



# *Government Gazette*

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New South Wales

# Public Health (COVID-19 Lord Howe Island) Order (No 2) 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, this 15 day of June 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 on Lord Howe Island by giving a Ministerial direction that restricts access to and from the Island.

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. A corporation that fails to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

## Public Health (COVID-19 Lord Howe Island) Order (No 2) 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Lord Howe Island) Order (No 2) 2020*.

#### 2 Commencement

This Order commences on 18 June 2020.

**Note.** This Order commences at the beginning of 18 June 2020. See section 24 of the *Interpretation Act 1987*.

#### 3 Definitions

(1) In this Order—

***Coordinator-General*** means the person who is the Coordinator-General, Environment, Energy and Science within the Department of Planning, Industry and Environment.

***Lord Howe Island*** means the Island within the meaning of the *Lord Howe Island Act 1953*.

***resident of Lord Howe Island*** means a person who resides on the Island, within the meaning of the *Lord Howe Island Act 1953*.

***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 Declaration of Lord Howe Island as a public health risk area

(1) Lord Howe Island is declared to be a public health risk area.

(2) It is noted that the basis for concluding Lord Howe Island is a public health risk area 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) Lord Howe Island has limited capacity to provide critical medical care to patients with severe COVID-19 infections.

## **5 Direction of Minister—access**

- (1) The Minister directs that access to and from Lord Howe Island is restricted to the following persons—
  - (a) residents of Lord Howe Island,
  - (b) non-residents of Lord Howe Island but only to leave the Island,
  - (c) persons required to provide, or support, health services and other essential services to persons on the Island,
  - (d) persons required to provide services to persons on the Island,
  - (e) persons who are part of the crew of an airplane or ship referred to subclause (2),
  - (f) a person approved under subclause (3).
- (2) A person must not land an aircraft on Lord Howe Island or dock a ship at Lord Howe Island other than—
  - (a) for the purposes of providing supplies to persons on the Island, or
  - (b) for a purpose related to providing, or supporting, health services and other essential services to persons on the Island, or
  - (c) for a reason approved under subclause (3).
- (3) The Coordinator-General may approve, in writing, the following subject to any conditions the Coordinator-General considers appropriate—
  - (a) a person having access to or from Lord Howe Island,
  - (b) a person landing an aircraft on the Island or docking a ship at the Island.

## **6 Direction of Minister—quarantine**

- (1) The Minister directs that a person who arrives on Lord Howe Island must do the following—
  - (a) travel from the point of arrival on the Island to premises suitable for the person to reside in during the quarantine period,
  - (b) except in exceptional circumstances, reside in the premises during the quarantine period,
  - (c) not leave the premises during the quarantine period except—
    - (i) for the purposes of obtaining medical care or medical supplies, or
    - (ii) because of an emergency, or
    - (iii) in circumstances where the person is able to avoid close contact with other persons,
  - (d) not permit any other person to enter the premises during the quarantine period unless the other person—
    - (i) usually resides at the premises, or
    - (ii) is also complying with this direction for the same quarantine period, or
    - (iii) enters the premises for medical purposes or because of an emergency,
  - (e) otherwise comply with the *NSW Health Self Isolation Guidelines* during the quarantine period.
- (2) The direction under subclause (1) does not apply to—
  - (a) a person mentioned in clause 5(1)(c), or
  - (b) a person who arrives on Lord Howe Island in the person's capacity as a member of the crew of an aircraft or ship.

(3) In this clause—

*NSW Health Self Isolation Guidelines* means the *NSW Health Self Isolation Guidelines*—

- (a) issued by the Chief Health Officer and approved by the Minister, and
- (b) published on the website of NSW Health.

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

*quarantine period* means the period—

- (a) starting when the person arrives on Lord Howe Island, and
- (b) ending at midnight on the 14th day after that arrival.

## **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 or specified provisions of this Order.

## **8 Savings**

Any act, matter or thing that, immediately before the repeal of the *Public Health (COVID-19 Lord Howe Island) Order 2020* had effect under that Order continues to have effect under this Order.

## **9 Repeal of Order**

This Order is repealed at the beginning of 3 August 2020.

Reference number:(n2020-1775)