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New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 4) 2021

under the

Public Health Act 2010

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

Dated 3 December 2021.

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 Self-Isolation) Order (No 3) 2021* with some changes, including omitting provisions about persons in high COVID-19 risk premises.

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Public Health (COVID-19 Self-Isolation) Order (No 4) 2021

under the

Public Health Act 2010

Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2021*.

2 Commencement

This Order commences at 10pm on 4 December 2021.

3 Interpretation

(1) The Dictionary in Schedule 1 defines words used in this Order.

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 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 or transmission of the virus in New South Wales.

Part 2 Persons diagnosed with COVID-19 and close contacts

5 Introduction

This Part sets out directions of the Minister about self-isolation of diagnosed persons and close contacts.

6 Persons diagnosed with COVID-19 must self-isolate

- (1) A diagnosed person must, immediately after receiving the diagnosis of COVID-19, travel directly to—
 - (a) the person's residence or a place suitable for the person to reside in, or
 - (b) if determined as necessary by a designated health practitioner or authorised contact tracer—a residence or place that has been determined by the designated health practitioner or authorised contact tracer to be suitable for the person to reside in, or
 - (c) if determined as necessary by a designated health practitioner or authorised contact tracer—a hospital for assessment by a medical practitioner, or
 - (d) if the person is from another State or a Territory and a designated health practitioner or authorised contact tracer considers it appropriate for the person to return to the State or Territory—a residence, hospital or other place in the State or Territory that has been determined by the designated health practitioner or authorised contact tracer to be suitable for the person.
- (2) If a designated health practitioner or authorised contact tracer determines that a hospital, residence or place that a diagnosed person referred to in subclause (1) or (3) is residing in is not suitable for the person, the person must travel directly, and in a way determined by the designated health practitioner or authorised contact tracer, to—
 - (a) a residence or place that the designated health practitioner or authorised contact tracer determines is suitable for the person to reside in, or
 - (b) if determined as necessary by a designated health practitioner or authorised contact tracer—a hospital for assessment by a medical practitioner.
- (3) A diagnosed person referred to in subclause (1)(c) or (2)(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 or authorised contact tracer to be suitable for the person to reside in.
- (4) A diagnosed person referred to in subclause (1)(a) or (b), (2)(a) or (3) must—
 - (a) reside at the residence or place until medically cleared, and
 - (b) provide the address of the residence or place and a contact telephone number to the designated health practitioner or authorised contact tracer.
- (5) While residing at the residence or place as required by subclause (1)(a) or (b), (2)(a) or (3), the diagnosed person must—
 - (a) not leave the residence or place except—
 - (i) for the purposes of obtaining medical care or medical supplies, or
 - (ii) in another emergency situation, and
 - (b) not permit another person to enter the residence or place unless—
 - (i) the 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 diagnosed person is a person with a disability to whom supports are provided and the entry is for the purposes of providing essential support services, or
 - (iv) the diagnosed person is an aged care consumer and the entry is for the purposes of providing essential support services, or
 - (v) the entry is to a place, other than a residence, for the purposes of delivering food or essential items, and
 - (c) otherwise comply with the NSW Health self-isolation guideline.
- (6) A person who enters a residence or place under subclause (5)(b)(iii) or (iv) must take reasonable steps to reduce the risk of transmission of COVID-19, including by—
 - (a) using personal protective equipment, and
 - (b) only remaining on the premises for the time it takes to provide the essential support services.
- (7) A diagnosed person must, if directed to do so by an authorised medical practitioner, immediately provide the following information to the authorised medical practitioner—
 - (a) details of the diagnosed person’s contact with other persons within the previous 28 days, including their names and contact details, if known,
 - (b) details of the places the diagnosed person has been within the previous 28 days.
- (8) In this clause—

aged care consumer has the same meaning as in the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth.

disability and **supports** have the same meanings as in the *Disability Inclusion Act 2014*.

essential support services means support without which a person would experience a deterioration in health or wellbeing, including assistance with, or provision of, the following—

 - (a) personal care,
 - (b) meal preparation,
 - (c) exercise or physiotherapy,
 - (d) other critical support.

7 Persons diagnosed with COVID-19 must notify employers, close contacts and education providers

- (1) A diagnosed person must, immediately after receiving the diagnosis of COVID-19, take reasonable steps to notify the following persons of the diagnosis, but only if it is reasonably practicable to do so—
 - (a) the diagnosed person’s employer or a person who engages the diagnosed person as a contractor for services,
 - (b) any person who resides with the diagnosed person,
 - (c) any person who has been in contact with the diagnosed person in a way that might result in the person being at risk of developing COVID-19 as identified in the Confirmed Case Factsheet,
 - (d) if the diagnosed person is a student—the head of the diagnosed person’s educational institution or a staff member identified by the institution for receiving notifications of COVID-19 cases.
- (2) A notification under this clause must comply with the Confirmed Case Factsheet.

- (3) In this clause—

Confirmed Case Factsheet means the document entitled *Factsheet: Confirmed Case of COVID-19* issued by the Chief Health Officer from time to time and published on the website of NSW Health.

Note— See www.health.nsw.gov.au

educational institution means a school, college, university or other institution at which education or training is provided.

8 Close contacts of persons diagnosed with COVID-19 must self-isolate

- (1) A close contact must, if directed in writing to do so by or on behalf of an authorised contact tracer, immediately travel directly to—
- the close contact's residence or a place suitable for the close contact to reside in, or
 - if determined as necessary by a designated health practitioner or authorised contact tracer—a residence or place that has been determined by the designated health practitioner or authorised contact tracer to be suitable for the close contact to reside in, or
 - if the close contact is from another State or a Territory and a designated health practitioner or authorised contact tracer considers it appropriate for the close contact to return to the State or Territory—a residence, hospital or other place in the State or Territory that has been determined by the designated health practitioner or authorised contact tracer to be suitable for the close contact.
- (2) If a designated health practitioner or authorised contact tracer determines that a hospital, residence or place that a close contact is residing in is not suitable for the person, the person must travel directly, and in a way determined by the designated health practitioner or authorised contact tracer, to—
- a residence or place that the designated health practitioner or authorised contact tracer determines is suitable for the close contact to reside in, or
 - if determined as necessary by a designated health practitioner or authorised contact tracer—a hospital for assessment by a medical practitioner.
- (3) A close contact referred to in subclause (1)(a) or (b) or (2)(a) must reside at the residence or other suitable place for the period of time, not exceeding the following period, determined by an authorised contact tracer and notified in writing to the close contact—
- for a close contact who was a fully vaccinated person at the identified time of contact—7 days,
 - for other close contacts—14 days.
- (4) A close contact referred to in subclause (1)(a) or (b) or (2)(a) who intends to reside at a residence or place must provide the address of the residence or place and a contact telephone number to the authorised contact tracer.
- (5) A close contact referred to in subclause (1)(a) or (b) or (2)(a), while residing at the residence or place, must—
- not leave the residence or place except—
 - for the purposes of obtaining medical care, including a test for COVID-19, or medical supplies, or
 - in another emergency situation, and
 - not permit another person to enter the residence or place unless—
 - the 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 close contact is a person with a disability to whom supports are provided and the entry is for the purposes of providing essential support services, or
 - (iv) the close contact is an aged care consumer and the entry is for the purposes of providing essential support services, or
 - (v) the entry is to a place, other than a residence, for the purposes of delivering food or essential items, and
- (c) otherwise comply with the NSW Health self-isolation guideline.
- (6) A person who enters a residence or place under subclause (5)(b)(iii) or (iv) must take reasonable steps to reduce the risk of transmission of COVID-19, including by—
- (a) using personal protective equipment, and
 - (b) only remaining on the premises for the time it takes to provide the essential support services.
- (7) A close contact referred to in subclause (1)(a) or (b) or (2)(a), while residing at the residence or place, must, if directed in writing to do so by an authorised medical practitioner—
- (a) be tested for COVID-19 and provide information about the date, time and location of the test, or
 - (b) continue to comply with this clause for a further period, not exceeding 14 days, specified by the authorised medical practitioner.
- (8) In this clause—

aged care consumer has the same meaning as in the *Aged Care Quality and Safety Commission Act 2018* of the Commonwealth.

COVID-19 vaccine has the same meaning as in the *Public Health (COVID-19 General) Order 2021*.

disability and **supports** have the same meanings as in the *Disability Inclusion Act 2014*.

essential support services means support without which a person would experience a deterioration in health or wellbeing, including assistance with or provision of the following—

- (a) personal care,
- (b) meal preparation,
- (c) exercise or physiotherapy,
- (d) other critical support.

fully vaccinated person, at a time, means a person who has had 2 doses of a COVID-19 vaccine at least 14 days before the time.

Part 3 Providing information

9 Introduction

This Part sets out directions of the Minister about providing information to a police officer.

10 Responding to police requests about persons in COVID-19 risk premises

- (1) A person who is residing or present at COVID-19 risk premises must respond to any request made by a police officer for information about who is residing or present at the premises.
- (2) A person who provides information in response to a requirement under this clause must ensure the information is true and accurate.
- (3) Without limiting subclause (1)—
 - (a) if a police officer knocks at a door of the premises—a person to whom the subclause applies is required to open the door and comply with the request of the officer, and
 - (b) a request for information may include a request to provide the name and contact details of persons residing or present at the premises, whether at the time of the request or generally.

11 Employers to notify SafeWork NSW of COVID-19 diagnoses

- (1) A person conducting a business or undertaking must notify SafeWork NSW if the person becomes aware that a worker of the business or undertaking is diagnosed with COVID-19.
- (2) Despite subclause (1), the person conducting a business or undertaking is required to make a notification under this clause only if the person is aware that the worker—
 - (a) contracted COVID-19, or is likely to have contracted COVID-19, at the person's workplace, or
 - (b) attended a workplace of the person while infected with COVID-19.
- (3) For the purposes of subclause (2)(b), a worker's home is not a workplace of a person conducting a business or undertaking.
- (4) The person conducting a business or undertaking must make the notification within 24 hours of becoming aware of that fact.
- (5) In this clause—

person conducting a business or undertaking means a person who is—

 - (a) a person conducting a business or undertaking within the meaning of the *Work Health and Safety Act 2011*, or
 - (b) a person conducting a business or undertaking within the meaning of the *Work Health and Safety Act 2011* of the Commonwealth.

Safework NSW means SafeWork NSW as referred to in the *Work Health and Safety Act 2011*, Schedule 2, clause 1.

worker has the same meaning as in the *Work Health and Safety Act 2011*.

Part 4 Miscellaneous

12 Relationship of Order with Quarantine Orders

- (1) If a direction applicable to a person under this Order, Part 2 is inconsistent with a direction applicable to the person under a Quarantine Order, the direction under this Order prevails to the extent of the inconsistency.
- (2) If a direction applicable to a person under this Order, Part 3 is inconsistent with a direction applicable to the person under a Quarantine Order, the direction under the Quarantine Order prevails to the extent of the inconsistency.
- (3) In this clause—
Quarantine Order means the following—
 - (a) the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2021*,
 - (b) the *Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2021*,
 - (c) an order under the Act, section 7 that remakes, replaces or consolidates, whether in whole or in part, an order referred to in paragraph (a) or (b).

13 Medical clearance and other COVID-19 orders

- (1) This clause sets out directions of the Minister about being medically cleared of COVID-19 and medical clearance notices.
- (2) A person who has been given a medical clearance notice is, during the period of 6 weeks beginning on the date on which the person was medically cleared, taken for the purposes of an order under the Act, section 7 to be a fully vaccinated person for COVID-19.
- (3) A person to whom subclause (1) applies must—
 - (a) carry evidence of the medical clearance notice, and
 - (b) at the request of a person authorised by an order under the Act, section 7 to request evidence of having been tested or vaccinated—produce the evidence for inspection.
- (4) In this clause—
fully vaccinated person has the same meaning as in the *Public Health (COVID-19 General) Order 2021*.

14 Savings—persons medically cleared of COVID-19 between 22 September 2021 and 21 October 2021

- (1) This clause sets out directions of the Minister about persons who were medically cleared of COVID-19 and given a medical clearance notice on or after 22 September 2021 but before 8am on 21 October 2021.
- (2) A person referred to in subclause (1) is, during the period of 6 months beginning on the date on which the person was medically cleared—
 - (a) taken to have complied with a direction in an order under the Act, section 7 relating to testing for COVID-19, and
 - (b) taken for the purposes of an order under the Act, section 7 to be a fully vaccinated person for COVID-19.
- (3) Clause 8 does not apply to a close contact who is a person referred to in subclause (1) during the period of 6 months beginning on the date on which the person was medically cleared.

- (4) A person referred to in subclause (1) must—
 - (a) carry evidence of the medical clearance notice, and
 - (b) produce the evidence for inspection, if requested to do so—
 - (i) for a person referred to in subclause (2)—by a person authorised by an order under the Act, section 7 to request evidence of having been tested or vaccinated, or
 - (ii) for a person referred to in subclause (3)— by a police officer.
- (5) In subclause (2)(b)—
fully vaccinated person has the same meaning as in the *Public Health (COVID-19 General) Order 2021*.

15 Exemptions

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

16 Repeal and savings

- (1) The *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021* (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)—
 - (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.

Schedule 1 Dictionary

clause 3

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

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

authorised medical practitioner has the same meaning as in the Act, Part 4, Division 4.

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) at risk of developing COVID-19.

COVID-19 risk premises means a residence or place at which a person to whom clause 6 or 8 applies is residing.

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—

- (a) notified by or on behalf of NSW Health or a pathology laboratory that the person has tested positive for COVID-19, or
- (b) otherwise diagnosed with COVID-19.

medical clearance notice means a notice, in a form approved by the Chief Health Officer, issued by a medical practitioner or registered nurse stating that a person has been medically cleared on a specified date.

medically cleared, in relation to a person, means a person who has been assessed by a medical practitioner or registered nurse as not infectious for COVID-19 in accordance with the *SoNG Appendix NSW Health Coronavirus Disease (COVID-19) CDNA National Guidelines for Public Health Units* as in force from time to time.

Note— See www.health.nsw.gov.au/Infectious/controlguideline/Documents/song-appendix.pdf

NSW Health self-isolation guideline means the *NSW Health COVID-19 self-isolation guideline* issued by the Chief Health Officer from time to time and published on the website of NSW Health.

Note— www.health.nsw.gov.au

the Act means the *Public Health Act 2010*.