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New South Wales

Public Health (COVID-19 Self-Isolation) Order 2021

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 18 March 2021 at 12.35pm.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to repeal and remake, with minor amendments, the *Public Health (COVID-19 Self-Isolation) Order (No 5) 2020*.

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Public Health (COVID-19 Self-Isolation) Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order 2021*.

2 Commencement

This Order commences at the beginning of 19 March 2021.

3 Definitions

(1) In this Order—

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 Part 4, Division 4 of the Act.

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.

designated health practitioner means any of the following—

- (a) a medical practitioner,
- (b) a registered nurse,
- (c) a paramedic.

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. See www.health.nsw.gov.au.

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

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

5 Directions—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 as necessary by a designated health practitioner—a hospital for assessment by a medical practitioner, or
 - (c) if the person is from another State or a Territory and a designated health practitioner 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 to be suitable for the person.
- (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 subclause (1)(a) or (2) 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.
- (4) The Minister directs that, while residing at the residence or place under a direction under subclause (1)(a) or (2), 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 another emergency situation,
 - (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 entry is to a place, other than a residence, for the purposes of delivering food or essential items,
 - (c) otherwise comply with the NSW Health self-isolation guideline.
- (5) The Minister directs that 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.
- (6) In this clause—

diagnosed person means a person who has been diagnosed with COVID-19.

medically cleared, in relation to a person, means a person who has been assessed by a medical practitioner as not infectious for COVID-19.

6 Directions—close contacts of persons diagnosed with COVID-19 must self-isolate

- (1) The Minister directs that a close contact must, if directed in writing to do so by or on behalf of an authorised contact tracer, immediately travel directly to—
 - (a) a residence or place that has been determined by a designated health practitioner to be suitable for the close contact to reside in, or
 - (b) if the person is from another State or a Territory and a designated health practitioner 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 to be suitable for the close contact.
- (2) The Minister directs that a close contact referred to in subclause (1)(a) must reside at the residence or other suitable place for the period of time, not exceeding 14 days, determined by the authorised contact tracer and notified in writing to the close contact.
- (3) The Minister directs that a close contact referred to in subclause (1)(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.
- (4) The Minister directs that a close contact referred to in subclause (1)(a), while residing at the residence or place, must do the following—
 - (a) not leave the residence or place except—
 - (i) for the purposes of obtaining medical care, including a test for COVID-19, or medical supplies, or
 - (ii) in another emergency situation,
 - (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 entry is to a place, other than a residence, for the purposes of delivering food or essential items,
 - (c) otherwise comply with the NSW Health self-isolation guideline.
- (5) The Minister directs that a close contact referred to in subclause (1)(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 10 days, specified by the authorised medical practitioner.

7 Relationship of Order with Air Transportation Quarantine and Maritime Quarantine Orders

- (1) If a direction applicable to a person under this Order is inconsistent with a direction applicable to the person under the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021* or the *Public Health (COVID-19 Maritime Quarantine) Order 2021*, the direction under this Order prevails to the extent of the inconsistency.
- (2) In this clause—

- (a) a reference to the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021* includes a reference to an order that remakes, replaces or consolidates, whether in whole or in part, the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021*, and
- (b) a reference to a provision of the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021* includes a reference to a provision of an order mentioned in paragraph (a) that corresponds, or substantially corresponds, to the provision of the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021*, and
- (c) a reference to the *Public Health (COVID-19 Maritime Quarantine) Order 2021* includes a reference to an order that remakes, replaces or consolidates, whether in whole or in part, the *Public Health (COVID-19 Maritime Quarantine) Order 2021*, and
- (d) a reference to a provision of the *Public Health (COVID-19 Maritime Quarantine) Order 2021* includes a reference to a provision of an order mentioned in paragraph (c) that corresponds, or substantially corresponds, to the provision of the *Public Health (COVID-19 Maritime Quarantine) Order 2021*.

8 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.

9 Repeal and savings

- (1) The *Public Health (COVID-19 Self-Isolation) Order (No 5) 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)—
 - (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.