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New South Wales

# Public Health (COVID-19 Maritime Quarantine) Order (No 4) 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 11 December 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to repeal and remake, with some changes, the *Public Health (COVID-19 Maritime Quarantine) Order (No 3) 2020*. The changes relate mainly to the following—

- (a) directions applicable to persons who disembark from vessels, or leave quarantine facilities or hospitals or other medical facilities, because of emergencies,
- (b) directions applicable to persons authorised to board vessels coming from ports outside New South Wales.

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## Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

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

#### 2 Commencement

This Order commences at the beginning of 14 December 2020.

#### 3 Definitions

(1) In this Order—

**Commissioner of Police**—

- (a) means the Commissioner within the meaning of the *Police Act 1990*, and
- (b) includes a member of the NSW Police Force to whom the Commissioner has delegated functions under section 31 of that Act.

**essential task** includes the following—

- (a) loading or unloading cargo,
- (b) rigging gangways,
- (c) undertaking ship to shore activities,
- (d) connecting water or fuel to a vessel,
- (e) receiving or loading stores,
- (f) disposing of waste,
- (g) carrying out essential maintenance on a vessel,
- (h) carrying out safety checks and activities,
- (i) preparing a vessel for sailing,
- (j) being assessed or treated by a health practitioner, including being tested for COVID-19, as approved by an authorised medical practitioner within the meaning of section 60 of the Act.

**full day** means a period of 24 hours commencing at 12 am and ending at 12 am on the following day.

**quarantine facility** has the same meaning as in the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020*.

**quarantine period** means, for a relevant person arriving in New South Wales, the period—

- (a) starting when the person disembarks from the vessel on which the person arrived in New South Wales, and

- (b) ending when the sooner of the following occurs—
- (i) at least 14 full days have passed and, having regard to any testing carried out by or on behalf of NSW Health, the Chief Health Officer is satisfied that the person does not pose a risk of infecting another person with COVID-19,
  - (ii) 24 full days have passed.

**relevant person**—see clause 6.

**the Act** means the *Public Health Act 2010*.

**vessel** has the same meaning as in the *Ports and Maritime Administration Act 1995* but does not include a vessel owned and operated by the Commonwealth.

**wharf** includes a pier, jetty, landing stage, dock, slip or platform.

**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 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, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales and other Australian jurisdictions, including by means of community transmission, and there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

#### 5 Application of Order

This Order does not apply to, or in relation to, a vessel that arrives, or has arrived, in New South Wales on a voyage if—

- (a) the voyage commenced from a port in Australia, and
- (b) the vessel has not stopped at a port outside Australia on the voyage, and
- (c) each person on board the vessel boarded the vessel at a port in Australia.

**Note.** A person who arrives in NSW by air to board a vessel must comply with quarantine requirements set out in the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020*.

## Part 2 Quarantine

### 6 Direction—persons arriving in NSW on a vessel

The Minister directs that a person (a *relevant person*) who arrives in New South Wales on a vessel that comes from a port outside of New South Wales must not disembark from the vessel unless the person—

- (a) is authorised to do so by the Commissioner of Police (see clause 7), or
- (b) disembarks for the purpose of undertaking an essential task (see clause 8), or
- (c) is required to do so because of an emergency (see clause 9).

### 7 Directions—persons authorised to disembark by Commissioner of Police

- (1) The Minister directs that a relevant person who is authorised to disembark from a vessel under clause 6(a) must do one of the following as directed by the Commissioner of Police—
  - (a) go directly to a quarantine facility specified by the Commissioner of Police,
  - (b) go directly to a hospital or other medical facility for treatment,
  - (c) go directly to an airport or another vessel in order to immediately leave New South Wales.
- (2) The Minister directs that a relevant person subject to a direction of the Commissioner of Police under subclause (1) must comply with a direction of the Commissioner in relation to the person's transit at the port and the person's travel to—
  - (a) the quarantine facility, or
  - (b) the hospital or other medical facility, or
  - (c) the airport or other vessel.
- (3) The Minister directs that a relevant person required to go to a quarantine facility or hospital or other medical facility under subclause (1) must remain at the facility or another facility as directed by the Commissioner of Police during the quarantine period unless—
  - (a) the Commissioner directs otherwise, or
  - (b) there is an emergency that requires the person to leave the facility.
- (4) The Minister directs that a relevant person who is subject to a direction of the Commissioner of Police to leave a quarantine facility or hospital or other medical facility under subclause (3)(a) must comply with a direction of the Commissioner in relation to the person—
  - (a) travelling to an airport from the facility, or
  - (b) waiting at an airport to leave New South Wales.
- (5) The Minister directs that a relevant person who, because of an emergency, is required to leave a quarantine facility or hospital or other medical facility under subclause (3)(b) must comply with a direction of the Commissioner of Police, including a direction in relation to—
  - (a) re-boarding the vessel when it is safe to do so, or
  - (b) going directly to a quarantine facility or hospital or other medical facility for the remainder of the quarantine period.

### 8 Direction—persons disembarking from vessels to undertake essential tasks

- (1) The Minister directs that a relevant person who disembarks from a vessel under clause 6(b) must—

- (a) remain within the relevant distance unless it is an emergency, and
  - (b) take reasonable steps to ensure the person is not exposed to COVID-19 and to minimise the risk of the spread of COVID-19 by wearing—
    - (i) gloves, and
    - (ii) a face mask, and
    - (iii) other suitable personal protective equipment, and
  - (c) re-board the vessel immediately after completing the essential task, and
  - (d) comply with a direction of the Commissioner of Police in relation to disembarking from the vessel, carrying out the essential task or re-boarding the vessel after completing the essential task.
- (2) In this clause—  
**relevant distance** means—
- (a) the distance—
    - (i) from the vessel that is reasonably necessary for the carrying out of the essential task, and
    - (ii) that is no further than 13 metres from the wharf at which the vessel is docked, or
  - (b) a further distance permitted by the Commissioner of Police.

#### **9 Direction—persons disembarking because of emergency**

The Minister directs that a relevant person who, because of an emergency, is required to disembark from a vessel under clause 6(c) must comply with a direction of the Commissioner of Police, including a direction in relation to—

- (a) re-boarding the vessel when it is safe to do so, or
- (b) going directly to a quarantine facility or hospital or other medical facility for the remainder of the quarantine period.

#### **10 Direction—employer of persons disembarking from vessels**

- (1) The Minister directs that the employer of a relevant person who disembarks from a vessel under clause 6 must—
- (a) arrange appropriate transportation for the person's travel to—
    - (i) the quarantine facility, or
    - (ii) the hospital or other medical facility, or
    - (iii) the airport or other vessel, and
  - (b) provide the person with a face mask, and
  - (c) take reasonable steps to ensure the person wears a face mask while—
    - (i) travelling to a place specified in paragraph (a), or
    - (ii) waiting at an airport to leave New South Wales.
- (2) In this clause—  
**appropriate transportation**—
- (a) includes the use of a hire vehicle within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, but
  - (b) excludes—
    - (i) any form of public transportation, and

- (ii) any passenger service (including a taxi service) within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, other than the use of a hire vehicle.

**employer** of a relevant person means the person who employs or otherwise engages the relevant person to assist with the operation of the vessel.



## Part 3 Other

### 11 Directions—COVID-19 safety plans

- (1) The Minister directs that a person who is the occupier of a wharf at which a vessel is docked must—
  - (a) develop and comply with a COVID-19 safety plan that addresses the matters required by the COVID-19 safety checklist for maritime operations as in force for the time being, and
  - (b) keep a copy of the COVID-19 safety plan on, or in reasonable proximity to, the wharf, and
  - (c) make it available for inspection by an authorised officer or police officer as requested.
- (2) The Minister directs that the master of a vessel that is docked at a wharf must—
  - (a) develop and comply with a COVID-19 safety plan that addresses the matters required by the COVID-19 safety checklist for maritime operations as in force for the time being, and
  - (b) keep a copy of the COVID-19 safety plan on the vessel, and
  - (c) make it available for inspection by an authorised officer or police officer as requested.
- (3) In this clause—

**COVID-19 safety checklist for maritime operations** means the COVID-19 safety checklist for maritime operations approved by the Chief Health Officer and published on the New South Wales Government website ([www.nsw.gov.au](http://www.nsw.gov.au)).

**master** has the same meaning as in the *Ports and Maritime Administration Act 1995*.

### 12 Directions—persons boarding and disembarking from vessels

- (1) The Minister directs that the following persons are the only persons authorised to board, and subsequently disembark from, a vessel on which there is a relevant person—
  - (a) a person required to board the vessel to assist the vessel to dock or depart,
  - (b) a person required to board the vessel to assist in refuelling or restocking the vessel,
  - (c) a person required to board the vessel to assist in loading or unloading cargo,
  - (d) a person required to board the vessel to exercise border security, customs or quarantine functions,
  - (e) a medical practitioner or other health practitioner required to board the vessel to provide medical treatment or testing to a person on board the vessel,
  - (f) a person involved in the enforcement of this Order,
  - (g) a person required to board the vessel in an emergency,
  - (h) a person required to board the vessel to repair or maintain the vessel,
  - (i) a person required to board the vessel in the person's capacity as a ship agent or ship classification surveyor,
  - (j) a member of staff of the operator of a terminal required to board the vessel to undertake ship to shore requirements,
  - (k) an Australian Maritime Safety Authority inspector,
  - (l) a person conducting an inspection for or on behalf of a regulator or a verification and audit body that is recognised by the shipping industry,

- (m) a union official,
  - (n) a cargo surveyor,
  - (o) a person exercising insurance functions.
- (2) The Minister directs that, despite subclause (1), a person is not authorised to board, or disembark from, a vessel if the Commissioner of Police directs in a particular case that the person should not board or disembark from the vessel.
  - (3) The Minister directs that a person who boards a vessel under subclause (1) must take reasonable steps to ensure the person is not exposed to COVID-19.
  - (4) The Minister directs that a person who boards a vessel under subclause (1) must disembark from the vessel immediately after exercising the function for which the person was required to board the vessel.

**13 Direction—advice provided by Chief Health Officer**

The Minister directs that the Commissioner of Police must, in the exercise of a function under this Order, have regard to advice provided by the Chief Health Officer, or a delegate of the Chief Health Officer, for the purposes of this Order.

**14 Exemption**

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

**15 Repeal and savings**

- (1) The *Public Health (COVID-19 Maritime Quarantine) 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 the repealed Order, continues to have effect under this Order.
- (3) Without limiting subclause (2), if, immediately before the commencement of this Order—
  - (a) a person was the subject of a quarantine order under the repealed Order, the quarantine period continues under this Order as if the repealed Order remained in force, and
  - (b) a designation or direction made by the Commissioner of Police under the repealed Order was in force, the designation or direction continues as if it were made under this Order, and
  - (c) an exemption granted by the Minister under the repealed Order was in force, the exemption continues as if it were granted under this Order, and
  - (d) a delegation by the Minister or the Commissioner of Police under the repealed Order was in force, the delegation continues as if it were made for the purposes of this Order.



New South Wales

# Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 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 11 December 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to repeal and remake the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020* with some amendments, including by giving Ministerial directions for the testing of certain workers whose functions or services relate to a quarantine facility in accordance with a testing program approved by the Chief Health Officer of the Ministry of Health.

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## Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020*.

#### 2 Commencement

This Order commences at the beginning of 14 December 2020.

#### 3 Definitions

(1) In this Order—

**Commissioner of Police** means—

- (a) the Commissioner within the meaning of the *Police Act 1990*, or
- (b) a member of the NSW Police Force to whom the Commissioner has delegated the exercise of functions under section 31 of that Act.

**declared flight crew member**—see clause 10.

**employer** of a flight crew member means a person who employs or otherwise engages the member to assist with the operation of an aircraft.

**flight crew member** includes a member of a positioning crew.

**full day** means a period of 24 hours commencing at 12.00 am and ending at 12.00 am on the following day.

**medical facility** means a hospital or other medical facility.

**New Zealand COVID-19 hotspot** means an area in New Zealand specified by the Chief Health Officer as a New Zealand COVID-19 hotspot by a notice published on the website of the New South Wales Government.

**Note.** [www.nsw.gov.au](http://www.nsw.gov.au)

**NSW Health Air Transportation Guidelines** means the *NSW Health Air Transportation Guidelines* published on the website of NSW Health, as in force for the time being, and includes amendments made to the Guidelines from time to time.

**Note.** [www.health.nsw.gov.au](http://www.health.nsw.gov.au)

**NSW Testing Program** means the document entitled *Quarantine Worker Surveillance and Testing Program* approved by the Chief Health Officer and published on the website of NSW Health, as in force for the time being.

**quarantine facility** means premises designated as a quarantine facility under clause 12.

**quarantine period**, for a person arriving in New South Wales, means the period—

- (a) starting when the person arrives in New South Wales, and

- (b) ending when the sooner of the following occurs—
  - (i) at least 14 full days have passed and, having regard to any testing for COVID-19, the Chief Health Officer is satisfied that the person does not pose a risk of infecting any other person with COVID-19,
  - (ii) 24 full days have passed.

**quarantined person** means—

- (a) a relevant person, and
- (b) a person who is subject to a direction from the Chief Health Officer under clause 6(2)(a) or (b).

**relevant flight crew member** means a flight crew member who—

- (a) arrives in New South Wales as a flight crew member, and
- (b) has, within 14 days immediately before the member's arrival, been in a country other than Australia or New Zealand.

**relevant person** means—

- (a) a person who—
  - (i) arrives in New South Wales by aircraft, and
  - (ii) has, within 14 days immediately before the person's arrival, been in a country other than Australia or New Zealand, or
- (b) a relevant flight crew member.

**test for COVID-19** means a test for COVID-19 carried out by, or on behalf of, NSW Health.

**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 there is a risk to public health**

It is noted the basis for concluding 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, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales and other Australian jurisdictions, including by means of community transmission, and there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

## Part 2 Quarantine

### 5 Directions—persons arriving in NSW by aircraft, including flight crew members

- (1) The Minister directs that a relevant person must do one of the following as determined by the Commissioner of Police—
  - (a) go directly to a quarantine facility,
  - (b) go directly to a medical facility for treatment.
- (2) The Minister directs that a relevant person must comply with any determination of the Commissioner of Police in relation to the person's transit at the airport and travel to the quarantine facility or medical facility.
- (3) The directions under this clause do not apply to a declared flight crew member.

### 6 Directions—persons arriving from New Zealand COVID-19 hotspot

- (1) This clause applies to a person—
  - (a) who arrives in Australia from New Zealand, and
  - (b) who is not a relevant person, and
  - (c) who—
    - (i) has been in a New Zealand COVID-19 hotspot in the previous 14 days, or
    - (ii) is assessed by the Chief Health Officer to pose an unacceptable public health risk of transmission of COVID-19.
- (2) The Minister directs that a person to whom this clause applies must do one of the following as determined by the Chief Health Officer—
  - (a) go directly to a quarantine facility,
  - (b) go directly to a medical facility for treatment,
  - (c) immediately leave Australia by air.
- (3) The Minister directs that a person who is the subject of a direction by the Chief Health Officer under subclause (2) must comply with any determination of the Commissioner of Police in relation to the person's transit at the airport and travel.

### 7 Directions—entering, remaining and departing quarantine or medical facilities

- (1) The Minister directs that a quarantined person, other than a relevant flight crew member, to whom a direction is given under clause 5 or 6 must remain at the quarantine facility or medical facility, or another quarantine facility or medical facility as directed by the Commissioner of Police, during the quarantine period.
- (2) The Minister directs that a quarantined person who is a relevant flight crew member to whom a direction is given under clause 5 or 6 must remain at the quarantine facility or medical facility, or another quarantine facility or medical facility as directed by the Commissioner of Police, until the sooner of the following happens—
  - (a) the quarantine period ends,
  - (b) the person departs on another flight that leaves New South Wales.
- (3) Despite subclauses (1) and (2), a quarantined person is not required to remain at a quarantine facility or medical facility if—
  - (a) the Commissioner directs otherwise, or
  - (b) there is an emergency that requires the person to leave the quarantine facility or medical facility.

- (4) A quarantined person who is not required to remain at a quarantine facility or medical facility under subclause (3)(b) must comply with any directions given by the Commissioner of Police in relation to the remainder of the quarantine period.
- (5) A quarantined person must, while remaining at a quarantine facility or medical facility during the quarantine period, comply with any conditions decided, or directions given, by the Commissioner of Police.
- (6) A quarantined person who is a relevant flight crew member must, while travelling to the airport or transiting at the airport for the purposes of departing on another flight that leaves New South Wales, comply with any directions given by the Commissioner of Police.
- (7) The Minister directs that the relevant flight crew member's employer must arrange appropriate transportation for the member for any travel under subclause (6).
- (8) Subject to the requirements specified in clause 8, a person must not enter a quarantine facility or a part of a medical facility being used to quarantine persons under a relevant Order unless the person is a permitted person.
- (9) A person at a quarantine facility or a part of a medical facility being used to quarantine persons under a relevant Order must not provide another person with access to the facility or the part of the facility unless the other person is a permitted person.
- (10) In this clause—

**permitted person**, in relation to entering or accessing a quarantine facility or a part of a medical facility being used to quarantine persons under a relevant Order, means a person who is—

  - (a) a police officer, or
  - (b) entering or accessing at the direction of a police officer, or
  - (c) entering or accessing for the purposes of providing medical treatment or care to a person in the quarantine facility or a part of the medical facility, or
  - (d) entering or accessing because of an emergency, or
  - (e) a person carrying out functions or providing services necessary for the ordinary operation of the quarantine facility or medical facility.

**relevant Order** means this Order or the *Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2020*.

## **8 Directions—testing of designated quarantine facility workers**

- (1) This clause applies to a **designated quarantine facility worker**, being a person—
  - (a) who is a permitted person within the meaning of clause 7(10)(a), (c) or (e) in relation to a quarantine facility, and
  - (b) who, in the course of the person's employment, carries out functions or provides services in relation to the quarantine facility, and
  - (c) who is specified in the NSW Testing Program as a person or a member of a class of persons to whom this clause applies.
- (2) The Minister directs that a designated quarantine facility worker must not carry out, or continue to carry out, functions or provide, or continue to provide, services in relation to a quarantine facility unless the worker is tested for COVID-19 in accordance with the requirements set out in the NSW Testing Program.

**Note.** A person who is diagnosed with COVID-19 is required to self-isolate under other public health orders made by the Minister.



- (3) Without limiting the requirements that may be set out in the NSW Testing Program, the requirements may provide that a designated quarantine facility worker must be tested for COVID-19 in the course of, rather than before, carrying out the functions or providing the services.
- (4) The Minister directs that a designated quarantine facility worker who is not tested in accordance with subclause (2) must not enter, or remain at, a quarantine facility for the purposes of carrying out functions or providing services in relation to the quarantine facility unless the worker is tested for COVID-19, whether at the facility or elsewhere.
- (5) Despite subclauses (2) and (4), the Minister directs that a designated quarantine facility worker—
  - (a) may enter, or carry out functions or provide services in relation to, a quarantine facility if otherwise directed by the Commissioner of Police or the Chief Health Officer, and
  - (b) must not enter, or carry out functions or provide services in relation to, a quarantine facility if the Chief Health Officer is satisfied that the worker poses a risk of infecting another person with COVID-19.

#### **9 Directions—testing of designated transportation providers**

- (1) This clause applies to a *designated transportation provider*, being a person—
  - (a) who, in the course of the person’s employment, provides a transportation service for a relevant person directly to, or directly from, a quarantine facility, and
  - (b) who is specified in the NSW Testing Program as a person or a member of a class of persons to whom this clause applies.
- (2) The Minister directs that a designated transportation provider must not provide, or continue to provide, a transportation service referred to in subclause (1)(a) unless the provider is tested for COVID-19 in accordance with the requirements set out in the NSW Testing Program.

**Note.** A person who is diagnosed with COVID-19 is required to self-isolate under other public health orders made by the Minister.
- (3) Without limiting the requirements that may be set out in the NSW Testing Program, the requirements may provide that a designated transportation provider must be tested for COVID-19 in the course of, rather than before, providing a transportation service referred to in subclause (1)(a).
- (4) Despite subclause (2), the Minister directs that a designated transportation provider—
  - (a) may provide a transportation service if otherwise directed by the Commissioner of Police or the Chief Health Officer, and
  - (b) must not provide a transportation service referred to in subclause (1)(a) if the Chief Health Officer is satisfied that the provider poses a risk of infecting another person with COVID-19.

#### **10 Directions—declared flight crew members**

- (1) This clause applies to a relevant flight crew member (a *declared flight crew member*) to whom clause 5 would apply and who—
  - (a) has provided the following details to NSW Health before leaving the airport—
    - (i) the member’s name and contact details, including a phone number or email address,

- (ii) the address details of the member's residence or accommodation at which the member will stay until the quarantine period ends or until the member is able to depart on another flight that leaves Australia, and
  - (b) has provided a written declaration to a member of the NSW Health Service or a member of the Ministry of Health as to the following—
    - (i) that the member has not, within 14 days immediately before the member's arrival, been in contact with a person with COVID-19,
    - (ii) that the member does not have and has not had, within 72 hours immediately before the member's arrival, any symptoms of COVID-19.  
**Example.** Examples of symptoms of COVID-19 include a fever, sore throat, cough, shortness of breath or loss of taste or smell.
- (2) The Minister directs that a declared flight crew member who provides information under this clause must ensure the information is true and accurate.
- (3) The Minister directs that a declared flight crew member must go directly to the member's residence or accommodation until the sooner of the following happens—
  - (a) the quarantine period ends,
  - (b) the member departs on another flight that leaves Australia.
- (4) The Minister directs that, while residing at the residence or accommodation under a direction under this Order, the member must do the following—
  - (a) not leave the residence or accommodation except—
    - (i) to undertake duties that are essential for safety or for other regulatory reasons including, for example, flight simulation training or safety or security training, or
    - (ii) for the purposes of obtaining medical care or medical supplies, or
    - (iii) in an emergency situation,
  - (b) not permit any other person to enter the residence or accommodation unless—
    - (i) the other person usually lives at the residence or accommodation 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) comply with the *NSW Health Air Transportation Guidelines*.

#### 11 Direction—declared flight crew members' employers

The Minister directs that an employer of a declared flight crew member to whom a direction is given under clause 10 must—

- (a) if the member does not have a place of residence at which the member can stay until the quarantine period ends or until the member is able to depart on another flight that leaves Australia—arrange appropriate accommodation for the member, and
- (b) arrange appropriate transportation for the member for any travel under the clause to the member's residence or accommodation, and
- (c) if, before the quarantine period ends, the member is departing Australia on a flight, arrange appropriate transportation for the member for any travel under the clause to the airport, and
- (d) ensure the member complies with any requirements in the *NSW Health Air Transportation Guidelines* in relation to the member's transportation or accommodation under this clause.

**12 Designation of premises as quarantine facility**

The Commissioner of Police may designate, in writing, any premises or type of premises the Commissioner considers appropriate to be a quarantine facility for the purposes of this Order.

**13 Direction—advice provided by Chief Health Officer**

The Minister directs that the Commissioner of Police must, in the exercise of a function under this Order, have regard to any advice provided by the Chief Health Officer or a delegate of the Chief Health Officer for the purposes of this Order.

## Part 3 Miscellaneous

### 14 Exemption

The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order.

### 15 Repeal and savings

- (1) The *Public Health (COVID-19 Air Transportation Quarantine) 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 the repealed Order, continues to have effect under this Order.
- (3) Without limiting subclause (2), if, immediately before the commencement of this Order—
  - (a) a person was the subject of a quarantine order under the repealed Order, the quarantine period continues under this Order as if the repealed Order remained in force, and
  - (b) a designation or direction made by the Commissioner of Police under the repealed Order was in force, the designation or direction continues as if it were made under this Order, and
  - (c) an exemption granted by the Minister under the repealed Order was in force, the exemption continues as if it were granted under this Order, and
  - (d) a delegation made for the purposes of the repealed Order was in force, the delegation continues as if it were made for the purposes of this Order.



New South Wales

# Public Health (COVID-19 Aged Care Facilities) Order (No 4) 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 11 December 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to repeal and remake, with minor changes, the *Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020*.

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## Public Health (COVID-19 Aged Care Facilities) Order (No 4) 2020

under the

Public Health Act 2010

### 1 Name of Order

This Order is the *Public Health (COVID-19 Aged Care Facilities) Order (No 4) 2020*.

### 2 Commencement

This Order commences at the beginning of 15 December 2020.

### 3 Definitions

(1) In this Order—

***care and support visit***, in relation to a resident of a residential aged care facility, means a visit made to the resident for the purposes of providing care and support to the resident.

***operator***, of a residential aged care facility, means a person who owns, controls or operates the facility.

***residential aged care facility*** means a facility at which the following services are provided to a person in relation to whom a residential care subsidy or flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth—

- (a) accommodation,
- (b) personal care or nursing care.

***the Act*** means the *Public Health Act 2010*.

***welfare or wellbeing visit***, in relation to a residential aged care facility, means a visit made to one or more residents of the facility for the purposes of providing a welfare or wellbeing service.

**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, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales and other Australian jurisdictions, including by means of

community transmission, and there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

**5 Direction—entering and remaining on premises of residential aged care facility**

- (1) The Minister directs that a person must not enter or remain on the premises of a residential aged care facility unless—
  - (a) the person is an employee or contractor of the operator of the residential aged care facility, or
  - (b) the person is a representative of a union to which a person described in paragraph (a) belongs, or
  - (c) the person is on the premises of the residential aged care facility for one of the following purposes—
    - (i) providing goods or services that are necessary for the effective operation of the facility, whether for consideration or for free,
    - (ii) providing health, medical or pharmaceutical services to a resident of the facility, whether for consideration or for free,
    - (iii) providing personal care services to a resident of the facility, whether for consideration or for free,
    - (iv) making a care and support visit to a resident of the facility,
    - (v) making a welfare or wellbeing visit to one or more residents of the facility,
    - (vi) end-of-life support for a resident of the facility,
    - (vii) emergency management or law enforcement, or
  - (d) the person is on the premises—
    - (i) in the person's capacity as a prospective resident of the residential aged care facility, or
    - (ii) to accompany the prospective resident, or
  - (e) the person is on the premises in accordance with an exemption given by the Minister under clause 8.
- (2) Subclause (1) is subject to clause 6.

**6 Direction—persons not to enter or remain on premises of residential aged care facility in certain circumstances**

- (1) The Minister directs that a person mentioned in clause 5(1)(a)–(d) must not enter or remain on the premises of a residential aged care facility if—
  - (a) during the 14 days immediately before the proposed entry, the person arrived in Australia from a place outside Australia, or
  - (b) during the 14 days immediately before the proposed entry, the person had known contact with a person who has a confirmed case of COVID-19, or
  - (c) the person has a temperature of 37.5 degrees or higher or symptoms of acute respiratory infection, or
  - (d) the person does not have an up-to-date vaccination against influenza, unless—
    - (i) the vaccination is not available to the person, or
    - (ii) the person presents to the operator of the residential aged care facility a certificate in the approved form, issued by a medical practitioner, certifying that the person has a medical contraindication to the vaccination against influenza, or



- (iii) the person is making a care and support visit to a resident of the facility, or
  - (iv) the person is making a welfare or wellbeing visit to one or more residents of the facility, or
  - (v) the person is on the premises—
    - (A) in the person’s capacity as a prospective resident of the residential aged care facility, or
    - (B) to accompany the prospective resident.
- (2) If the proposed entry of a person described in clause 5(1)(c)(i) or (vii) is for the purpose of responding to an emergency, subclause (1)(d) does not apply.
- (3) The Minister directs that the operator of a residential aged care facility must consider advice of the Chief Health Officer when deciding the number of persons who may be permitted to enter or remain on the premises of the facility to visit a resident of the facility for a purpose mentioned in clause 5(1)(c)(iv) or (v).

**7 Direction—responsibility of operator of residential aged care facility**

The Minister directs that the operator of a residential aged care facility must take all reasonable steps to ensure that a person does not enter or remain on the premises of the facility in contravention of clause 5 or 6.

**8 Exemption**

The Minister may, in writing and subject to 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 the residents or staff of a residential aged care facility.

**9 Residents of residential aged care facility**

To remove any doubt, nothing in this Order is to be taken to prevent a resident of a residential aged care facility from entering or remaining on the premises of the facility.

**10 Repeal and savings**

- (1) The *Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020*, had effect under that Order continues to have effect under this Order.



New South Wales

# Public Health (COVID-19 Border Control— South Australia) Order Repeal 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 11 December 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to repeal the *Public Health (COVID-19 Border Control—South Australia) Order 2020*.

This Order is made under section 7 of the *Public Health Act 2010*.

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

under the

Public Health Act 2010

### **1 Name of Order**

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

### **2 Repeal of Order**

The *Public Health (COVID-19 Border Control—South Australia) Order 2020* is repealed at the beginning of 13 December 2020.