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SPECIAL SUPPLEMENT

PUBLIC HEALTH ACT 1991 SECTION 5

ORDER TO ADDRESS PUBLIC HEALTH RISKS

PURSUANT to section 5(1) of the Public Health Act 1991, I, John Della Bosca MLC, Minister for Health, make the following Order to address Public Health Risks ("this Order") in the following terms:

- (1) I consider that a situation has arisen under which the health of the public is, or is likely to be, at risk. The relevant situation is that:
 - (a) public health authorities both internationally and in Australia have been monitoring international outbreaks of H1N1 influenza 09, listed in the NSW Public Health Act 1991 as swine influenza in humans ("human swine flu")
 - (b) Human swine flu is a potentially fatal condition and is also highly contagious through droplet contact
 - (c) A number of cases of individuals with human swine flu have now been confirmed in NSW, as well as other Australian jurisdictions, namely Queensland, South Australia and Victoria;
 - (d) Confirmed cases in each jurisdiction have generally recently travelled overseas to countries including but not limited to the USA, Canada and Mexico or recently been in contact with such individuals
 - (e) Recent confirmed cases include both adults and school age children, who, there are reasonable grounds to believe, were attending school during a period in which they may have been infectious

- (2) ACCORDINGLY, pursuant to this Order, I hereby direct that:
 - (a) Any identified person remain at their residential address, at another place (including on board a ship or boat) as may be determined by the Chief Health Officer for a specified period;
 - (b) Any identified person who is a child who is enrolled at a government school or registered non-government school (as defined under the Education Act 1990) not attend a government or non-government school for a specified period;
 - (c) A parent of, or a person with parental responsibility for, a child who is an identified person must take all reasonable steps to ensure compliance with any direction in accordance with paragraph 2(b) of this Order;
 - (d) Any identified person or person with parental responsibility where the identified person is a child, comply with any further directions as may be given to them by the Chief Health Officer relevant to or consequential upon directions set out in paragraphs 2(a), (b) or (c).

- (3) Officers of the NSW Police Force will assist in ensuring compliance with this Order, and in that regard, will respond to any requests for assistance made to the Police Commissioner by the Chief Health Officer.

This Order will expire twenty eight days (28) after the date of signature.

JOHN DELLA BOSCA,
Minister for Health

Signed this 29 day of May 2009.

In this Order

“Chief Health Officer” means the Deputy Director General, Population Health and Chief Health Officer of the NSW Department of Health or a person authorised by that officer to exercise the functions of the Chief Health Officer under this Order.

“child” means a person of or under the age of 16;

“identified person” means a person (including a child) who:

- (a) has been in contact with a suspected case of human swine flu; and
- (b) has been advised to voluntarily take specific actions, including those outlined at paragraphs 2 of this Order, to mitigate any public health risk arising from that contact; and
- (c) has refused to comply with such a request, or is believed on reasonable grounds to be unwilling or unable to comply with such advice
- (d) is, in this basis, determined by the Chief Health Officer to be a person who should be subject to an enforceable direction

“specified period” means a period of time of up to 14 days after which the identified person is considered by the Chief Health Officer as no longer be a risk to public health or at risk of infection.