by the NCSP manager or the Director-General, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him or her directly under this Part and not by delegation.

(4) Any delegation under subsection (2) may be made to a specified person or to the holder or holders for the time being of a specified office or specified class of offices.

(5) Every person who purports to act under a delegation under this section is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.

(6) A delegation under this section—

(a) is revocable, in writing, at will; and

(b) continues in force until it is revoked, even if the NCSP manager or Director-General by whom it was made ceases to hold office, and continues to have effect as if made by his or her successor in that office.

(7) A delegation under this section does not affect or prevent the performance or exercise of any function or power by the delegator, and does not affect the responsibility of the delegator for the actions of any person acting under that delegation.

(8) Subsection (1) does not limit the Director-General's power to delegate any of his or her functions under this Part in accordance with clauses 2 and 3 of Schedule 6 of the Public Service Act 2020.

Section 112K: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112K(8): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Duties to provide information to women and to NCSP

Heading: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112L Duties of persons taking specimens for screening tests

(1) Every person who takes a specimen from a woman for the purpose of a screening test, and who believes that it is that woman's first screening test in New Zealand, must—

(a) explain the procedure and provide information about the importance of having regular screening tests, the objectives of the NCSP, the risks and benefits of participation in the NCSP, who has access to information on the NCSP register, and the uses to which that information may be put; and

(b) advise the woman that she will be enrolled in the NCSP, but that she may prevent or cancel that enrolment by advising the NCSP manager under section 112G.

(2) Every person who takes a specimen from a woman for the purpose of a screening test, and who believes that it is not that woman's first screening test in New Zealand, must provide that woman with information about the procedure and about the NCSP to the extent that is reasonable in the circumstances.

(3) Subsections (1) and (2) do not limit any other obligation to provide information that arises under any other enactment or rule of law.

Section 112L: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112M Duty of persons performing colposcopic procedure

(1) Every person who performs a colposcopic procedure on a woman must—

(a) explain the procedure to the woman; and

(b) provide information, to the extent that is reasonable in the circumstances, about the objectives of the NCSP and the NCSP register, the importance of having regular screening tests, who has access to information on the NCSP register, and the uses to which that information may be put; and

(c) if he or she believes that the woman is not enrolled in the NCSP, advise her that she will be enrolled but that she may prevent or cancel that enrolment by notifying the NCSP manager under section 112G; and

(d) cause a report in relation to that colposcopic procedure to be forwarded to the NCSP manager.

(2) A report under subsection (1)(d) must—

(a) be provided free of charge; and

(b) contain the information specified by the Director-General; and

(c) be provided in the manner and form specified by the Director-General.

Section 112M: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112N Duty of laboratories where specimens are analysed

(1) The person in charge of a laboratory where a specimen is analysed must cause a report in relation to that specimen to be forwarded to the NCSP manager if—

(a) the specimen was obtained for the purpose of a screening test; or

(b) the specimen was obtained for the purpose of a diagnostic test; or

(c) the specimen—

(i) was obtained during a surgical procedure; and

(ii) includes a cervical component.

(2) A report under subsection (1) must—

(a) be provided free of charge; and

(b) contain the information specified by the Director-General; and

(c) be provided in the manner and form specified by the Director-General.

Section 112N: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Review of NCSP and duty of Director-General to report

Heading: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112O Establishment of NCSP review committee

(1) The Minister may from time to time, and must at least once every 3 years, establish a review committee of up to 3 persons to review—

(a) the operation of the NCSP; and

(b) evaluation activities of the kind described in section 112T that have been carried out or are proposed to be carried out.

(2) The focus of a review committee must be the continuous quality improvement of components of the NCSP, with a view to reducing the incidence and mortality rates of cervical cancer.

(3) No person appointed to a review committee may be—

(a) a member of Parliament; or

(b) an officer or employee of the Ministry of Health; or

(c) a person who is, or has been, designated under section 112U as a screening programme evaluator; or

(d) a person who would have a material conflict of interest if appointed.

(4) In order to facilitate the review being carried out in a timely and efficient manner, the Minister must appoint persons who collectively have an appropriate balance of skills and knowledge, including knowledge of cervical screening.

(5) The Minister may appoint persons to the review committee—

(a) on terms and conditions as to remuneration and other benefits that are in accordance with the appropriate fees framework determined by the Government for statutory and other bodies; and

(b) on any other terms and conditions that the Minister considers appropriate.

Section 112O: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112P Work of review committee

(1) Before beginning its review, the review committee must prepare a review plan.

(2) In preparing its review plan, the review committee must—

(a) ensure that the plan—

(i) applies the focus referred to in section 112O(2); and

(ii) takes into account the need for timeliness in the completion of the review; and

(b) consult with interested parties about any significant issues that may warrant review, in relation to the operation of the NCSP or evaluation activities that have been, or are proposed to be, carried out; and

(c) following that consultation, determine—

(i) which issues are to be reviewed; and

(ii) the expected date of completion of the review; and

(d) provide the review plan to the Minister for comment, and fully take into account any comments made by the Minister before finalising that plan.

(3) After finalising the review plan, the review committee must conduct the review in accordance with that plan.

(4) When making any recommendations resulting from its review, the review committee must take into account—

(a) the objectives of the NCSP; and

(b) the need for fiscal responsibility.

(5) The review committee may, subject to any written direction by the Minister, regulate its own procedure.

Section 112P: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112Q Review committee's access to information

(1) For the purposes of carrying out its review, a review committee may request any information held by the NCSP that is directly relevant to the subject matter of its review.

(2) The NCSP manager must provide to a review committee any information held by the NCSP that is requested by that review committee under subsection (1).

(3) To avoid doubt, the confidentiality obligations set out in section 112J apply to members of a review committee.

Section 112Q: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112R Report by review committee

(1) The review committee must—

(a) set out in a report—

(i) the details of its review; and

(ii) the conclusions it has reached; and

(iii) the recommendations (if any) it makes as a result of that review; and

(b) submit that report to the Minister as soon as reasonably practicable after it is completed.

(2) The Minister must present the report to the House of Representatives not later than 10 sitting days after the date on which the Minister receives the report from the committee, and, following that presentation, must make the report publicly available.

Section 112R: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112S Duty of Director-General to report

The Director-General must, from time to time, provide information to the public on the quality and effectiveness of the NCSP including, if it is appropriate, information based on the results of evaluations.

Section 112S: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Screening programme evaluators

Heading: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112T Meaning of evaluate

(1) For the purposes of this Part, **evaluate** means to monitor and assess the service delivery and outcomes of the NCSP so as to promote the fulfilment of its objectives by determining whether there are any systemic issues to address within the programme or quality improvements that may be made to it.

(2) An evaluation may, from time to time, include a review of, and an investigation into, the cases of—

(a) any woman who is enrolled in the NCSP (whether or not she has developed any cervical cancer); and

(b) any woman who has developed any cervical cancer (whether or not she is enrolled in the NCSP); and

(c) any deceased persons to whom paragraph (a) or paragraph (b) applied at the time of death.

Section 112T: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112U Director-General may designate screening programme evaluators

(1) The Director-General may, at any time and entirely at his or her discretion, designate 1 or more persons as screening programme evaluators on whatever terms and conditions the Director-General considers appropriate.

(2) The Director-General must specify the particular evaluation functions to be performed by each person whom he or she designates as a screening programme evaluator.

(3) The Director-General may limit the type of information that a person who is designated as a screening programme evaluator may have access to under this Part in accordance with the evaluation functions to be performed by that person.

Section 112U: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112V Criteria for designating employees of Ministry

Despite section 112U, the Director-General must not designate a person who is an employee of the Ministry as a screening programme evaluator unless the Director-General is satisfied that—

(a) the person has the technical competence to undertake the functions of a screening programme evaluator; and

(b) the Ministry and the person will appropriately manage any conflicts of interest that arise.

Section 112V: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112W Criteria for designating persons who are not Ministry employees

Despite section 112U, the Director-General must not designate a person who is not an employee of the Ministry as a screening programme evaluator unless the Director-General is satisfied that the person—

(a) has, or employs persons who have, the technical competence to undertake the functions of a screening programme evaluator; and

(b) has in place effective arrangements to avoid or manage any conflicts of interest that may arise; and

(c) will administer those arrangements properly and competently and in compliance with any conditions on which the designation is given; and

(d) will comply with the obligations on that person under this Part.

Section 112W: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112X Power of screening programme evaluators to access specimens and health information

(1) For the purposes of this section, section 112ZB, section 112ZC, and section 112ZD, a **relevant woman** is—

(a) a woman who is enrolled in the NCSP; or

(b) a woman who is not enrolled in the NCSP but who has developed any cervical cancer; or

(c) a deceased woman to whom paragraph (a) or paragraph (b) applied at the time of her death.

(2) Except to the extent that regulations have been made under section 112ZF(1)(c) or (d) limiting access to certain information, or that the Director-General has limited a screening programme evaluator's access to certain information under section 112U(3), a screening programme evaluator has full access to—

(a) all information held by the persons operating the NCSP; and

(b) all information on the cancer registry that relates to a relevant woman; and

(c) all health information and all specimens that relate to a relevant woman and that are held by, or are otherwise under the power and control of, any—

(i) health practitioner; or

(ii) laboratory; or

(iii) hospital.

(3) A screening programme evaluator may—

(a) take copies of all information and records to which he or she has access; and

(b) take any specimen to which he or she has access, or take a part of that specimen.

(4) A screening programme evaluator may only access or copy information and specimens under subsection (2) or (3) for the purpose of performing, and to the extent necessary to perform, that person's functions as a screening programme evaluator.

(5) Subsection (4) is subject to section 112ZE.

(6) When a screening programme evaluator accesses health information under subsection (2)(c)(i) that is held by, or otherwise in the power or control of, a health practitioner, that health practitioner may oversee that access.

(7) To avoid doubt, subsection (2) does not affect the Health (Cervical Screening (Kaitiaki)) Regulations 1995 (SR 1995/29).

Section 112X: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112Y Duties of screening programme evaluators

(1) No screening programme evaluator may use or disclose any evaluation material for a purpose other than performing that person's functions as a screening programme evaluator.

(2) Despite subsection (1), a screening programme evaluator may—

(a) disclose evaluation material to a person who is assisting the screening programme evaluator to perform the screening programme evaluator's functions, and who requires the material for that purpose; and

(b) use and disclose evaluation material for the purpose of referring a concern about the competence of a health practitioner to the authority responsible for the registration of practitioners of the profession that the person concerned practises, if the screening programme evaluator has first obtained the consent of the Director-General to use and disclose the material for that purpose; and

(c) disclose evaluation material to the Accident Compensation Corporation or the Health and Disability Commissioner for the purpose of assisting

an investigation into concerns about the competence of a health practitioner; and

(d) use and disclose evaluation material for the purpose of advising the NCSP manager that, in the screening programme evaluator's opinion, a particular person who is enrolled in the NCSP may benefit from follow-up action; and

(e) use evaluation material to prepare academic papers or articles for publication in accordance with section 112ZA.

(3) Every screening programme evaluator must—

(a) take appropriate measures to safeguard all evaluation material from use or disclosure for a purpose other than a purpose that is specified in subsection (1) or subsection (2); and

(b) report to the Director-General any cases where evaluation material has been used or disclosed for an unauthorised purpose; and

(c) return all evaluation material that was provided in hard copy or electronic form to the supplier of that material as soon as it is no longer required for the purpose for which it was obtained, and destroy all copies of that material; and

(d) take appropriate measures to keep all specimens in a secure environment that will preserve their physical integrity, and return them to the person who supplied them as soon as they are no longer required for the purpose for which they were obtained; and

(e) advise each person to whom the screening programme evaluator discloses evaluation material under subsection (2)(a) of the duties of the screening programme evaluator in relation to that information, and of the duties of that person under section 112Z.

(4) Every screening programme evaluator who is not an employee of the Ministry must—

(a) provide to the Director-General, as soon as practicable after completing an evaluation of a screening programme, a written report containing the results of that evaluation; and

(b) provide to the Director-General, as soon as practicable after being requested by the Director-General to do so, a statutory declaration as to whether or not the requirements of subsection (3)(a) to (c) have been complied with, and, if not, to what extent they have not been complied with.

(5) Subsections (1) and (3)(a) and (c) are subject to section 112ZE.

Section 112Y: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112Z Duties of persons to whom evaluation material is supplied by screening programme evaluator

(1) Every person to whom evaluation material is supplied by a screening programme evaluator, under section 112Y(2)(a), must—

(a) use that material only for the purpose for which it was supplied; and

(b) take appropriate measures to safeguard that material from disclosure to any other person; and

(c) return all evaluation material that was provided in hard copy or electronic form to the screening programme evaluator as soon as it is no longer required for the purpose for which it was supplied, and destroy all copies of it; and

(d) take appropriate measures to keep all specimens in a secure environment that will preserve their physical integrity, and return them to the screening programme evaluator as soon as they are no longer required for the purpose for which they were supplied.

(2) Subsection (1) is subject to section 112ZE.

Section 112Z: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZA Screening programme evaluator may publish non-identifiable information obtained during evaluation

(1) Despite section 112Y(1), a screening programme evaluator may publish academic papers or articles that are wholly or partly based on evaluation material obtained by the screening programme evaluator during an evaluation if—

(a) the paper or article does not contain information that could identify any individual person, without that person's consent; and

(b) the NCSP manager consents to the publication of the paper or article and to the timing of that publication; and

(c) the publication of the paper or article is in accordance with any regulations made under section 112ZF(1)(f).

(2) The NCSP manager may not withhold consent under subsection (1)(b) unless he or she believes, on reasonable grounds, that the publication of the paper or article, or the proposed timing of that publication, poses a serious risk to the effective operation of the NCSP.

Section 112ZA: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Duties to provide information to screening programme evaluators

Heading: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZB Duty of health practitioners

(1) Every health practitioner must make available, free of charge, to a screening programme evaluator, for the purpose of enabling that screening programme evaluator to perform the screening programme evaluator's functions, any health information and specimens that relate to a relevant woman.

(2) The Director-General may specify, by notice in writing to the health practitioner, the manner and form in which health information or specimens that are required to be made available under subsection (1) must be made available, and that information or those specimens must be made available in that manner and form.

Section 112ZB: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZC Duty of persons who hold specimens

(1) The person in charge of a laboratory or other premises where specimens are held must make available, free of charge, to a screening programme evaluator, for the purpose of enabling that screening programme evaluator to perform the screening programme evaluator's functions, any health information and specimens that relate to a relevant woman.

(2) The Director-General may specify, by notice in writing to the person in charge of the laboratory or other premises, the manner and form in which health information or a specimen that is required to be provided under subsection (1) must be provided, and that information or that specimen must be provided in that manner and form.

Section 112ZC: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZD Duty of hospitals

(1) The person in charge of a hospital must make available, free of charge, to a screening programme evaluator, for the purpose of enabling that screening programme evaluator to perform the screening programme evaluator's functions, any health information and specimens that relate to a relevant woman.

(2) The Director-General may specify, by notice in writing to the person in charge of the hospital, the manner and form in which health information or a specimen that is required to be provided under subsection (1) must be provided, and that information or that specimen must be provided in that manner and form.

Section 112ZD: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Miscellaneous

Heading: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZE Screening programme employees may retain, access, use, and disclose information to perform functions

(1) Nothing in this Part prevents any employee of the NCSP from retaining, accessing, using, and disclosing any information to the extent necessary to perform his or her functions as an employee of that programme, including—

(a) information that is held by or accessible to the persons operating the NCSP; and

(b) information and evaluation material obtained by that employee for the purposes of performing an evaluation (including information obtained in his or her capacity as a screening programme evaluator or as a person assisting a screening programme evaluator); and

(c) information and evaluation material provided to the NCSP by a screening programme evaluator during or following an evaluation.

(2) For the purposes of subsection (1), a person is an employee of the NCSP if the person—

(a) is appointed to operate that programme, or to perform particular functions in relation to the operation of that programme, by the Director-General or the Ministry; or

(b) is employed to work in that programme by the Ministry or by the persons appointed to operate the programme.

(3) Despite subsection (1), an employee of the NCSP must obtain any necessary approval under the regulations before—

(a) disclosing any identifiable protected information to a person who is not an employee of the NCSP performing functions as an employee of the NCSP; or

(b) using non-identifiable protected information for the purpose of disclosing it to a person who is not an employee of the NCSP performing functions as an employee of the NCSP.

(4) The actions that an employee of the NCSP may take without obtaining prior approval under the regulations include (without limitation)—

(a) accessing or using protected information on or from the NCSP register for the purposes of performing, and to the extent necessary to perform, their functions as an employee of the NCSP if that access or use does not involve the publication of protected information (for example, routine internal data analyses, data modelling, and data quality checking):

(b) administering automatic electronic uploads, updates, or back-ups with or between NCSP information management systems:

(c) administering updates of information to—

(i) any electronic application in existence at the commencement of this subsection that is operated by the NCSP; or

(ii) any electronic application approved by the National Kaitiaki Group:

(d) using, disclosing, or publishing non-identifiable protected information that is—

(i) publicly available; or

(ii) provided through any electronic application referred to in paragraph (c).

(5) In subsections (3) and (4),—

identifiable protected information means information that—

(a) is on or from the NCSP register; and

(b) enables the identification of the individual or individuals to whom the information relates; and

(c) identifies the individual or individuals as being Māori

National Kaitiaki Group means the group established under regulation 6 of the regulations

non-identifiable protected information means information that—

(a) is on or from the NCSP register; and

(b) identifies the individual or individuals to whom the information relates as being Māori; but

(c) does not enable the identification of the individual or individuals

regulations means the Health (Cervical Screening (Kaitiaki)) Regulations 1995.

(6) Subsection (3) is subject to section 22H (which authorises the disclosure of anonymous health information).

Section 112ZE: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112ZE(3): inserted, on 29 June 2021, by section 7 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112ZE(4): inserted, on 29 June 2021, by section 7 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112ZE(5): inserted, on 29 June 2021, by section 7 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112ZE(6): inserted, on 29 June 2021, by section 7 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

112ZF Regulations

(1) Regulations may be made under this Part for any 1 or more of the following purposes:

(a) regulating access to information held by the NCSP by persons researching cancer:

(b) prohibiting the disclosure, under section 112J(4)(d), of information that relates to any class or classes of person specified in the regulations, including prohibiting the disclosure of that information without the approval of any person or group of persons or body or organisation specified in the regulations:

(c) imposing restrictions, in addition to those imposed by this Part, on the use, disclosure, and publication of information held by the NCSP:

(d) prohibiting the use, disclosure, and publication of information from the NCSP register, or derived from the operation of the NCSP, if the information relates to any class or classes of person specified in the regulations, including prohibiting the use, disclosure, and publication of that information without the approval of any person or group of persons or body or organisation specified in the regulations:

(e) providing for the establishment, appointment, procedures, and powers of any person or group of persons or body or organisation established to perform specific functions or to make specific decisions that relate to the NCSP or to the matters referred to in paragraphs (b) and (d):

(f) imposing restrictions on the publication by screening programme evaluators, under section 112ZA, of academic papers or articles that are wholly or partly based on evaluation material obtained for the purposes of an evaluation:

(g) prescribing standards that must be met by providers of screening, diagnostic, and treatment services relevant to the NCSP, and the means of implementing those standards:

(h) prescribing offences for a breach of—

(i) a regulation made under any of paragraphs (a) to (f):

(ii) a standard prescribed under paragraph (g), or any part of that standard:

(i) setting out defences to offences prescribed under paragraph (h):

(j) setting the maximum penalty for each offence prescribed under paragraph (h), which must not exceed the maximum penalty specified in section 136.

(2) Before making regulations under subsection (1), the Governor-General must be satisfied that appropriate consultation has been carried out, including (without limitation),—

(a) adequate and appropriate notice of the intention to make the regulations; and

(b) a reasonable opportunity for interested persons to make submissions; and

(c) adequate and appropriate consideration of any submissions received.

(3) Subsection (2) does not apply to regulations made under subsection (1)(g) that—

(a) incorporate standards by reference; or

(b) state that an amendment to, or replacement of, standards incorporated by reference has legal effect as part of the regulations.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 112ZF: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112ZF(1)(b): amended, on 29 June 2021, by section 8 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112ZF(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

112ZG Incorporation of standards by reference in regulations

(1) Regulations made under section 112ZF(1)(g) may incorporate by reference any standards prepared by or for the NCSP that apply to providers of screening, diagnostic, and treatment services (including, but not limited to, any New Zealand Standard).

(2) Standards may be incorporated by reference in regulations—

(a) in whole or in part; and

(b) with modifications, additions, or variations specified in the regulations.

(3) Standards incorporated by reference in regulations have legal effect as part of the regulations.

Section 112ZG: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZH Effect of amendments to, or replacement of, standards incorporated by reference in regulations

An amendment to, or replacement of, standards incorporated by reference in regulations (**regulations A**) has legal effect as part of regulations A only if regulations made under section 112ZF(1)(g) after the making of regulations A state that the particular amendment or replacement has that effect.

Section 112ZH: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZI Proof of standards incorporated by reference

(1) A copy of standards incorporated by reference in regulations, including any amendment to, or replacement of, the standards, (**standards**) must be—

(a) certified as a correct copy of the standards by the Director-General; and

(b) retained by the Director-General.

(2) The production in proceedings of a certified copy of the standards is, in the absence of evidence to the contrary, sufficient evidence of the incorporation in the regulations of the standards.

Section 112ZI: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZJ Effect of expiry or revocation of standards incorporated by reference

Standards incorporated by reference in regulations that expire or that are revoked or that cease to have effect cease to have legal effect as part of the regulations only if regulations made under section 112ZF(1)(g) state that the standards cease to have legal effect.

Section 112ZJ: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

112ZK Requirement to consult

(1) This section applies to regulations made under section 112ZF(1)(g) that—

(a) incorporate standards by reference; or

(b) state that an amendment to, or replacement of, standards incorporated by reference in regulations has legal effect as part of the regulations.

(2) Before regulations to which this section applies are made, the Director-General must—

(a) prepare the standards proposed to be incorporated by reference or the proposed amendment to, or replacement of, standards incorporated by reference (**proposed standards**) in consultation with persons or organisations whom the Director-General considers appropriate, including persons who are able to represent the views of health practitioners, or of classes of health practitioner, who will be directly affected by the proposed standards; and

(b) make copies of the proposed standards available for inspection during working hours for a reasonable period, free of charge, at the head office of the Ministry of Health and at any other places that the Director-General determines are appropriate; and

(c) make copies of the proposed standards available for purchase at a reasonable price; and

(d) *[Repealed]*

(e) give notice in the *Gazette* stating that—

(i) the proposed standards are available for inspection during working hours free of charge, the place or places at which they can be inspected, and the period during which they can be inspected; and

(ii) copies of the proposed standards can be purchased and the place or places at which they can be purchased; and

(iii) *[Repealed]*

(f) allow a reasonable opportunity for persons to comment on the proposal to incorporate the proposed standards by reference; and

(g) consider any comments they make.

(2A) Before regulations to which this section applies are made, the Director-General—

(a) may make copies of the proposed standards available in any other way that he or she considers appropriate in the circumstances (for example, on an Internet website); and

(b) must, if paragraph (a) applies, give notice in the *Gazette* stating that the proposed standards are available in other ways and details of where or how they can be accessed or obtained.

(3) A failure to comply with this section does not invalidate regulations that incorporate standards by reference.

Section 112ZK: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112ZK(2)(d): repealed, on 14 April 2005, by section 3(1)(a) of the Health Amendment Act 2005 (2005 No 34).

Section 112ZK(2)(e)(iii): repealed, on 14 April 2005, by section 3(1)(b) of the Health Amendment Act 2005 (2005 No 34).

Section 112ZK(2A): inserted, on 14 April 2005, by section 3(2) of the Health Amendment Act 2005 (2005 No 34).

112ZL Access to standards incorporated by reference

(1) The Director-General—

(a) must make the standards referred to in subsection (2) (**standards**) available for inspection during working hours free of charge at the head

office of the Ministry of Health and at any other places that the Director-General determines are appropriate; and

(b) must make copies of the standards available for purchase at a reasonable price; and

(c) may make copies of the standards available in any other way that the Director-General considers appropriate in the circumstances (for example, on an Internet website); and

(d) must give notice in the *Gazette* stating that—

(i) the standards are incorporated in the regulations and the date on which the regulations were made; and

(ii) the standards are available for inspection during working hours, free of charge, and the location of the place or places at which they can be inspected; and

(iii) copies of the standards can be purchased and the location of the place or places at which they can be purchased; and

(iv) if copies of the standards are made available under paragraph (c), the standards are available in other ways and details of where or how they can be accessed or obtained.

(2) The standards are—

(a) standards incorporated by reference in regulations made under section 112ZF(1)(g):

(b) any amendment to, or replacement of, those standards that is incorporated in the regulations or the standards referred to in paragraph (a) with the amendments or replacement standards incorporated.

(3) A failure to comply with this section does not invalidate regulations that incorporate standards by reference.

Section 112ZL: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112ZL(1): replaced, on 14 April 2005, by section 4 of the Health Amendment Act 2005 (2005 No 34).

112ZM Application of Legislation Act 2019 to standards incorporated by reference

Subpart 1 of Part 3 and section 114 of the Legislation Act 2019 do not apply to standards that are incorporated by reference in regulations merely because they are incorporated.

Section 112ZM: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

112ZN Application of Regulations (Disallowance) Act 1989 to standards incorporated by reference

[Repealed]

Section 112ZN: repealed, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

112ZO Application of Standards and Accreditation Act 2015 not affected

Sections 112ZG to 112ZM do not affect the application of sections 29 to 32 of the Standards and Accreditation Act 2015.

Section 112ZO: replaced, on 1 March 2016, by section 45(1) of the Standards and Accreditation Act 2015 (2015 No 91).

112ZP Offences

(1) Every person commits an offence against this Act who, without reasonable excuse,—

(a) fails to comply with the requirements of section 112Y(3)(e) or (4)(b) or 112Z; or

(b) accesses, uses, retains, or discloses any NCSP information or evaluation material in contravention of section 112J(1) or 112Y(1); or

(c) amends any information stored on the NCSP register, without authority from the NCSP manager under section 112JA(4).

(2) Every person commits an offence against this Act who, without reasonable excuse, fails to make available any information or specimens that the person is required to make available under any of sections 112ZB, 112ZC, and 112ZD.

(3) Every person who commits an offence under subsection (2) is liable on conviction to a fine not exceeding $10,000.

Section 112ZP: inserted, on 7 March 2005, by section 4 of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 112ZP(1): replaced, on 29 June 2021, by section 9 of the Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26).

Section 112ZP(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 5
Artificial UV tanning services

Part 5: replaced, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Preliminary provision

Heading: inserted, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

113 Interpretation

In this Part, unless the context otherwise requires,—

approved evidence of age document has the same meaning as in section 5(1) of the Sale and Supply of Alcohol Act 2012

artificial UV tanning services means the provision, for payment or other consideration, of ultraviolet (**UV**) radiation via sunbeds, sunlamps, or any other device that emits UV radiation.

Section 113: replaced, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Ban on provision of services to persons under 18 years

Heading: inserted, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

114 Ban on providing artificial UV tanning services to persons under 18 years

(1) This section applies to owners and operators of premises providing artificial UV tanning services.

(2) The owner or operator must not provide artificial UV tanning services to a person under the age of 18 years.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction,—

(a) in the case of an individual, to a fine not exceeding $2,000:

(b) in the case of a body corporate, to a fine not exceeding $10,000.

(4) Subsection (2) does not apply to a person who provides artificial UV tanning services to a person under the age of 18 years at a hospital if a medical practitioner prescribed the services for the purpose of medical treatment.

(5) It is a defence to a charge under subsection (2) if the defendant proves that,—

(a) before or at the time the artificial UV tanning services were provided, there was produced to the defendant a document purporting to be an approved evidence of age document; and

(b) the defendant believed on reasonable grounds that the document—

(i) was in fact an approved evidence of age document; and

(ii) related to the person to whom the artificial UV tanning services were provided; and

(iii) indicated that the person to whom artificial UV tanning services were provided was aged 18 years or over.

Section 114: replaced, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Infringement offences

Heading: inserted, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

115 Infringement offences

In this section and sections 116 to 116B,—

infringement fee, in relation to an infringement offence, means an amount prescribed for the purposes of this section in regulations made under section 117(1)(rb)

infringement offence means an offence against section 114 or any regulations made under section 119(d) in relation to artificial UV tanning services.

Section 115: replaced, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

116 Commission of infringement offences

A person who is alleged to have committed an infringement offence may either—

(a) be proceeded against for the alleged offence by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice as provided for in section 116A.

Section 116: replaced, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

116A Infringement notices

(1) If a person authorised to issue infringement notices under this section observes a person committing an infringement offence, or he or she has reasonable cause to believe that such an offence is being or has been committed by that person, an infringement notice in respect of that offence may be served on that person.

(2) Any person authorised to issue infringement notices under this section (not necessarily the person who issued the notice) may deliver the infringement notice (or a copy of it) to the person alleged to have committed an infringement offence personally or by post addressed to that person's last known place of residence or business.

(3) An infringement notice (or a copy of it) sent to a person under subsection (2) is to be treated as having been served on that person when it was posted.

(4) Every infringement notice must be in the prescribed form and must contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee; and

(c) the address of the place at which the infringement fee may be paid; and

(d) the time within which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement that the person served with the notice has a right to request a hearing; and

(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and

(h) any other particulars that may be prescribed.

(5) If an infringement notice has been issued under this section, the procedure under section 21 of the Summary Proceedings Act 1957 may be used in respect of the offence to which the infringement notice relates and, in that case, the provisions of that section apply with the necessary modifications.

(6) For the purposes of this section, the following persons are authorised to issue infringement notices under this section:

(a) any environmental health officer:

(b) any person, whether or not an employee of the Ministry or a local authority, who is authorised in writing by the Director-General to issue infringement notices under this section.

Section 116A: inserted, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

116B Payment of infringement fees

(1) Infringement fees for infringement notices issued on behalf of the Ministry are payable to the Ministry.

(2) Infringement fees for infringement notices issued on behalf of a local authority are payable to the local authority.

Section 116B: inserted, on 4 January 2017, by section 22 of the Health (Protection) Amendment Act 2016 (2016 No 35).

Part 5A
Fluoridation of drinking water

Part 5A: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116C Purpose

The purpose of this Part is to—

(a) enable the Director-General to direct a local authority to add fluoride or not to add fluoride to drinking water supplied through its local authority supply; and

(b) require the local authority to comply with the direction.

Section 116C: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116D Interpretation

In this Part,—

drinking water—

(a) means water that is used for—

(i) human consumption; or

(ii) oral hygiene; or

(iii) preparing food, drink, or other products for human consumption; or

(iv) washing utensils that are used for eating and drinking, or for preparing, serving, or storing food or drink for human consumption; but

(b) does not include bottled water that is prepared or manufactured by a food business, and is regulated, under the Food Act 2014

local authority has the same meaning as in section 5(1) of the Local Government Act 2002

local authority supply means the infrastructure and processes that—

(a) are used by a local government organisation to abstract, store, treat, transmit, or transport drinking water for supply to consumers; and

(b) are controlled by a local authority

local government organisation means a local authority, council-controlled organisation, or subsidiary of a council-controlled organisation that provides water services.

Section 116D: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

Subpart 1—Direction relating to fluoridation of drinking water supply

Subpart 1: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116E Director-General may direct local authority to add or not to add fluoride to drinking water

(1) The Director-General may direct a local authority to add or not to add fluoride to drinking water supplied through its local authority supply.

(2) The Director-General must seek and consider advice from the Director of Public Health on the matters in subsection (3)(a) and (b)(i) before deciding whether to make a direction.

(3) Before making a direction, the Director-General must consider—

(a) scientific evidence on the effectiveness of adding fluoride to drinking water in reducing the prevalence and severity of dental decay; and

(b) whether the benefits of adding fluoride to the drinking water outweigh the financial costs, taking into account—

(i) the state or likely state of the oral health of a population group or community where the local authority supply is situated; and

(ii) the number of people who are reasonably likely to receive drinking water from the local authority supply; and

(iii) the likely financial cost and savings of adding fluoride to the drinking water, including any additional financial costs of ongoing management and monitoring.

(4) For the purpose of subsection (3)(b)(i), the Director-General may take into account any evidence that the Director-General considers relevant.

(5) As soon as practicable after making a direction, the Director-General must publish the direction and the reasons for the decision to make the direction on the Ministry of Health's Internet site.

Section 116E: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116F Contents of direction

(1) A direction must specify a date by which the local authority must comply with the direction, which must not be earlier than the date by which the Director-General considers it would be reasonably practicable for the local authority to comply.

(2) A direction to add fluoride to drinking water must specify the level at which fluoride must be added.

(3) A direction to add fluoride to drinking water may allow the local authority to supply, at 1 or more specified sites, water to which fluoride has not been added.

Section 116F: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116G Engagement with local authority

(1) Before making a direction to add fluoride to drinking water, the Director-General must invite written comments from the relevant local authority on—

(a) the estimated financial cost of adding fluoride to the drinking water, including any additional costs of ongoing management and monitoring; and

(b) the date by which the local authority would be able to comply with a direction.

(2) The Director-General must give the local authority at least 40 working days from the issuing of the invitation to provide its comments.

(3) If the local authority provides comments within the specified time, the Director-General must—

(a) have regard to the comments; and

(b) if the Director-General decides to make a direction, summarise and respond to the comments in the reasons for the decision published under section 116E(5).

Section 116G: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116H Local authority not required to consult

A local authority that receives a direction under section 116E or an invitation to comment under section 116G is not required to consult on any matter related to the direction or invitation.

Section 116H: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116I Local authority must comply with direction

(1) A local authority that receives a direction under section 116E must comply with the direction. (*See* Part 1 of Schedule 1AA for the obligations of a local authority that does not receive a direction.)

(2) If the direction requires fluoride to be added to drinking water, the local authority must take all practicable steps to ensure that the specified level of fluoride is present in the water immediately before it is available for consumption.

(3) Subsection (2) does not apply to a site specified under section 116F(3).

Section 116I: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

Subpart 2—Offences

Subpart 2: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116J Offence to contravene or permit contravention of section 116I

(1) A local authority that contravenes or permits the contravention of section 116I—

(a) commits an offence; and

(b) is liable on conviction to a fine not exceeding $200,000; and

(c) if the offence is a continuing one, is liable to a further fine not exceeding $10,000 for every day or part of a day during which the offence continues.

(2) The continued existence of any thing, or the intermittent repetition of any action, that constitutes an offence under this section is a continuing offence for the purposes of this section.

Section 116J: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116K Strict liability and defence to offence

(1) In a prosecution for an offence against section 116J, it is not necessary to prove that the defendant intended to commit the offence.

(2) It is a defence to a prosecution if the defendant proves—

(a) that the defendant did not intend to commit the offence; and

(b) that the defendant took all practicable steps to prevent the commission of the offence.

Section 116K: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116L Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period for filing a charging document in respect of an offence against section 116J ends on the date that is 3 years after the date on which the offence was committed.

Section 116L: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116M Additional penalty for certain offences for commercial gain

(1) If a person is convicted of an offence against section 116J, the court may (in addition to any penalty it may impose under that section) impose an order under subsection (2) if satisfied that the offence was committed in the course of producing a commercial gain.

(2) The court may order the person to pay an amount not exceeding—

(a) 3 times the value of any commercial gain resulting from the commission of the offence; or

(b) if the person is a body corporate, and the value of any gain cannot be readily ascertained, 10% of the turnover of the body corporate and all of its interconnected bodies corporate (if any).

(3) For the purposes of subsection (1), the value of any gain (if readily ascertainable) must be assessed by the court, and any amount ordered to be paid under subsection (2)(a) or (b) is recoverable in the same manner as a fine.

(4) In this section, **interconnected** and **turnover** have the same meanings as in section 2 of the Commerce Act 1986.

Section 116M: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

116N Liability of principal for acts of agents

(1) If an offence is committed against section 116J by any person (**person A**) acting as the agent (including any contractor) or employee of another person (**person B**), person B is, without prejudice to the liability of person A, liable under that section in the same manner and to the same extent as if they personally committed the offence.

(2) Despite subsection (1), if proceedings are brought under that subsection, it is a good defence if the defendant proves,—

(a) in the case of a natural person (including a partner in a firm), that—

(i) they did not know, and could not reasonably be expected to have known, that the offence was to be or was being committed; or

(ii) they took all practicable steps to prevent the commission of the offence; or

(b) in the case of a body corporate, that—

(i) neither the directors nor any person concerned in the management of the body corporate knew, or could reasonably be expected to have known, that the offence was to be or was being committed; or

(ii) the body corporate took all practicable steps to prevent the commission of the offence; and

(c) in all cases, that the defendant took all practicable steps to remedy any effects of the act or omission giving rise to the offence.

(3) If any body corporate is convicted of an offence against section 116J, every director and every person concerned in the management of the body corporate is also guilty of that offence if it is proved—

(a) that the act that constituted the offence took place with their authority, permission, or consent; and

(b) that they knew, or could reasonably be expected to have known, that the offence was to be or was being committed and failed to take all practicable steps to prevent or stop it.

Section 116N: inserted, on 13 December 2021, by section 5 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

Part 6
Regulations

117 Regulations as to public health

(1) The Governor-General may from time to time by Order in Council make such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act, and for all or any of the following purposes:

(a) the improvement, promotion, and protection of public health:

(b) the inspection, cleansing, purifying, disinfection, fumigation, and isolation of ships, aircraft, houses, buildings, yards, conveyances, drains, sewers, and things:

(c) the destruction of insanitary things:

(d) the vaccination of persons for the prevention of quarantinable diseases and other diseases, and the adoption of any other measures for the prevention and mitigation of disease:

(da) the management of persons with, or suspected of having, infectious diseases, including persons subject to an urgent public health order or a court order under Part 3A, and their contacts:

(e) the provision of medical aid, transport, accommodation, and curative treatment for the sick:

(f) the transportation and disposal of the dead:

(g) the isolation, disinfection, and treatment of persons suffering from any infectious disease:

(h) the isolation or medical observation and surveillance of persons suspected to be suffering from any infectious disease, of persons in charge of or in attendance on persons suffering from any infectious disease, and of other persons who may have been exposed to the infection of any infectious disease:

(ha) the identification of, and communication with, contacts of persons with, or suspected of having, infectious diseases:

(i) the prevention of the spread of any infectious disease by persons who are contacts or carriers within the meaning of this Act, and the keeping of such persons under medical surveillance, and the restriction of the movements and the preventive treatment of such persons:

(j) with respect to any infectious disease, prescribing the period which shall be deemed to be the period of incubation of that disease for the purposes of this Act:

(k) the clinical, chemical, bacteriological, and other examinations and investigations necessary to determine whether any person is suffering from disease or is a carrier of any infectious disease, and whether any person who has been suffering from any infectious disease has ceased to be likely to convey infection:

(l) the closing of schools or the regulation or restriction of school attendance to prevent or restrict the spread of any infectious disease:

(m) prescribing the duties of parents or guardians of children who are suffering from, or have recently suffered from or been exposed to the infection of, any infectious disease, and the duties of persons in charge of schools in respect of any such children:

(n) prescribing the accommodation to be provided in connection with boarding schools, orphanages, or other like institutions for the reception of persons in attendance thereat or resident therein who may be suffering from any infectious disease or who may be contacts within the meaning of this Act:

(o) the regulation or restriction of the attendance of the public, or of any section of the public, at any place of public recreation or amusement or concourse, or the closing of any such places for admission to the public:

(p) the regulation, restriction, or prohibition of the convening, holding, or attending of any public gatherings:

(q) the regulation or restriction of traffic and the movements of persons within or from any area in which an infectious disease is prevalent:

(r) prescribing the form and content of the notifications with respect to disease by medical practitioners and other persons, and prescribing the fees payable to medical practitioners, veterinary surgeons, or persons in charge of laboratories in respect of such notifications:

(ra) prescribing identifying information for the purpose of section 74(3C)(b):

(rb) prescribing, for the purposes of section 115, the infringement fee or infringement fees payable in respect of an infringement offence, which,—

(i) in the case of an individual, may not exceed $1,000:

(ii) in the case of a body corporate, may not exceed $5,000:

(rc) prescribing, for the purposes of section 116A (and for the purposes of the procedure in section 21 of the Summary Proceedings Act 1957 as modified and applied by section 116A), the form of infringement notices and reminder notices for infringement offences, and any other particulars to be contained in infringement notices and reminder notices:

(s) the prohibition or regulation of the importation into New Zealand of any animal or thing likely to introduce or disseminate disease:

(t) the destruction of rats, mice, and other vermin, whether on land or on board any ship or any aircraft, the abolition or prevention of conditions favourable to vermin, and the prevention of the migration of rats and mice from ships and aircraft:

(u) securing and maintaining the cleanliness and efficient sanitation of ships and aircraft, and preventing danger to health from overcrowding on any ship within any harbour in New Zealand, and preventing the pollution of the waters of any harbour with offensive matter from any ship:

(v) the prevention of the pollution, so as to be injurious to health, of any river, stream, watercourse, or lake, whether used as a source of water supply or not:

(w) the protection of food from the infection of any communicable disease on any premises used for the manufacture, preparation, packing, storage or handling of any article of food for sale, and the prohibition or restriction of the handling, by persons suffering from any communicable disease, of any article of food intended for sale:

(x) the organisation of local committees to assist in giving effect to the provisions of this Act in the event of epidemics of disease, and defining the powers of such committees:

(y) prescribing or providing for the fixing of reasonable fees to be paid in respect of registration or in respect of the inspection of premises expressly exempted from registration or in respect of any rights or privileges conferred by this Act or by any regulations under this Act, or in respect of any certificates or documents required thereunder, and the persons or authorities entitled to claim and receive any such fees:

(z) prescribing offences in respect of the contravention of or non-compliance with any regulation made under this Act or any requirement or direction made or given pursuant to any such regulation.

(1A) Without limiting anything in paragraph (i) of subsection (1), regulations may be made under that paragraph for all or any of the following purposes:

(a) regulating the importation, sale, exchange, supply, use, and disposal of needles and syringes, whether new or used:

(b) empowering or requiring the Director-General to approve kinds of needles and syringes, and the packaging and labelling of needles and syringes, for importation into, or sale, exchange, or supply in New Zealand, and prohibiting the importation, sale, exchange, or supply of needles and syringes of any other kind or packaged or labelled in any other manner:

(c) empowering the Director-General to fix any fee or cost to be charged for the sale, exchange, or supply of any needle or syringe (whether or not including the cost of packaging).

(2) The Governor-General may from time to time by Order in Council make regulations for any matter affecting public health in respect of which any local authority is empowered by this or any other Act to make bylaws.

(3) Where any local authority fails to make bylaws for any such matter as aforesaid, or, having made such bylaws, fails to enforce them effectively, and the Governor-General makes regulations in respect of that matter pursuant to the authority conferred by subsection (2), such portion of the cost of the administration of those regulations as the Director-General deems just and equitable shall be chargeable to the local authority, and may be recovered as a debt due to the Crown or may be deducted from any money payable to the local authority by the Crown.

(4) Nothing in any provision of this Part shall be construed to limit the generality of any other provision of this Part.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(6) If regulations referred to in subsection (1A)(c) empower the Director-General to fix fees or costs,—

(a) the instrument fixing the fees or costs is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) the regulations must contain a statement to that effect.

Compare: 1920 No 45 s 132(1)(a)–(t), (z), (ac)–(ae), (2), (3); 1940 No 17 s 15(1)(c), (2)

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (6)(a)		
Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (5)	LA19 ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 117(1)(a): replaced, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 117(1)(c): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 117(1)(da): inserted, on 4 January 2017, by section 12(1) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 117(1)(ha): inserted, on 4 January 2017, by section 12(2) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 117(1)(r): amended, on 4 January 2017, by section 12(3) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 117(1)(r): amended, on 3 November 1964, by section 7(a) of the Health Amendment Act 1964 (1964 No 34).

Section 117(1)(ra): inserted, on 4 January 2017, by section 12(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 117(1)(rb): inserted, on 4 January 2017, by section 12(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 117(1)(rc): inserted, on 4 January 2017, by section 12(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Section 117(1)(w): amended, on 3 November 1964, by section 7(b) of the Health Amendment Act 1964 (1964 No 34).

Section 117(1)(y): amended, on 20 October 1972, by section 3 of the Health Amendment Act 1972 (1972 No 65).

Section 117(1)(y): amended, on 3 November 1964, by section 7(c) of the Health Amendment Act 1964 (1964 No 34).

Section 117(1A): inserted, on 13 January 1988, by section 2 of the Health Amendment Act (No 2) 1987 (1987 No 194).

Section 117(2): amended, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

Section 117(3): amended, on 1 July 1993, by section 31 of the Health Amendment Act 1993 (1993 No 24).

Section 117(3): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 117(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 117(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 117(6): amended, on 28 October 2021, by regulation 75(1) of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Section 117(6)(a): amended, on 28 October 2021, by regulation 75(2) of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

118 Regulations as to quarantine

Regulations made under this Act may provide for all or any of the following matters:

(a) the procedure to be adopted in the inspection of ships or aircraft arriving in New Zealand and in the examination of persons on such ships or arriving by such aircraft; the conditions subject to which pratique may be granted; and generally the performance of quarantine:

(b) the measures of disinfection, including the disinfection of any things, to be adopted in respect of any ship or aircraft on which any infectious disease exists or is reported to exist:

(c) the isolation and treatment of persons arriving in New Zealand who are or are suspected to be suffering from any quarantinable disease or who have or are suspected to have been exposed to the infection of a quarantinable disease or who are otherwise liable to quarantine under section 97:

(cc) the payment by any person who has been isolated pursuant to regulations made under this section of the reasonable cost of his treatment and maintenance while in isolation, and the exemption of any person, in whole or in part, from liability to make such payment:

(d) the release of persons from quarantine, either unconditionally or subject to conditions as to medical surveillance or otherwise:

(e) the exemption of ships, aircraft, persons, or things of any specified classes, or in any specified circumstances or classes of circumstances, from the operation of any of the provisions of Part 4 or of any regulations under this Act, either wholly or in part or subject to conditions:

(f) the powers, functions, and duties of medical officers of health and other officers in respect of quarantine or of any of the aforesaid matters.

Compare: 1920 No 45 s 132(1)(u)–(w); 1940 No 17 s 11(5)

Section 118(c): replaced, on 3 November 1964, by section 8 of the Health Amendment Act 1964 (1964 No 34).

Section 118(cc): inserted, on 3 November 1964, by section 8 of the Health Amendment Act 1964 (1964 No 34).

Section 118(f): amended, on 1 April 1983, by section 4(2) of the Health Amendment Act 1982 (1982 No 34).

119 Regulations as to noxious substances and gases and dangerous goods

Regulations made under this Act may provide for all or any of the following matters:

(a) the regulation of the handling, storage, and disposal of noxious substances or of goods that are or may become injurious to health or dangerous; the precautions to be taken in respect thereof, and the protective clothing to be provided for and used by persons or classes of persons engaged therein; the modification or limitation of the hours of employment, and the medical examination, of any such persons as aforesaid; and the prohibition or restriction of the employment of young persons therein:

(b) the prohibition or restriction of the sale, for domestic use, of any apparatus or equipment that is or may be injurious to health or dangerous, or that involves the use of any poisonous or noxious substance in such a manner as to be likely to cause injury to health or danger:

(c) *[Repealed]*

(d) the prohibition, restriction, or regulation, of the use, sale, or supply of any apparatus or equipment which may emit electromagnetic radiation

(other than X-rays or gamma rays), and the licensing or registration of persons, premises, or things in relation to any such use, sale, or supply.

Compare: 1920 No 45 ss 67(q), 132(2)

Section 119(c): repealed, on 1 April 1974, by section 56(2) of the Clean Air Act 1972 (1972 No 31).

Section 119(d): inserted, on 8 December 1971, by section 3 of the Health Amendment Act 1971 (1971 No 100).

120 Regulations as to registration

(1) Regulations made under this Act may provide for all or any of the following matters:

(a) *[Repealed]*

(b) the registration of persons qualified to embalm dead bodies, or to prepare the dead for burial or cremation, or to conduct funerals; and prohibiting, either absolutely or subject to conditions, the undertaking of any such duties by unregistered persons.

(2) Regulations made under this Act may provide for the registration by local authorities of premises used—

(a) as lodginghouses:

(b) as eatinghouses:

(c) for the manufacture, preparation, packing, storage, or handling of any article of food for sale:

(d) for the carrying on of any offensive trade:

(e) as stock saleyards:

(f) as hairdressers' shops or barbers' shops:

(g) as funeral directors' premises, that is to say premises in which persons registered under regulations made pursuant to paragraph (b) of subsection (1) regularly embalm dead bodies or prepare the dead for burial or cremation.

(3) Any such regulations may prescribe conditions subject to which registration may be granted or renewed or revoked, and conditions to be complied with in the absence of such registration.

Compare: 1920 No 45 s 132(1)(aa); 1940 No 17 s 15(1)(a), (b)

Section 120(1)(a): repealed, on 1 April 1977, by section 68(2) of the Plumbers, Gasfitters, and Drainlayers Act 1976 (1976 No 69).

Section 120(2)(c): amended, on 3 November 1964, by section 9(1) of the Health Amendment Act 1964 (1964 No 34).

Section 120(2)(d): amended, on 1 April 1974, by section 56(1) of the Clean Air Act 1972 (1972 No 31).

Section 120(2)(f): inserted, on 3 November 1964, by section 9(2) of the Health Amendment Act 1964 (1964 No 34).

Section 120(2)(g): inserted, on 3 November 1964, by section 9(2) of the Health Amendment Act 1964 (1964 No 34).

120A Regulations as to homes and day-care centres for aged persons

(1) Regulations made under this Act may provide for the registration, licensing, and control of homes and day-care centres for aged persons within the meaning of subsections (4) and (5).

(2) Any such regulations may—

(a) prescribe, either by reference to other enactments or otherwise, minimum standards of staffing to be provided in all such homes and day-care centres or in any class or classes of such homes or day-care centres:

(b) require compliance by the proprietors of all such homes and day-care centres with specified codes of practice or specified standards relating to management of premises and care of persons:

(c) provide for the inspection of all such homes and day-care centres and of premises reasonably believed to be such homes or day-care centres:

(d) prescribe licence fees to be payable by the proprietors of all such homes and day-care centres or any class or classes of such homes or day-care centres:

(e) prescribe conditions to govern, or that may be imposed in respect of, the grant and transfer of licences for such homes and day-care centres and the duties of licensees thereof:

(f) provide for the cancellation of such licences:

(g) exempt or provide for the exemption of any such home or day-care centre or any class or classes of such homes or day-care centres from all or any of the provisions of the regulations:

(h) provide for the granting of temporary licences in respect of homes and day-care centres which do not comply with the minimum standards prescribed:

(i) prescribe the conditions subject to which persons may be accommodated in homes, whether those persons have attained the age of 65 years or not:

(j) prescribe minimum standards of care to be provided for residents in homes and for aged persons in day-care centres:

(k) prescribe activity programmes to be conducted for residents in homes and for aged persons in day-care centres:

(l) prescribe the qualifications required for managers of homes:

(m) prescribe training courses required to be undergone by persons employed in homes and day-care centres.

(3) Every person commits an offence against this Act who holds out, or uses any words which are likely to lead persons to believe, that any home is a licensed hospital within the meaning of the Hospitals Act 1957 or a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act

1992 or that premises which are not registered or licensed under regulations made pursuant to this section are in fact so registered or licensed.

(4) In this section the term **home** means any premises where 3 or more persons who have attained the age of 65 years and are not related by blood or marriage or by or through a civil union or de facto relationship to the householder are, or are to be, in residence and paying for their lodging and for 1 or more meals a day, being any premises that are, or purport to be, conducted principally for aged-frail persons, and not being a licensed hospital within the meaning of the Hospitals Act 1957 or a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

(5) In this section the term **day-care centre** means any premises which are or purport to be used regularly, although not necessarily continuously, for the accommodation (for the purposes of care, occupation, recreation, or entertainment), during the day, of 5 or more persons who have attained the age of 65 years, who are not related by blood or marriage or by or through a civil union or de facto relationship to the occupier of the premises, and by whom or on whose behalf payment is made in respect of such accommodation or in respect of 1 or more meals provided in the course of such accommodation, whether or not the premises are used at the same time for the accommodation of other persons or for other purposes; but does not include—

(a) a home; or

(b) any premises expressly excepted from the definition of home in subsection (4); or

(c) any premises in which such accommodation may be provided by virtue of powers conferred by, or by virtue of a licence issued by a local authority under, any other enactment.

Section 120A: replaced, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 120A(3): amended, on 1 July 1993, by section 32(a) of the Health Amendment Act 1993 (1993 No 24).

Section 120A(4): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 120A(4): amended, on 1 July 1993, by section 32(b) of the Health Amendment Act 1993 (1993 No 24).

Section 120A(5): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

120B Regulations as to camping grounds

(1) Regulations made under this Act may provide for the registration, licensing, and control of camping grounds carried on for fee or reward, and of persons carrying on camping grounds for such purpose.

(2) Any such regulations may—

(a) prescribe, either by reference to other enactments or otherwise, minimum standards of accommodation, equipment, facilities, and amenities

to be provided at any such camping grounds, and minimum standards of cleanliness and sanitation to be observed therein:

(b) prescribe the form and manner in which applications for registration and licences under the regulations are to be made, and the information to be supplied in support of any such application:

(c) prescribe, or provide for the fixing by local authorities of, fees for—

(i) any application under the regulations:

(ii) registration and the issue of licences under the regulations:

(iii) the renewal of registration and licences under the regulations:

(d) exempt or provide for the exemption of any person or class of persons from liability to pay any such fees:

(e) prescribe conditions to govern, or that may be imposed in respect of, the grant, renewal, and transfer of registration and licences under the regulations:

(f) require persons carrying on camping grounds to keep such descriptive plans, and such records, registers, and other documents as may be specified in the regulations, and prescribe the particulars to be shown on or entered in any such plan, record, register, or other document:

(g) prescribe the duties of persons carrying on any camping ground or any class of camping grounds to which the regulations for the time being apply:

(h) provide for the inspection of any such camping ground or of any class of such camping grounds:

(i) provide for the cancellation of registration and licences under the regulations:

(j) exempt or provide for the exemption of any camping ground or person, or any class of camping grounds or persons, from any of the provisions of the regulations, either unconditionally or on such terms and subject to such conditions as may be prescribed or authorised by the regulations:

(k) prescribe or make provision for such other matters as may be necessary for the due administration of this section and of any such regulations.

Section 120B: inserted, on 10 December 1976, by section 2(1) of the Health Amendment Act 1976 (1976 No 91).

120C Regulations as to housing improvement and overcrowding

(1) Subject to the Building Act 2004, for the purpose of prescribing standards of fitness with which any dwellinghouse, whether erected before or after the commencement of this section, must comply, regulations made under this Act may make provision for or with respect to—

(a) the construction, condition, and situation of dwellinghouses, and the space about dwellinghouses:

(b) the drainage, sanitation, ventilation, lighting, and cleanliness of dwellinghouses and of the land on which dwellinghouses are situated:

(c) the repair of dwellinghouses:

(d) the provision in respect of dwellinghouses of a proper supply of potable water and hot water, of bathing, laundry, cooking, and food storage facilities, and of sanitary conveniences:

(e) the protection of dwellinghouses from damp, excessive noise, and heat loss:

(f) the dimensions, cubical content, and height of rooms of dwellinghouses.

(2) Regulations may also be made under this Act for the purpose of preventing overcrowding in dwellinghouses.

(3) Without limiting the general power conferred by subsection (2), regulations may be made pursuant to that subsection for all or any of the following purposes:

(a) prescribing the number of persons permitted to reside in dwellinghouses, having regard to the number of rooms, the amount of floor space, air space, or ventilation thereof, and the amenities provided:

(b) prescribing methods of calculating the number of persons, the number of rooms, and the amount of the floor space, air space, or ventilation thereof:

(c) prescribing offences in respect of the contravention of or non-compliance with any regulations made under that subsection, and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding $500.

Section 120C: inserted, on 30 November 1979, by section 7(1) of the Health Amendment Act 1979 (1979 No 64).

Section 120C(1): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 120C(1): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 120C(1)(d): amended, on 1 July 2008, by section 8 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

121 Regulations as to qualifications of environmental health officers appointed by local authorities

(1) Regulations made under this Act may prescribe the qualifications to be possessed by persons appointed by local authorities as environmental health officers for the purposes of this Act.

(2) Any such regulations may prescribe the qualifications of fully qualified environmental health officers, and may prescribe different qualifications for persons appointed on probation and undergoing training as environmental health officers.

(3) Any such regulations may prescribe conditions subject to which persons who are not fully qualified as environmental health officers may be employed on probation.

Compare: 1920 No 45 s 132(1)(ab); 1940 No 17 s 5(1)

Section 121 heading: amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

Section 121(1): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

Section 121(2): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

Section 121(3): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

121A Regulations as to retention of health information

(1) Regulations made under this Act may provide for all or any of the following matters:

(a) the minimum periods for which health information or specimens, or any class or classes of health information or specimens, must be retained by any person or class or classes of person specified in the regulations:

(b) the safeguards to be taken by any holder, or any class or classes of holder, of health information or specimens, to ensure that health information or specimens, or any class or classes of health information or specimens, is protected against all or any of the following:

(i) loss, damage, or destruction:

(ii) access, use, modification, or disclosure, except where properly authorised:

(iii) other misuse:

(c) the procedures (including procedures requiring notification to the public, or any section of the public, or to any particular persons) to be followed by any holder, or any class or classes of holder, of health information or specimens, or any class or classes of health information or specimens, before that information or those specimens may be destroyed.

(2) In this section, **health information** has the same meaning as in section 22B and **specimen** means a bodily sample or tissue sample taken from a person.

Section 121A: inserted, on 1 July 1993, by section 3 of the Health Amendment Act (No 2) 1993 (1993 No 32).

Section 121A(1)(a): amended, on 7 March 2005, by section 5(1) of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 121A(1)(b): amended, on 7 March 2005, by section 5(2) of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 121A(1)(c): amended, on 7 March 2005, by section 5(3) of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 121A(1)(c): amended, on 7 March 2005, by section 5(4) of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

Section 121A(2): amended, on 7 March 2005, by section 5(5) of the Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3).

122 Special provisions as to regulations

(1) Any regulations made under this Act may apply generally, or may apply, or be applied from time to time by the Minister by notice, within any specified district or subdivision of a district of any local authority, or within any specified part of New Zealand; and any such notice may be revoked or varied at any time in like manner.

(2) If at any time while any such regulations apply within any specified district or subdivision of a district of any local authority the boundaries of the district or subdivision are altered, the regulations, unless the context thereof or of any such notice as aforesaid otherwise requires, shall thereafter apply within the district or subdivision as so altered.

(3) The operation of any regulations made under this Act may, if so provided in the regulations, be wholly suspended until they are applied by the Minister by notice pursuant to subsection (1).

(4) So far as the bylaws of any local authority in force in any locality are inconsistent with or repugnant to any regulations under this Act in force in that locality, the bylaws shall be deemed to be subject to the regulations.

(5) *[Repealed]*

(6) The Minister, before recommending the making of any regulations under section 117 or section 119 relating to hazardous substances (as defined in section 2 of the Hazardous Substances and New Organisms Act 1996), must consult the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011 about the contents of any such regulations, and shall take into account any submissions made by the Authority.

(7) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1920 No 45 s 133

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 122(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 122(5): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

Section 122(6): inserted, on 2 July 2001, by section 149 of the Hazardous Substances and New Organisms Act 1996 (1996 No 30).

Section 122(6): amended, on 1 July 2011, by section 53(1) of the Environmental Protection Authority Act 2011 (2011 No 14).

Section 122(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 7
Miscellaneous provisions

123 Powers of Director-General on default by local authority

(1) Where any local authority that is required to provide, alter, or extend any sanitary works pursuant to this Act—

(a) fails to commence or to complete the provision, alteration, or extension of those works within such time as the Director-General, in approving the proposals under section 25, may have fixed; or

(b) has, in the opinion of the Director-General, failed to proceed diligently with the provision, alteration, or extension of those works,—

the Director-General may, at the direction of the Minister, commence, carry out, and complete the provision, alteration, or extension of those works.

(2) Where any local authority otherwise fails to exercise any power or perform any duty under this Act, the Director-General may himself or herself exercise the power or perform the duty.

(3) For the purposes of this section the Director-General may employ all such officers, employees, contractors, and others as may be necessary.

(4) Subject to the succeeding provisions of this section, when any work is done or any power or duty is exercised or performed by or on behalf of the Director-General pursuant to this section, it shall be deemed for all purposes to have been done, exercised, or performed, as the case may be, by the local authority.

(5) All expenses incurred by the Director-General under this section shall be paid in the first instance out of public money.

(6) All public money so paid, together with reasonable costs in respect of administration, shall be recoverable from the local authority as a debt due to the Crown, or may be deducted from any money payable by the Crown to the local authority.

(7) All money recovered from any local authority under this section, or deducted as aforesaid, shall be paid into a Crown Bank Account or a departmental bank account.

Compare: 1920 No 45 s 143; 1951 No 44 s 7

Section 123 heading: amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 123(1): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 123(1)(a): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 123(1)(b): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 123(2): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 123(3): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 123(4): amended, on 23 March 1987, by section 7(2) of the Health Amendment Act 1987 (1987 No 10).

Section 123(5): replaced, on 1 July 1993, by section 33 of the Health Amendment Act 1993 (1993 No 24).

Section 123(6): replaced, on 1 July 1993, by section 33 of the Health Amendment Act 1993 (1993 No 24).

Section 123(7): replaced, on 1 July 1993, by section 33 of the Health Amendment Act 1993 (1993 No 24).

Section 123(7): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

123A Mandamus

The Minister may apply to the High Court for a writ of mandamus to compel a local authority to perform any duty that the local authority has failed to perform under this Act.

Section 123A: inserted, on 3 November 1964, by section 11 of the Health Amendment Act 1964 (1964 No 34).

Section 123A: amended, on 1 October 1988, by section 4(3) of the Health Amendment Act 1988 (1988 No 99).

Section 123A: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

124 Constitution and powers of boards of appeal

[Repealed]

Section 124: repealed, on 14 November 2018, by section 75 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

125 Medical examination of children

(1) In this section,—

early childhood education and care centre and **State school** have the meanings given in section 10(1) of the Education and Training Act 2020

private school means a school registered under section 214 of the Education and Training Act 2020.

(2) Any medical officer employed in the Ministry or other person authorised by the Minister to exercise the powers conferred by this section on an officer so authorised, or any nurse employed by the Royal New Zealand Society for the Health of Women and Children (Incorporated) engaged in work pursuant to a contract in that behalf between the said Society and the Minister, may at

all reasonable times enter any State school or early childhood education and care centre and examine the children attending the school or centre, and may notify the parent or guardian of any such child, or any other person whom he reasonably believes to be concerned with the welfare of the child, of any condition which in his opinion is affecting the health or normal development of the child or of any disease or defect from which in his opinion the child may be suffering.

(3) The powers conferred by subsection (2) may be exercised in respect of any private school, and in respect of the children attending there, if application in that behalf is made in writing to the medical officer of health by the controlling authority thereof. Any such application may be revoked in like manner at any time.

Section 125: replaced, on 23 November 1967, by section 3(1) of the Health Amendment Act 1967 (1967 No 78).

Section 125(1): replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 125(2): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 125(2): amended, on 24 October 2018, by section 24 of the Education Amendment Act 2018 (2018 No 40).

Section 125(2): amended, on 1 July 1993, by section 35 of the Health Amendment Act 1993 (1993 No 24).

Section 125(2): amended, on 30 November 1979, by section 8 of the Health Amendment Act 1979 (1979 No 64).

126 Infirm and neglected persons

(1) If any aged, infirm, incurable, or destitute person is found to be living in insanitary conditions or without proper care or attention, the District Court may, on the application of the medical officer of health, make an order for the committal of that person to any appropriate hospital or institution available for the reception of such persons.

(2) An order under this section may be made in respect of any such person who habitually lives in any such conditions as aforesaid, notwithstanding that at the time of the application or of the order he may have been temporarily removed from such conditions or such conditions may have been temporarily remedied.

(3) If any person in respect of whom an order is made under this section refuses to comply with that order, any environmental health officer under this Act or any constable may, without further warrant than this section, take that person and place him in the custody of the Medical Superintendent or manager or other person in charge of such hospital or institution as aforesaid, who shall have authority to detain him pursuant to the order of committal.

Compare: 1920 No 45 s 142; 1940 No 17 s 13

Section 126(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 126(1): amended, on 1 July 1993, by section 36 of the Health Amendment Act 1993 (1993 No 24).

Section 126(3): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

126A Persons attempting to commit suicide

[Repealed]

Section 126A: repealed, on 1 July 1993, by section 37(1) of the Health Amendment Act 1993 (1993 No 24).

126B Blood transfusions

[Repealed]

Section 126B: repealed, on 1 July 2005, by section 151 of the Care of Children Act 2004 (2004 No 90).

127 Attendance of medical officer of health at meetings of local authorities

At the request or with the consent of any local authority, the medical officer of health may attend any meeting of the local authority, or of any committee of the local authority, and take part in the discussion of any matter relating to public health or to the powers and duties of the local authority under this Act:

provided that he shall not have the right to vote on any question at any such meeting, and shall retire from the meeting whenever he is requested to do so by the chairman of the meeting.

Section 127: amended, on 22 January 1996, by section 3(3) of the Health and Disability Services Amendment Act 1995 (1995 No 84).

128 Power of entry and inspection

For the purposes of this Act any medical officer of health, or any health protection officer, or any other person authorised in writing in that behalf by the medical officer of health or by any local authority, may at all reasonable times enter any dwellinghouse, building, land, ship, or other premises and inspect the same, and may execute thereon any works authorised under or pursuant to this Act.

Compare: 1920 No 45 s 134; 1940 No 17 s 18

Section 128: amended, on 26 July 1988, pursuant to section 2(5) of the Health Amendment Act 1988 (1988 No 99).

128A Building Act 2004

(1) Where any person making an inspection in accordance with section 128 believes that any building or sitework does not comply with the Building Act 2004, that person shall by notice in writing give to the appropriate territorial authority details of the respects in which the building or sitework is believed not to comply.

(2) For the purposes of this section, the terms **building**, **sitework**, and **territorial authority** have the meanings ascribed to them by the Building Act 2004.

Section 128A: inserted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 128A heading: replaced, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 128A(1): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 128A(2): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

129 Protection of persons acting under authority of Act

(1) A person who, in pursuance or intended pursuance of any of the provisions of this Act, does any act, or fails or refuses to do any act, shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he has acted, or failed or refused to act, in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in any court in respect of any act, failure, or refusal, to which subsection (1) applies except by leave of a Judge of the High Court, and such leave shall not be granted unless the Judge is satisfied that there is substantial ground for the contention that the person against whom it is sought to bring the proceedings has acted, or failed or refused to act, in bad faith or without reasonable care.

(3) Notice of any application under subsection (2) shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

(4) Leave to bring such proceedings shall not be granted unless application for such leave is made within 6 months after the act, failure, or refusal complained of, or, in the case of a continuance of injury or damage, within 6 months after the ceasing of the injury or damage.

(5) In granting leave to bring any such proceedings as aforesaid, the Judge may limit the time within which such leave may be exercised.

(6) *[Repealed]*

Compare: 1940 No 17 s 14

Section 129(1): amended, on 9 December 1994, by section 3(a) of the Health Amendment Act (No 3) 1994 (1994 No 137).

Section 129(1): amended, on 9 December 1994, by section 3(b) of the Health Amendment Act (No 3) 1994 (1994 No 137).

Section 129(2): amended, on 9 December 1994, by section 3(b) of the Health Amendment Act (No 3) 1994 (1994 No 137).

Section 129(2): amended, on 9 December 1994, by section 3(c) of the Health Amendment Act (No 3) 1994 (1994 No 137).

Section 129(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 129(4): amended, on 9 December 1994, by section 3(d) of the Health Amendment Act (No 3) 1994 (1994 No 137).

Section 129(6): repealed, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

130 Expenses of local authorities

(1) All expenses incurred by or on behalf of any local authority in carrying out any of the provisions of this Act may be paid by the local authority out of its general funds.

(2) *[Repealed]*

(3) *[Repealed]*

Compare: 1920 No 45 s 140

Section 130(2): repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 130(3): repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

131 Service of documents

(1) Any document required or authorised under this Act, or under any regulations or bylaws made under this Act, to be served on any person may be served by delivering it to that person, or by leaving it at his usual or last known place of abode or business, or by posting it by letter addressed to him at his usual or last known place of abode or business. If so posted, it shall be deemed to have been served at the time when the letter would be delivered in the ordinary course of post.

(2) If the person is absent from New Zealand the document may be served in any such manner as aforesaid on his agent in New Zealand. If he is deceased, the notice may be served in any such manner as aforesaid on his personal representative.

(3) If the person or his place of abode or business is not known, or if he is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the document may be served in such manner as may be directed by the High Court; or, in the case of a document relating to any land or premises, may be served on the occupier thereof or left with some inmate of his abode or, if there is no occupier, may be put up on some conspicuous part of the land or premises. It shall not be necessary in any such document to specify the name of the owner or occupier of any land or premises to which the document relates, if that name is not known to the person issuing the document.

(3A) In the case of a document relating to any land or premises in which more than 5 persons hold an estate or interest as tenants in common, service of such document on any 5 of those persons shall, without prejudice to the provisions of subsection (5) of section 42 or to the other provisions of this section, be deemed to be service on all the tenants in common. Every document which

is served in accordance with the provisions of this subsection shall notify the persons on whom it is served that it is served upon them as representatives of all the owners of such estate or interest.

(4) Notwithstanding anything in the foregoing provisions of this section, the High Court may in any case make an order directing the manner in which any document is to be served, or dispensing with service thereof.

Compare: 1920 No 45 s 136

Section 131(1): amended, on 26 July 1988, by section 8 of the Health Amendment Act 1988 (1988 No 99).

Section 131(3): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 131(3A): inserted, on 3 November 1964, by section 12 of the Health Amendment Act 1964 (1964 No 34).

Section 131(4): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

132 Procedure in respect of charges on land

Where by this Act any money is declared to be a charge on any land the following provisions shall apply:

(a) if any question or dispute arises as to the fact or amount of the charge, or as to the land subject thereto, or as to the persons liable to pay the amount of the charge, it shall be determined by the District Court on the application of any interested party, and the court's decision shall be final:

(b) subject to any decision of the court, a certificate under the hand of the medical officer of health or of the mayor, chairperson, or chief executive of the local authority is sufficient evidence of the amount of the charge, the land subject to the charge, and the persons liable to pay the amount of the charge:

(c) the charge may be registered under the provisions of subpart 5 of Part 3 of the Land Transfer Act 2017:

(d) except as hereinafter provided, the charge shall, on registration, have priority over all existing or subsequent mortgages, charges, or encumbrances howsoever created. Notwithstanding anything to the contrary in any other Act, if any land subject to the charge is also subject to a charge created by that other Act, the charges shall rank equally with each other unless by virtue of that other Act the charge created thereby would be deferred to the charge created by this Act.

Compare: 1920 No 45 s 144

Section 132(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 132(b): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 132(c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

132A Bursaries

(1) For the purpose of assisting suitable persons to qualify for professions, occupations, and callings concerned with the maintenance or promotion of public health, or for obtaining additional qualifications in such professions, occupations, or callings, the Minister may establish bursaries which shall be of such number and value as he may determine, with the concurrence of the Minister of Finance, in respect of any particular case or class of cases.

(2) All payments in connection with bursaries so established shall be paid out of money appropriated by Parliament for the purpose.

(3) Without limiting the power to make regulations under section 117, it is hereby declared that regulations may be made under that section prescribing conditions, in addition to or in lieu of the condition referred to in subsection (4), subject to which such bursaries shall be held and the circumstances in which and the persons by whom such bursaries may be cancelled or suspended.

(4) Any person to whom a bursary is awarded under this section (in this section referred to as the **bursar**) may be required as a condition of receiving that bursary to sign a bond in a form to be determined by the Minister requiring him to pay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond:

provided that, in any case where the bursar is required, as a condition for the discharge of the bond, to render a period or periods of service, the said sum shall be reduced during the currency of the bond by an amount equivalent to the proportion that the service rendered by the bursar in accordance with the condition of the bond bears to the full period of service required for the discharge of the bond.

(5) The Minister may require that such a bond shall also be signed by a parent or guardian, or by some person approved by the Minister, as surety; and in that event the bursar and such surety shall be jointly and severally liable thereunder.

(6) Every such bond shall be enforceable against the bursar and the surety who signs it, notwithstanding anything in this Act or any other Act or any rule of law.

(7) Nothing in this section shall affect any bursary awarded by or on behalf of the Minister otherwise than pursuant to this section or the validity of any agreement, bond, or acknowledgement, whether executed before or after the commencement of this section, relating to any such bursary.

Section 132A: inserted, on 1 August 1965, by section 13(1) of the Health Amendment Act 1964 (1964 No 34).

133 Obstruction of officers

Every person commits an offence against this Act who wilfully obstructs, hinders, or resists any person in the execution of any powers conferred on him by or pursuant to this Act.

Compare: 1920 No 45 s 135

134 Failure to disclose name of owner or occupier

(1) The occupier, or the agent of the owner, of any premises commits an offence against this Act if he refuses or wilfully fails to disclose or wilfully misstates the name and address of the owner of the premises when requested by the medical officer of health or any environmental health officer to state that name and address.

(2) The owner of any premises commits an offence against this Act if he refuses or wilfully fails to disclose or wilfully misstates the name of the occupier of the premises when requested by a medical officer of health or any environmental health officer to state that name.

Compare: 1920 No 45 s 137

Section 134(1): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

Section 134(2): amended, on 26 July 1988, pursuant to section 2(4) of the Health Amendment Act 1988 (1988 No 99).

135 Interference by owner or occupier

If in the performance of any duty imposed on him by or pursuant to this Act the owner of any premises is obstructed in any way by the occupier, or the occupier by the owner, the one who obstructs or hinders the other commits an offence against this Act.

Compare: 1920 No 45 s 138

136 General penalty for offences

Every person who commits an offence against this Act, or against any regulations made under this Act, for which no penalty is provided elsewhere than in this section is liable on conviction to a fine not exceeding $500 and, if the offence is a continuing one, to a further fine not exceeding $50 for every day on which the offence has continued.

Compare: 1917 No 24 s 11; 1920 No 45 s 145(1)

Section 136: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 136: amended, on 30 November 1979, by section 9 of the Health Amendment Act 1979 (1979 No 64).

137 Offences punishable on summary conviction

[Repealed]

Section 137: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

137A Incorporation of material by reference into regulations and compliance documents

(1) The following material may be incorporated by reference into any regulations, standards, or other compliance documents (**instruments**) made or issued under the provisions of this Act (other than Part 4A):

(a) standards, requirements, or recommended practices of national or international organisations:

(b) any other written material that, in the opinion of the Minister or, as appropriate, the Director-General, is too large or is impractical to include in, or print as part of, the instruments concerned.

(2) Material may be incorporated by reference in an instrument—

(a) in whole or in part; and

(b) with modifications, additions, or variations specified in the instrument.

(3) The incorporated material—

(a) is the material as it exists at the time that the instrument is made or issued; and

(b) forms part of the instrument for all purposes and has legal effect accordingly.

Section 137A: inserted, on 1 July 2008, by section 10 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

137B Effect of amendments to, or replacement of, material incorporated by reference

An amendment to, or replacement of, material incorporated by reference in this Act or in an instrument has legal effect as part of the instrument only if—

(a) the amendment or replacement material is made by the person or organisation originating the incorporated material; and

(b) the amendment or replacement material is of the same general character as the material amended or replaced; and

(c) either,—

(i) in the case of material incorporated in this Act or in regulations, regulations are made that state that the particular amendment or replacement has that effect; or

(ii) in the case of material incorporated in a compliance document, the Director-General, by notice in the *Gazette*, adopts the amendment or replacement.

Section 137B: inserted, on 1 July 2008, by section 10 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

137C Proof of material incorporated by reference

(1) A copy of material incorporated by reference in this Act or in an instrument, including any amendment to, or replacement of, the material (**material**), must be—

(a) certified as a correct copy of the material by the Minister or, as appropriate, the Director-General; and

(b) retained by the Minister or, as appropriate, the Director-General.

(2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence of the incorporation in the instrument of the material.

Section 137C: inserted, on 1 July 2008, by section 10 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

137D Effect of expiry of material incorporated by reference

(1) Material incorporated by reference in this Act or an instrument that expires or that is revoked or that ceases to have effect ceases to have legal effect as part of the Act or the instrument only if the Minister or, as appropriate, the Director-General, by notice, states that the material ceases to have legal effect.

(2) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless the material is incorporated by reference in a compliance document.

(3) If the material is incorporated by reference in a compliance document, the Director-General must publish the notice in the *Gazette*.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 137D: inserted, on 1 July 2008, by section 10 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

Section 137D(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 137D(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 137D(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

137E Requirement to consult

(1) This section applies if—

(a) the Minister proposes to make a recommendation for—

(i) regulations to be made under this Act that incorporate material by reference; or

(ii) regulations under section 137B(c)(i) that state that an amendment to, or replacement of, material incorporated by reference in regulations has legal effect as part of the regulations; or

(b) the Director-General proposes to—

(i) issue a standard or other compliance document that incorporates material by reference; or

(ii) publish, under section 137B(c)(ii), a notice in the *Gazette* that adopts an amendment to, or replacement of, material incorporated by reference in a standard or other compliance document.

(2) Before doing any of the things referred to in subsection (1), the Minister or, as the case may be, the Director-General must—

(a) make copies of the material proposed to be incorporated by reference or the proposed amendment to, or replacement of, material incorporated by reference (**proposed material**) available for inspection during working hours for a reasonable period, free of charge, at the Ministry's office in Wellington; and

(b) make copies of the proposed material available for purchase at a reasonable price at the Ministry's office in Wellington; and

(c) give notice in the *Gazette* stating that—

(i) the proposed material is available for inspection during working hours, free of charge, the place at which it can be inspected, and the period during which it can be inspected; and

(ii) copies of the proposed material can be purchased and the place at which they can be purchased; and

(d) allow a reasonable opportunity for persons to comment on the proposal to incorporate the proposed material by reference; and

(e) consider any comments they make.

(3) Before doing any of the things referred to in subsection (1), the Minister or, as the case may be, the Director-General—

(a) may make copies of the proposed material available in any other way that he or she considers appropriate in the circumstances (for example, on an Internet website); and

(b) must, if paragraph (a) applies, give notice in the *Gazette* stating that the proposed material is available in other ways and the details of where or how it can be accessed or obtained.

(4) The reference in subsections (2) and (3) to the proposed material includes, if the material is not in an official New Zealand language, an accurate translation in an official New Zealand language of the material.

(5) A failure to comply with this section does not invalidate an instrument that incorporates material by reference.

Section 137E: inserted, on 1 July 2008, by section 10 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

137F Access to material incorporated by reference

(1) The Director-General—

(a) must make the material referred to in subsection (2) (**material**) available for inspection during working hours free of charge at the Ministry's office in Wellington; and

(b) must make copies of the material available for purchase at a reasonable price at all of the Ministry's offices; and

(c) may make copies of the material available in any other way that the Director-General considers appropriate in the circumstances (for example, on an Internet website); and

(d) must give notice in the *Gazette* stating that—

(i) the material is incorporated in an instrument and the date on which the instrument was made; and

(ii) the material is available for inspection during working hours, free of charge, at the Ministry's office in Wellington and the location of that office; and

(iii) copies of the material can be purchased at all of the Ministry's offices and the location of those offices; and

(iv) if copies of the material are made available under paragraph (c), the material is available in other ways and the details of where or how it can be accessed or obtained.

(2) The material is—

(a) material incorporated by reference in this Act or in an instrument:

(b) any amendment to, or replacement of, that material that is incorporated in the instrument or the material referred to in paragraph (a) with the amendments or replacement material incorporated:

(c) if the material referred to in paragraph (a) or (b) is not in an official New Zealand language, as well as the material itself, an accurate translation in an official New Zealand language of the material.

(3) A failure to comply with this section does not invalidate an instrument that incorporates material by reference.

Section 137F: inserted, on 1 July 2008, by section 10 of the Health (Drinking Water) Amendment Act 2007 (2007 No 92).

137G Application of Legislation Act 2019 to material incorporated by reference

Subpart 1 of Part 3 and section 114 of the Legislation Act 2019 do not apply to material that is incorporated by reference in this Act or in an instrument merely because it is incorporated.

Section 137G: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

137H Application of Regulations (Disallowance) Act 1989 to material incorporated by reference

[Repealed]

Section 137H: repealed, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

138 Other Acts not affected

Except so far as may be expressly provided in this Act, nothing in this Act shall be so construed as to limit or affect in any way the provisions of any other Act.

Compare: 1920 No 45 s 147

139 Consequential amendments

(1) The enactments specified in Schedule 6 are hereby amended in the manner indicated in that schedule.

(2) Every reference in any other enactment to a sanitary inspector shall be deemed to be a reference to a city health inspector or, as the case may require, to a borough health inspector, a town district health inspector, a county health inspector, or a district health inspector.

Section 139(2): amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

140 Repeals and savings

(1) The enactments specified in Schedule 7 are hereby repealed.

(2) The regulations and notices specified in Schedule 8 are hereby revoked.

(3) Without limiting the provisions of the Interpretation Act 1999, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

(4) *[Repealed]*

(5) Any regulations made under the Social Hygiene Act 1917 and in force at the commencement of this Act shall be deemed to have been made under this Act

and shall continue in force accordingly, except so far as any provision of those regulations is inconsistent with any provision of Part 3.

Section 140(3): amended, on 1 November 1999, pursuant to section 38(1) of the Interpretation Act 1999 (1999 No 85).

Section 140(4): repealed, on 1 April 1970, by section 129(1) of the Mental Health Act 1969 (1969 No 16).

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Schedule 1AA: inserted, on 13 December 2021, by section 6 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

Part 1
Provisions relating to Health (Fluoridation of Drinking Water) Amendment Act 2021

Part 1: inserted, on 13 December 2021, by section 6 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

1 Local authority must continue to add fluoride to drinking water

(1) This clause applies to a local authority that, before this clause commences, adds fluoride to drinking water supplied through its local authority supply.

(2) The local authority must continue to add fluoride to the water unless directed not to by the Director-General.

(3) A local authority that contravenes or permits the contravention of subclause (2) commits an offence and is liable to the same penalty as if it had contravened or permitted the contravention of section 116I.

(4) Subpart 2 of Part 5A applies to an offence against subclause (3) as if it were an offence against section 116J.

Schedule 1AA clause 1: inserted, on 13 December 2021, by section 6 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

2 Local authority may add fluoride to drinking water in absence of direction

(1) This clause applies to a local authority that,—

(a) before this clause commences, does not add fluoride to drinking water supplied through its local authority supply; and

(b) has never received a direction to add fluoride or not to add fluoride to drinking water supplied through its local authority supply.

(2) The local authority may, at its discretion, add fluoride to drinking water supplied through its local authority supply.

Schedule 1AA clause 2: inserted, on 13 December 2021, by section 6 of the Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44).

Schedule 1
Infectious diseases

s 2

Schedule 1: replaced, on 26 November 1982, by section 5 of the Health Amendment Act 1982 (1982 No 34).

Part 1
Notifiable infectious diseases

Section A—Infectious diseases notifiable to medical officer of health and local authority

Acute gastroenteritis

Campylobacteriosis

Cholera

Cryptosporidiosis

Giardiasis

Hepatitis A

Legionellosis

Listeriosis

Meningoencephalitis—primary amoebic

Salmonellosis

Shigellosis

Typhoid and paratyphoid fever

Yersiniosis

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(a) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(b) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(c) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(d) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(e) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(f) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(g) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(h) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(i) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(j) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(k) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(l) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(m) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(n) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(o) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(p) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(q) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(r) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(1)(s) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section A: amended, on 6 June 1996, by clause 2(2) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Section B—Infectious diseases notifiable to medical officer of health

Anthrax

Arboviral diseases

Brucellosis

COVID-19

Creutzfeldt Jakob Disease and other spongiform encephalopathies

Cronobacter species

Diphtheria

Haemophilus influenzae b

Hepatitis B

Hepatitis C

Hepatitis (viral) not otherwise specified

Highly Pathogenic Avian Influenza (including HPAI subtype H5N1)

Hydatid disease

Invasive group A streptococcal infection

Invasive pneumococcal disease

Leprosy

Leptospirosis

Malaria

Measles

Middle East Respiratory Syndrome

Monkeypox

Mumps

Neisseria meningitidis invasive disease

Non-seasonal influenza (capable of being transmitted between human beings)

Novel coronavirus capable of causing severe respiratory illness

Pertussis

Plague

Poliomyelitis

Q fever

Rabies and other lyssaviruses

Rheumatic fever

Rickettsial diseases

Rubella

Severe Acute Respiratory Syndrome

Tetanus

Tuberculosis

Verotoxin-producing or shiga toxin-producing *Escherichia coli*

Viral haemorrhagic fevers

Yellow fever

Schedule 1 Part 1 Section B: amended, on 1 October 2024, by clause 4(1) of the Infectious and Notifiable Diseases Order 2024 (SL 2024/161).

Schedule 1 Part 1 Section B: amended, on 9 June 2022, by clause 4 of the Infectious and Notifiable Diseases Order 2022 (SL 2022/167).

Schedule 1 Part 1 Section B: amended, on 11 March 2020, by clause 3(1) of the Infectious and Notifiable Diseases Order (No 2) 2020 (LI 2020/31).

Schedule 1 Part 1 Section B: amended, on 30 January 2020, by clause 3 of the Infectious and Notifiable Diseases Order 2020 (LI 2020/1).

Schedule 1 Part 1 Section B: amended, on 4 January 2017, by section 14(1) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Schedule 1 Part 1 Section B: amended, on 4 January 2017, by section 14(2) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Schedule 1 Part 1 Section B: amended, on 5 September 2014, by clause 3(2) of the Infectious and Notifiable Diseases Order 2014 (LI 2014/293).

Schedule 1 Part 1 Section B: amended, on 6 September 2013, by clause 3(2) of the Infectious and Notifiable Diseases Order 2013 (SR 2013/355).

Schedule 1 Part 1 Section B: amended, on 13 December 2012, by clause 3(a) of the Infectious and Notifiable Diseases Order 2012 (SR 2012/339).

Schedule 1 Part 1 Section B: amended, on 13 December 2012, by clause 3(b) of the Infectious and Notifiable Diseases Order 2012 (SR 2012/339).

Schedule 1 Part 1 Section B: amended, on 13 December 2012, by clause 3(c) of the Infectious and Notifiable Diseases Order 2012 (SR 2012/339).

Schedule 1 Part 1 Section B: amended, at 4 pm on 29 April 2009, by clause 3(a) of the Health (Non-Seasonal Influenza) Order 2009 (SR 2009/113).

Schedule 1 Part 1 Section B: amended, on 16 October 2008, by clause 3 of the Infectious and Notifiable Disease (Invasive Pneumococcal Disease) Order 2008 (SR 2008/312).

Schedule 1 Part 1 Section B: amended, on 12 February 2004, by clause 3 of the Infectious and Notifiable Disease (Highly Pathogenic Avian Influenza) Order 2004 (SR 2004/8).

Schedule 1 Part 1 Section B: amended, on 1 April 2003, by clause 3 of the Infectious and Notifiable Disease (SARS) Order 2003 (SR 2003/70).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(a) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(b) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(c) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(d) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(e) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(f) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(g) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(h) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(i) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(j) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(1)(k) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 1 Section B: amended, on 6 June 1996, by clause 3(2) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Section C—Infectious diseases notifiable to medical officer of health without identifying information of patient or deceased person

Schedule 1 Part 1 Section C heading: inserted, on 4 January 2017, by section 14(3) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Acquired Immunodeficiency Syndrome

Gonorrhoeal infection

Human Immunodeficiency Virus (HIV) infection

Syphilis

Schedule 1 Part 1 Section C: inserted, on 4 January 2017, by section 14(4) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Part 2
Other infectious diseases

Chancroid

Chlamydia

Herpes simplex

Impetigo contagiosa

Influenza

Non-specific urethritis

Pediculosis

Scabies

Soft chancre

Streptococcal infection group A

Varicella-zoster infection

Venereal granuloma (*Lymphogranuloma venereum or granuloma inguinale*)

Venereal warts

Schedule 1 Part 2: amended, on 4 January 2017, by section 14(5)(a) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Schedule 1 Part 2: amended, on 4 January 2017, by section 14(5)(b) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Schedule 1 Part 2: amended, on 4 January 2017, by section 14(5)(c) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Schedule 1 Part 2: amended, on 4 January 2017, by section 14(6) of the Health (Protection) Amendment Act 2016 (2016 No 35).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(a) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(b) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(c) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(d) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(e) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(f) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(g) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(h) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(i) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(j) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(k) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(l) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(m) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(n) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(1)(o) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 1 Part 2: amended, on 6 June 1996, by clause 4(2) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Part 3
Quarantinable infectious diseases

Schedule 1 Part 3: replaced, on 5 September 2014, by clause 3(3) of the Infectious and Notifiable Diseases Order 2014 (LI 2014/293).

Avian influenza (capable of being transmitted between human beings)

Cholera

Middle East Respiratory Syndrome

Non-seasonal influenza (capable of being transmitted between human beings)

Novel coronavirus capable of causing severe respiratory illness

Plague

Viral haemorrhagic fevers (capable of being transmitted between human beings)

Yellow fever

Schedule 1 Part 3: amended, on 1 October 2024, by clause 4(2) of the Infectious and Notifiable Diseases Order 2024 (SL 2024/161).

Schedule 1 Part 3: amended, on 11 March 2020, by clause 3(2) of the Infectious and Notifiable Diseases Order (No 2) 2020 (LI 2020/31).

Schedule 2
Diseases notifiable to medical officer of health (other than notifiable infectious diseases)

s 2

Schedule 2: replaced, on 26 November 1982, by section 6 of the Health Amendment Act 1982 (1982 No 34).

Section A—Conditions arising from occupation

Schedule 2 Section A: amended, on 13 December 2012, by clause 4 of the Infectious and Notifiable Diseases Order 2012 (SR 2012/339).

Section B—Other conditions

Cysticercosis

Decompression sickness

Lead absorption equal to or in excess of 0.24 μmol/ℓ

Poisoning arising from chemical contamination of environment

Taeniasis

Trichinosis

Schedule 2 Section B: amended, on 9 April 2021, by clause 3 of the Infectious and Notifiable Diseases Order 2021 (LI 2021/35).

Schedule 2 Section B: amended, on 3 September 2007, by clause 3 of the Infectious and Notifiable Diseases Order 2007 (SR 2007/202).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(a) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(b) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(c) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(d) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(e) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(f) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(g) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(h) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(i) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(j) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(k) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(3)(l) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 2 Section B: amended, on 6 June 1996, by clause 5(4) of the Infectious and Notifiable Diseases Order 1996 (SR 1996/92).

Schedule 3
Offensive trades

s 2

Schedule 3: amended, on 10 September 2026, by clause 4 of the Health (Offensive Trades Removal) Order 2026 (SL 2026/224).

Schedule 4
Chemical works

[Repealed]

s 2

Schedule 4: repealed, on 1 April 1974, by section 56(2) of the Clean Air Act 1972 (1972 No 31).

Schedule 5
Noxious or offensive gases

[Repealed]

s 2

Schedule 5: repealed, on 1 April 1974, by section 56(2) of the Clean Air Act 1972 (1972 No 31).

Schedule 6
Enactments amended

s 139

Counties Act 1956 (1956 No 64)

Amendment(s) incorporated in the Act(s).

Municipal Corporation Act 1954 (1954 No 76)

Amendment(s) incorporated in the Act(s).

Schedule 7
Enactments repealed

s 140(1)

Cemeteries Act 1908 (1908 No 19)
Amendment(s) incorporated in the Act(s).

Cemeteries Amendment Act 1950 (1950 No 42)
Amendment(s) incorporated in the Act(s).

Fees and Travelling Allowances Act 1951 (1951 No 79)
Amendment(s) incorporated in the Act(s).

Finance Act 1921 (1921 No 5) (1931 Reprint, Vol VI, p 1117)
Amendment(s) incorporated in the Act(s).

Health Act 1920 (1920 No 45) (1931 Reprint, Vol VI, p 1061)

Health Amendment Act 1940 (1940 No 17)

Health Amendment Act 1947 (1947 No 52)

Health Amendment Act 1951 (1951 No 44)

Health Amendment Act 1954 (1954 No 55)

Hospitals Act 1926 (1926 No 18) (1931 Reprint, Vol III, p 768)
Amendment(s) incorporated in the Act(s).

Hospitals Amendment Act 1951 (1951 No 49)
Amendment(s) incorporated in the Act(s).

Mental Health Act 1911 (1911 No 6) (1931 Reprint, Vol V, pp 762, 775)
Amendment(s) incorporated in the Act(s).

Radioactive Substances Act 1949 (1949 No 42)
Amendment(s) incorporated in the Act(s).

Social Hygiene Act 1917 (1917 No 24) (1931 Reprint, Vol VI, p 1125)

Social Security Act 1938 (1938 No 7) (Reprinted 1948, Vol II, p 1299)
Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1941 (1941 No 26)
Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1943 (1943 No 20)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1945 (1945 No 40)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1949 (1949 No 51)

Amendment(s) incorporated in the Act(s).

Schedule 8
Regulations and notices revoked

s 140(2)

Amended Declaration as to Notifiable Infectious Disease (*Gazette* Vol I 1931, p 388)

Amended Declaration as to Notifiable Infectious Diseases (*Gazette* Vol II 1922, p 1611)

Communicable Diseases Notice 1951 (SR 1951/282)

Declaration as to Infectious Disease (*Gazette* Vol III 1933, p 3338)

Declaration as to Infectious Disease (*Gazette* Vol III 1934, p 4178)

Declaration as to Notifiable Diseases (*Gazette* Vol III 1924, p 2868)

Declaration as to Notifiable Infectious Disease (*Gazette* Vol III 1924, p 2149)

Declaration as to Notifiable Infectious Disease (*Gazette* Vol I 1926, p 868)

Declaration as to Notifiable Infectious Disease (*Gazette* Vol I 1930, p 357)

Declaration as to Notifiable Infectious Disease (*Gazette* Vol III 1933, p 3338)

Declaration as to Notifiable Infectious Disease (*Gazette* Vol III 1934, p 4178)

Declaration as to Notifiable Infectious Diseases (*Gazette* Vol I 1921, p 620)

Declaring Carpet Beating to be an Offensive Trade Under the Heath Act 1920 (*Gazette* Vol I 1922, p 1066)

Declaring Certain Trades to be Offensive Trades Under the Health Act 1920 (*Gazette* Vol III 1921, p 2851)

Declaring Certain Trades to be Offensive Trades Under the Health Act 1920 (*Gazette* Vol III 1933, p 2720)

Eclampsia Declared to be a Notifiable Disease (*Gazette* Vol I 1923, p 1061)

Extension of Health Act 1920, Schedule 3 (Offensive Trades) (SR 1936/92)

Impetigo Contagiosa Declared to be an Infectious Disease (*Gazette* Vol I 1921, p 620)

Infectious Diseases Notice 1954 (SR 1954/58)

Infectious Diseases Notice 1955 (SR 1955/172)

Notifiable Diseases Notice 1953 (SR 1953/31)

Notifiable Diseases Order 1944 (SR 1944/79)

Notifiable Infectious Diseases Notice 1952 (SR 1952/113)

Notifiable Infectious Diseases Notice 1956 (SR 1956/41)

Offensive Trades Notice 1945 (SR 1945/16)

Pediculosis Declared to be an Infectious Disease (*Gazette* Vol II 1922, p 1956)

Regulations as to Appeals from Closing Orders under the Health Act 1920 (*Gazette* Vol I 1922, p 1206)

Regulations under section 48 of the Health Act 1920 (*Gazette* Vol II 1921, p 2188)

Revocation of Notifiable Infectious Diseases Notice (SR 1955/48)

Sanitary Works Regulations 1936 (SR 1937/103)

Sanitary Works Regulations 1938 (SR 1938/129)

Sanitary Works Regulations 1941 (SR 1941/16)

Health (National Cervical Screening Programme) Amendment Act 2004

Public Act	2004 No 3
Date of assent	7 March 2004
Commencement	see section 2

1 Title

(1) This Act is the Health (National Cervical Screening Programme) Amendment Act 2004.

(2) In this Act, the Health Act 1956 is called "the principal Act".

Part 1
Preliminary provision

2 Commencement

(1) This section, section 112C of the principal Act (as inserted by section 4 of this Act), and section 6, come into force on 1 July 2004.

(2) The rest of this Act comes into force 12 months after the date on which this Act receives the Royal assent.

Part 2
Amendments to principal Act and transitional provisions

6 Transitional provision

(1) To avoid doubt, and without limiting their rights and obligations under this Part, every person who, immediately before the commencement of this section, was employed by the Director-General under the State Sector Act 1988 to work in the NCSP continues to be employed under, and governed by, that Act.

(2) The NCSP manager must take reasonable steps to ensure that information about the programme and the effect of this Act is made available to women who have results included on the NCSP register.

(3) Despite section 74A(5) of the principal Act, information on the NCSP register that identifies a woman may be disclosed for the purpose of enabling information to be provided to women under subsection (2).

(4) For the purposes of this section,—

NCSP means the programme that, at the date of commencement of this section, is operated by the Ministry of Health and known as the National Cervical Screening Programme

NCSP manager means—

(a) the person appointed under section 112C(3) as the NCSP manager; or,

(b) if no person has been appointed as the NCSP manager, the Director-General

NCSP register means the register maintained under section 74A of the principal Act.

7 Further transitional provision relating to enrolment in NCSP

(1) The NCSP register is the same register that was maintained under section 74A of the principal Act immediately before the commencement of this section.

(2) Every woman who, immediately before the commencement of this section, had results included on the NCSP register is deemed to have been enrolled in the NCSP in accordance with section 112E.

(3) To avoid doubt, subsection (2) applies to a woman who, before the commencement of this section, requested that 1 or more results that relate to her not be included on the NCSP register, but did not request that all results that relate to her be removed from that register.

(4) If the NCSP manager knows that a woman, before the commencement of this section, requested that all results that relate to her be removed from the NCSP register, the NCSP manager must take reasonable steps to deal with all information held by the NCSP relating to that woman in accordance with section 112H as if that woman had cancelled her enrolment in the NCSP under section 112G(1).

Human Tissue Act 2008

Public Act	2008 No 28
Date of assent	18 April 2008
Commencement	see section 2

1 Title

This Act is the Human Tissue Act 2008.

2 Commencement

(1) Sections 1, 2, and 89 come into force on the day after the date on which this Act receives the Royal assent.

(2) Sections 87 and 88, and the heading above section 87, come into force as provided by section 89.

(3) The rest of this Act comes into force on a date to be appointed by the Governor-General by Order in Council.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Section 2(3): Human Tissue Act 2008 (except sections 1, 2, 87, 88, 89, and the heading above section 87) brought into force, on 1 November 2008, by the Human Tissue Act 2008 Commencement Order 2008 (SR 2008/311).

Section 2(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 3
Technical and miscellaneous provisions

Savings and transitional provisions

94 Exemptions under section 92E(1) of Health Act 1956

(1) This section applies to notices given under section 92E(1) of the Health Act 1956 if those notices were in force immediately before the repeal of Part 3A of that Act.

(2) On and after that repeal, those notices must be treated as if they were given under section 60 (exemptions), and may be revoked, varied, or added to, under that section accordingly.

95 Entities appointed under Health Act 1956 to collect and distribute blood and controlled human substances

(1) This section applies to appointments under section 92H of the Health Act 1956 if those appointments were in force immediately before the repeal of Part 3A of that Act.

(2) On and after that repeal, those appointments must be treated as if they were made under section 63 (appointed entities to collect and distribute blood and controlled human substances), and may be revoked, varied, or added to, under that section accordingly.

Notes

1 General

This is a consolidation of the Health Act 1956 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Emergency Management Act 2026 (2026 No 53): section 235

Health (Offensive Trades Removal) Order 2026 (SL 2026/224)

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Parliament (Repeals and Amendments) Act 2025 (2025 No 63): section 51

Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43): section 111(2)

Infectious and Notifiable Diseases Order 2024 (SL 2024/161)

Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5): section 43

Water Services Acts Repeal Act 2024 (2024 No 2): section 12(1)

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Inspector-General of Defence Act 2023 (2023 No 42): section 56

Civil Aviation Act 2023 (2023 No 10): section 486

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Infectious and Notifiable Diseases Order 2022 (SL 2022/167)

Health (Fluoridation of Drinking Water) Amendment Act 2021 (2021 No 44)

Water Services Act 2021 (2021 No 36): section 206(1)

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulation 75

Health (National Cervical Screening Programme) Amendment Act 2021 (2021 No 26)

Secondary Legislation Act 2021 (2021 No 7): section 3

Infectious and Notifiable Diseases Order 2021 (LI 2021/35)

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Privacy Act 2020 (2020 No 31): section 217

Infectious and Notifiable Diseases Order (No 2) 2020 (LI 2020/31)

Infectious and Notifiable Diseases Order 2020 (LI 2020/1)

End of Life Choice Act 2019 (2019 No 67): section 41

Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51): Part 1 subpart 6

Education Amendment Act 2018 (2018 No 40): section 24

Social Security Act 2018 (2018 No 32): section 459

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Land Transfer Act 2017 (2017 No 30): section 250

District Court Act 2016 (2016 No 49): section 261

Health (Protection) Amendment Act 2016 (2016 No 35)

Standards and Accreditation Act 2015 (2015 No 91): section 45

Infectious and Notifiable Diseases Order 2014 (LI 2014/293)

Infectious and Notifiable Diseases Order 2013 (SR 2013/355)

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)

Legislation Act 2012 (2012 No 119): section 77(3)

Infectious and Notifiable Diseases Order 2012 (SR 2012/339)

Search and Surveillance Act 2012 (2012 No 24): section 330

Criminal Procedure Act 2011 (2011 No 81): section 413

Environmental Protection Authority Act 2011 (2011 No 14): section 53(1)

Immigration Act 2009 (2009 No 51): section 406(1)

Health (Non-Seasonal Influenza) Order 2009 (SR 2009/113)

Policing Act 2008 (2008 No 72): section 116(a)(i), (ii)

Infectious and Notifiable Disease (Invasive Pneumococcal Disease) Order 2008 (SR 2008/312)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

Human Tissue Act 2008 (2008 No 28): sections 92, 93(2)

Health (Drinking Water) Amendment Act 2007 (2007 No 92)

Infectious and Notifiable Diseases Order 2007 (SR 2007/202)

Health Amendment Act 2006 (2006 No 86)

Coroners Act 2006 (2006 No 38): section 146

Health Amendment Act 2005 (2005 No 34)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

Care of Children Act 2004 (2004 No 90): section 151

Building Act 2004 (2004 No 72): section 414

Local Government Act 1974 Amendment Act 2004 (2004 No 64): section 21

Corrections Act 2004 (2004 No 50): section 206

Infectious and Notifiable Disease (Highly Pathogenic Avian Influenza) Order 2004 (SR 2004/8)

Health (National Cervical Screening Programme) Amendment Act 2004 (2004 No 3)

Infectious and Notifiable Disease (SARS) Order 2003 (SR 2003/70)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)

Local Government Act 2002 (2002 No 84): section 262

Civil Defence Emergency Management Act 2002 (2002 No 33): section 117

Sentencing Act 2002 (2002 No 9): section 186

Local Government (Rating) Act 2002 (2002 No 6): section 138(1)

Health and Disability Services (Safety) Act 2001 (2001 No 93): section 58(1)

New Zealand Public Health and Disability Act 2000 (2000 No 91): section 111(1)

Animal Products (Ancillary and Transitional Provisions) Act 1999 (1999 No 94): section 8(1)

Interpretation Act 1999 (1999 No 85): section 38(1)

Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96): section 11

Health Amendment Act 1998 (1998 No 86)

Health and Disability Services Amendment Act 1998 (1998 No 74): section 5(4)

Infectious and Notifiable Diseases Order 1996 (SR 1996/92)

Hazardous Substances and New Organisms Act 1996 (1996 No 30): section 149

Medical Practitioners Act 1995 (1995 No 95): section 143(1)

Health and Disability Services Amendment Act 1995 (1995 No 84): sections 3(3), 13

Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31): sections 4(1)(a), 6(1)(b)

Health Amendment Act (No 3) 1994 (1994 No 137)

Health Amendment Act (No 2) 1994 (1994 No 133)

Health Amendment Act (No 3) 1993 (1993 No 71)

Health Amendment Act (No 2) 1993 (1993 No 32)

Health Amendment Act 1993 (1993 No 24)

Health and Safety in Employment Act 1992 (1992 No 96): section 62(1)

Building Act 1991 (1991 No 150): section 92(1)

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Sale of Liquor Act 1989 (1989 No 63): section 230(2)

Public Finance Act 1989 (1989 No 44): section 65R(3)

Health Amendment Act 1988 (1988 No 99)

Health Amendment Act (No 2) 1987 (1987 No 194)

Health Amendment Act 1987 (1987 No 10)

Health Amendment Act 1982 (1982 No 34)

Clean Air Amendment Act 1982 (1982 No 31): section 27

Summary Offences Act 1981 (1981 No 113): section 51(3)

Public Works Act 1981 (1981 No 35): section 248(1)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Judicature Amendment Act 1979 (1979 No 124): section 12

Health Amendment Act 1979 (1979 No 64)

Local Government Amendment Act 1979 (1979 No 59): sections 8(3), 9(1)

Health Amendment Act 1978 (1978 No 96)

Health Amendment Act 1976 (1976 No 91)

Plumbers, Gasfitters, and Drainlayers Act 1976 (1976 No 69): section 68(2)

Health Amendment Act 1973 (1973 No 111)

Health Amendment Act 1972 (1972 No 65)

Clean Air Act 1972 (1972 No 31): section 56(1), (2)

Health Amendment Act 1971 (1971 No 100)

Mental Health Act 1969 (1969 No 16): section 129(1)

Health Amendment Act 1967 (1967 No 78)

Health Amendment Act 1964 (1964 No 34)

Health Amendment Act 1962 (1962 No 76)

Health Act 1956 (1956 No 65): section 22J

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