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New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 3) 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 6 September 2021 at 6:10pm.

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 2) 2021* with changes to allow for the declaration of high risk premises and the application of additional directions to control the transmission of COVID-19 amongst persons in those premises.

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

2 Commencement

This Order commences when the Minister signs the Order.

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 recently 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) 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) 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) 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) While residing at the residence or place as required by subclause (1)(a) or (2), 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 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.
- (5) 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.

7 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—
 - (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) 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) 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) A close contact referred to in subclause (1)(a), while residing at the residence or place, must—
 - (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, 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 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.
- (5) 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.

Part 3 High contact risk premises

8 Introduction

This Part sets out directions of the Minister about persons in high COVID-19 risk premises.

9 Definitions

In this Part—

affected person for high COVID-19 risk premises means a person who—

- (a) resides in the premises, whether permanently or temporarily, and
- (b) is a non-resident of the premises who is on the premises when the Minister declares the premises to be high COVID-19 risk premises.

dwelling has the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

high COVID-19 risk premises means premises—

- (a) that contain 2 or more dwellings, at least 1 of which is a COVID-19 risk premises, and
- (b) which the Minister has declared, by a notice published on the website of NSW Health, should be closed following advice from a public health officer that there is a risk of transmission of COVID-19 between residents of the premises.

permitted person, in relation to entering high COVID-19 risk premises, means a person who is—

- (a) a police officer, or
- (b) entering at the direction of a police officer, or
- (c) entering for the purposes of providing medical treatment or care to an affected person, or
- (d) entering in connection with—
 - (i) testing affected persons for COVID-19, or
 - (ii) vaccinating affected persons against COVID-19, or
- (e) entering for the purposes of complying with a direction applicable to the person under this Order, or
- (f) entering for the purposes of undertaking functions or providing services necessary for the ordinary operation of the premises, or
- (g) entering because of an emergency.

10 Duration of declaration by Minister

A declaration by the Minister that premises are high COVID-19 risk premises has effect for 14 days unless—

- (a) a public health officer advises the Minister that there is no longer a risk of transmission of COVID-19 between residents of the premises, and
- (b) the Minister revokes the declaration.

11 Notification of affected persons

The Minister is to notify, or make arrangements for the notification of, affected persons for high COVID-19 risk premises as soon as practicable after declaring the premises to be high COVID-19 risk premises.

12 Residents of high COVID-19 risk premises

- (1) An affected person who is a resident of high COVID-19 risk premises must not leave the person's residence unless—
 - (a) instructed to do so by an authorised medical practitioner or the Commissioner of Police, including an instruction to leave the premises to go to a quarantine facility or a hospital or other medical facility, or
 - (b) there is an emergency that requires the person to leave the residence.
- (2) An affected person who is a resident of high COVID-19 risk premises must, if the person is not in their residence when the premises are declared to be high COVID-19 risk premises, return to the person's residence immediately after becoming aware of the declaration.
- (3) An affected person does not contravene the direction under subclause (2) if the person acts in compliance with a determination by a designated health practitioner under clause 6(1)(b) that the person travel directly to a hospital for assessment by a medical practitioner.
- (4) To avoid doubt, an instruction given under subclause (1)(a) to go to a quarantine facility, a hospital or another medical facility may include requirements as to the means and time of transportation.

13 Non-residents of high COVID-19 risk premises

- (1) An affected person who is a non-resident of high COVID-19 risk premises must comply with instructions given by the Commissioner of Police or an authorised medical practitioner.
- (2) Without limiting subclause (1), an instruction under subclause (1) may include an instruction to—
 - (a) leave the premises to go to a quarantine facility or a hospital or other medical facility, or
 - (b) reside in a dwelling in the high COVID-19 risk premises until medically cleared.
- (3) An affected person subject to an instruction under subclause 2(b) must comply with directions under clauses 12(1) and 16 as if the person were a resident of the high COVID-19 risk premises.

14 Persons entering high COVID-19 risk premises

A person must not enter high COVID-19 risk premises unless the person is—

- (a) an affected person who is complying with clause 12(2), or
- (b) a permitted person.

15 Providing information

- (1) An affected person or a person involved in the management of high COVID-19 risk premises must, at the direction of the Commissioner of Police, provide information that assists in identifying affected persons.
- (2) A person who provides information in response to a requirement under this clause must ensure the information is true and accurate.

16 COVID-19 testing

- (1) An affected person must, if requested to do so by an authorised medical practitioner, be tested for COVID-19.

- (2) An affected person who is a resident of high COVID-19 risk premises and who does not comply with the direction under subclause (1) must reside at the person's residence until medically cleared.
- (3) While residing at the residence under a direction under subclause (2), the affected person must—
 - (a) not leave the residence or place except—
 - (i) in accordance with an instruction from the Commissioner of Police or an authorised medical practitioner, including an instruction to leave the premises to go to a quarantine facility or a hospital or other medical facility, or
 - (ii) in another emergency situation that requires the person to leave the residence, 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, and
 - (c) otherwise comply with the NSW Health self-isolation guideline.
- (4) To avoid doubt, an instruction given under subclause (3)(a)(i) may include an instruction to go to a quarantine facility, a hospital or another medical facility and may include requirements as to the means and time of transportation.

Part 4 Proving information

17 Introduction

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

18 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.

Part 5 Miscellaneous

19 Relationship of Order with Quarantine Orders

- (1) If a direction applicable to a person under Part 2 of this Order 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 Part 3 of this Order 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 3) 2021*,
 - (b) the *Public Health (COVID-19 Maritime Quarantine) Order (No 3) 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).

20 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.

21 Repeal and savings

- (1) The *Public Health (COVID-19 Self-Isolation) Order (No 2) 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.

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.

COVID-19 risk premises means a residence or place at which a person to whom clause 6 or 7 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 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.

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

quarantine facility has the same meaning as in the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2021*.

the Act means the *Public Health Act 2010*.