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New South Wales

Public Health (COVID-19 Self-Isolation) 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 16th 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 by giving a Ministerial direction that a person 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.

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.

Public Health (COVID-19 Self-Isolation) Order (No 2) 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order (No 2) 2020*.

2 Commencement

This Order commences on 23 June 2020.

Note. This Order commences at the beginning of 23 June 2020. See section 24 of the *Interpretation Act 1987*.

3 Definitions

(1) In this Order—

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 means the *NSW Health Self-Isolation Guidelines for Persons with COVID-19* issued by the Chief Health Officer and approved by the Minister on the making of this Order and published on the website of NSW Health.

Note. 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.

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.
- (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.
- (4) The Minister directs that, while residing at the residence or place under a direction under this Order, 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*.

6 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.

7 Savings

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

8 Repeal of Order

This Order is repealed on 20 September 2020.

Reference number:(n2020-1856)