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New South Wales

Public Health (COVID-19 Border Control— South Australia) Order 2020

under the

Public Health Act 2010

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

Dated 18th November 2020.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The objects of this Order are to—

- (a) require persons entering New South Wales from South Australia to declare certain information to allow NSW Health to conduct effective COVID-19 contact tracing as required, and
- (b) require persons who have been in a COVID-19 area of concern in South Australia to take certain actions to limit the risk of transmitting the virus.

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Public Health (COVID-19 Border Control—South Australia) Order 2020

under the

Public Health Act 2010

Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Border Control—South Australia) Order 2020*.

2 Commencement

This Order commences at the beginning of 19 November 2020.

3 Definitions

(1) In this Order—

affected person means a person who—

- (a) is 16 years of age or more, and
- (b) has been in South Australia within the previous 14 days.

calendar day means a period of 24 hours commencing and ending at midnight.

COVID-19 area of concern means an area or place in South Australia specified by the Chief Health Officer by a notice published on the New South Wales Government website www.nsw.gov.au.

enforcement officer means any of the following—

- (a) a police officer,
- (b) a member of the NSW Health Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order or the *Public Health (COVID-19 Border Control) Order (No 2) 2020*,
- (c) a member of the Public Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order or the *Public Health (COVID-19 Border Control) Order (No 2) 2020*.

interstate traveller self-declaration means a declaration approved by the Chief Health Officer for the purposes of clause 5.

related Public Health Order means each of the following orders made under section 7 of the Act as in force from time to time—

- (a) the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020*,
- (b) the *Public Health (COVID-19 Border Control) Order (No 2) 2020*,
- (c) the *Public Health (COVID-19 Maritime Quarantine) Order (No 3) 2020*,
- (d) the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2020*,
- (e) any order that remakes, replaces or consolidates, whether in whole or in part, any order or orders mentioned above.

the Act means the *Public Health Act 2010*.

Note. The Act 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

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 responding to 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) there have been a number of recent cases of unexpected community transmission of COVID-19 in South Australia requiring heightened vigilance and the gathering of information from travellers for the purposes of contact tracing.

Part 2 Directions concerning providing information

5 Direction to complete self-declaration

- (1) The Minister directs that an affected person who enters New South Wales must complete an interstate traveller self-declaration substantially in the form approved by the Chief Health Officer.
- (2) The Minister directs that a person who completes an interstate traveller self-declaration under this clause must ensure that the information provided is true and accurate.
- (3) An interstate traveller self-declaration may be completed—
 - (a) within the 24-hour period immediately before the person enters New South Wales, or
 - (b) on entering New South Wales.
- (4) An affected person must complete a new interstate traveller self-declaration each time the person enters New South Wales.
- (5) Despite subclause (4), an affected person is not required to complete more than 1 interstate traveller self-declaration on a calendar day.
- (6) Without limiting the form of a declaration, a declaration approved by the Chief Health Officer must require the affected person to provide the following information—
 - (a) the person's name,
 - (b) the person's email address and telephone number,
 - (c) each address at which the person stayed in South Australia in the previous 14 days,
 - (d) the address or addresses where the person will be staying in New South Wales,
 - (e) whether or not the person has, in the last 14 days, visited a COVID-19 area of concern,
 - (f) whether or not the person's ability to travel is restricted by a direction made under the *Emergency Management Act 2004* of South Australia and, if so, details of the restriction,
 - (g) the number of dependent children under the age of 16 years travelling with the person,
 - (h) the person's planned date of arrival in New South Wales,
 - (i) if the person is not ordinarily resident in New South Wales, the person's planned date of departure from New South Wales.

6 Directions about providing information

- (1) The Minister directs that an affected person who enters New South Wales must carry evidence of completion of an interstate traveller self-declaration.
- (2) The Minister directs that a person must, if required to do so by an enforcement officer, provide information, including photo identification, to allow a decision to be made about—
 - (a) whether the person is an affected person, and
 - (b) if the person is an affected person—whether the person has completed an interstate traveller self-declaration.

- (3) An enforcement officer may require information under subclause (2) only if the enforcement officer suspects on reasonable grounds that the person may be an affected person.
- (4) The Minister directs that a person who provides information in response to a requirement under this clause must ensure that the information is true and accurate.
- (5) A person provides sufficient information in response to a requirement under this clause about whether the person is an affected person if the person produces photographic identification to verify the person's name and address.

7 Direction to provide self-declaration information to enforcement officer

The Minister directs that an affected person who, when directed by an enforcement officer, is unable to produce evidence of completion of an interstate traveller self-declaration must provide information to the enforcement officer to enable the declaration to be completed on the affected person's behalf.

8 Directions about providing information to contact tracers

- (1) This clause applies to an affected person who—
 - (a) enters New South Wales, and
 - (b) is contacted by a person undertaking contact tracing functions for NSW Health.
- (2) The Minister directs that a person to whom this clause applies must provide true, accurate and complete information to the person undertaking contact tracing functions.

Part 3 Directions to not enter New South Wales

9 Direction to person not resident in New South Wales

- (1) This clause applies to an affected person who—
 - (a) is not resident in New South Wales, and
 - (b) has in the previous 14 days been in a COVID-19 area of concern.
- (2) The Minister directs that a person to whom this clause applies must not enter New South Wales.

Note. A person who enters New South Wales in contravention of subclause (2) may be required to self-isolate as required by clause 5 or 6 of the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2020*.

10 Direction to person resident in New South Wales

- (1) This clause applies to an affected person who—
 - (a) is a resident in New South Wales, and
 - (b) has in the previous 14 days been in a COVID-19 area of concern.
- (2) The Minister directs that a person to whom this clause applies—
 - (a) is a close contact of a person diagnosed with COVID-19, and
 - (b) must, on entering New South Wales, self-isolate as required by clause 6 of the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2020* as if the person had been directed to do so in writing by or on behalf of an authorised contact tracer.

11 Direction to persons transiting through New South Wales

Clauses 9 and 10 do not apply to a person who enters New South Wales for immediate travel by the most direct practicable route to a place outside New South Wales.

Part 4 Miscellaneous

12 Relationship of Order to related Public Health Orders

To avoid doubt, nothing in this Order affects an obligation an affected person has to comply with a direction applicable to the person under a related Public Health Order, including in relation to isolation.

13 Exemptions

The Minister may, in writing and subject to the conditions that the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.