



Government Gazette

of the State of

New South Wales

Number 276–Health and Education

Monday, 19 October 2020

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New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 4) 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, under section 7 of the *Public Health Act 2010*, make the following Order.

Dated 19 October 2020.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences by giving a Ministerial direction that persons diagnosed with COVID-19 must immediately travel to a residence or place that has been determined to be suitable for the person to reside in or to a hospital for assessment. On leaving or being discharged from the hospital, the diagnosed person must travel directly to a residence or place of that kind. The diagnosed person must, except in specified circumstances, remain at the residence or place and not permit any other person to enter the residence or place until medically cleared.

The Order also gives a Ministerial direction that close contacts of persons diagnosed with COVID-19 must self-isolate for the period of time, not exceeding 14 days, as determined by an authorised contact tracer.

Section 10 of the *Public Health Act 2010* creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

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Public Health (COVID-19 Self-Isolation) Order (No 4) 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2020*.

2 Commencement

This Order commences at the beginning of 20 October 2020.

3 Definitions

(1) In this Order—

authorised contact tracer means a person engaged by NSW Health whose duties include—

- (a) the identification of persons who may have come into contact with a person with COVID-19, or
- (b) notifying a person that they have been identified as a close contact.

authorised medical practitioner has the same meaning as in Part 4, Division 4 of the *Public Health Act 2010*.

close contact means a person identified by an authorised contact tracer as—

- (a) likely to have come into contact with a person with COVID-19, and
- (b) being at risk of developing COVID-19.

designated health practitioner means any of the following—

- (a) a medical practitioner,
- (b) a registered nurse,
- (c) a paramedic.

diagnosed person means a person who has been diagnosed with COVID-19.

medically cleared, in relation to a person, means the person has been assessed by a medical practitioner as not infectious for COVID-19.

NSW Health self-isolation guidelines for persons with COVID-19 and close contacts means the *NSW Health self-isolation guidelines for persons with COVID-19 and close contacts* issued by the Chief Health Officer on 19 October 2020 and published on the website of NSW Health.

Note. See www.health.nsw.gov.au.

Note. The *Public Health Act 2010* and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Notes included in this Order do not form part of this Order.

4 Grounds for concluding that there is a risk to public health

It is noted that the basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and addressing international outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions,
- (d) due to the highly contagious nature of COVID-19 close contacts of individuals with COVID-19 have an increased risk of catching and transmitting it.

5 Direction—persons diagnosed with COVID-19 must self-isolate

- (1) The Minister directs that a diagnosed person must, immediately after receiving the diagnosis of COVID-19, travel directly to—
 - (a) a residence or place that has been determined by a designated health practitioner to be suitable for the person to reside in, or
 - (b) if determined by a designated health practitioner that it is necessary—a hospital for assessment by a medical practitioner, or
 - (c) if the person is from another State or a Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.
- (2) The Minister directs that a diagnosed person referred to in subclause (1)(b) must, immediately after leaving or being discharged from the hospital, travel directly to a residence or place that has been determined by a designated health practitioner to be suitable for the person to reside in.
- (3) The Minister directs that a diagnosed person referred to in subclauses (1)(a) and (2) must reside at the residence or place until medically cleared and must provide the address of that place of residence and a contact telephone number to the designated health practitioner.
- (4) The Minister directs that, while residing at the residence or place under a direction under subclause (1)(a) or (2), the diagnosed person must do the following—
 - (a) not leave the residence or place except—
 - (i) for the purposes of obtaining medical care or medical supplies, or
 - (ii) in any other emergency situation,
 - (b) not permit any other person to enter the residence or place unless—
 - (i) that other person usually lives at the residence or place or the other person is also complying with a direction under this Order, or
 - (ii) the entry is for medical or emergency purposes, or
 - (iii) the entry is to a place (other than a residence) for the purpose of delivering food or essential items,
 - (c) otherwise comply with the NSW Health self-isolation guidelines for persons with COVID-19 and close contacts.
- (5) The Minister directs that a diagnosed person must, if directed to do so by the Chief Health Officer or another authorised medical practitioner, immediately provide the following information to the Chief Health Officer or other authorised medical practitioner—
 - (a) details of the diagnosed person’s contact with other persons within the previous 28 days, including their name and contact details (if known),

- (b) details of the places the diagnosed person has been within the previous 28 days.

6 Direction—close contacts of persons diagnosed with COVID-19 must self-isolate

- (1) The Minister directs that a close contact must, if directed in writing to do so by or on behalf of an authorised contact tracer, immediately travel directly to—
 - (a) a residence or place that has been determined by the authorised contact tracer to be suitable for the close contact to reside in, or
 - (b) if the person is from another State or a Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.
- (2) The Minister directs that a close contact referred to in subclause (1)(a) must reside at the residence or other suitable place for the period of time, not exceeding 14 days, determined by the authorised contact tracer and notified in writing to the close contact.
- (3) The Minister directs that a close contact referred to in subclause (1)(a) who intends to reside at a place of residence must provide the address of that place of residence and a contact telephone number to the authorised contact tracer.
- (4) The Minister directs that, while residing at the residence or place under a direction under subclause (1)(a), the close contact must do the following—
 - (a) not leave the residence or place except—
 - (i) for the purposes of obtaining medical care, including a test for COVID-19, or medical supplies, or
 - (ii) in any other emergency situation,
 - (b) not permit any other person to enter the residence or place unless—
 - (i) that other person usually lives at the residence or place or the other person is also complying with a direction under this Order, or
 - (ii) the entry is for medical or emergency purposes, or
 - (iii) the entry is to a place (other than a residence) for the purpose of delivering food or essential items,
 - (c) otherwise comply with the NSW Health self-isolation guidelines for persons with COVID-19 and close contacts.

7 Exemption

The Minister may, in writing and subject to any conditions the Minister considers appropriate, exempt a person from the operation of this Order if the Minister is satisfied it is necessary to protect the health and wellbeing of any member of the public.

8 Repeal and savings

- (1) The *Public Health (COVID-19 Self-Isolation) Order (No 3) 2020* (the **repealed Order**) is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the repealed Order had effect under that Order continues to have effect under this Order.
- (3) Without limiting subclause (2)—
 - (a) a direction given by the repealed Order continues to have effect under this Order, and

- (b) an exemption from a provision of the repealed Order continues to have effect under this Order as an exemption from the equivalent provision of this Order.