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New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order 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 22 September 2021.
Time 9.36am

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021* to make further provision regarding persons who are diagnosed with COVID-19, persons medically cleared of COVID-19 and high COVID-19 risk premises.

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

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order 2021*.

2 Commencement

This Order commences at 10am on 22 September 2021.

Schedule 1 Amendment of Public Health (COVID-19 Self-Isolation) Order (No 3) 2021

[1] Clause 6 Persons diagnosed with COVID-19 must self-isolate

Omit clause 6(1)(a). Insert instead—

- (a1) the person’s residence or a place suitable for the person to reside in, or
- (a) 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

[2] Clause 6(1)(b) and (c) and (2)

Insert “or authorised contact tracer” after “designated health practitioner” wherever occurring.

[3] Clause 6(1A)

Insert after clause 6(1)—

- (1A) 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 (2) 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.

[4] Clause 6(2)

Omit “subclause (1)(b)”.

Insert instead “subclause (1)(b) or (1A)(b)”.

[5] Clause 6(3) and (4)

Omit “subclause (1)(a) or (2)” wherever occurring.

Insert instead “subclause (1)(a1) or (a), (1A)(a) or (2)”.

[6] Clause 6(3)(b)

Omit the paragraph. Insert instead—

- (b) on request, provide the address of the residence or place and a contact telephone number to a designated health practitioner or authorised contact tracer.

[7] Clause 7 Close contacts of persons diagnosed with COVID-19 must self-isolate

Omit clause 7(1). Insert instead—

- (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) the close contact’s residence or a place suitable for the close contact 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 close contact to reside in, or
 - (c) 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.
- (1A) 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) a residence or place that the designated health practitioner or authorised contact tracer determines is suitable for the close contact 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.

[8] Clause 7(2)–(5)

Omit “subclause (1)(a)” wherever occurring.

Insert instead “subclause (1)(a) or (b) or (1A)(a)”.

[9] Clause 7(2)

Omit “the authorised contact tracer”.

Insert instead “an authorised contact tracer”.

[10] Clause 7(3)

Omit “must provide the address of the residence or place and a contact telephone number to the authorised contact tracer”.

Insert instead “must, on request, provide the address of the residence or place and a contact telephone number to an authorised contact tracer”.

[11] Clause 7(6) and (7)

Insert after clause 7(5)—

- (6) If a close contact has been given a medical clearance notice, this clause does not apply to the close contact during the close contact’s recovery period.
- (7) A person to whom subclause (6) applies must—
 - (a) carry evidence of the medical clearance notice, and
 - (b) produce the evidence for inspection by a police officer if requested by the officer.

[12] Clause 9 Definitions

Omit “and” from the definition of *affected person*, paragraph (a).

Insert instead “or”.

[13] Clause 12 Residents of high COVID-19 risk premises

Omit clause 12(3). Insert instead—

- (3) Despite subclause (2), if an authorised medical practitioner considers that the return of an affected person to high COVID-19 risk premises would pose a risk of COVID-19 transmission that cannot otherwise be reasonably managed, the authorised medical practitioner may, by written notice, instruct the person that the person must—
 - (a) not return to the person’s residence, and
 - (b) go to a quarantine facility, hospital or other medical facility or place that has been determined by the authorised medical practitioner to be suitable for the person to reside in, and
 - (c) not leave the quarantine facility, hospital, medical facility or place until the earlier of the following—
 - (i) the person is released by an authorised medical practitioner,
 - (ii) the declaration by the Minister about the high COVID-19 risk premises ceases to have effect.
- (3A) An affected person must comply with an instruction under subclause (3).
- (3B) An affected person does not contravene the direction under subclause (2) if the person—
 - (a) 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, or
 - (b) acts in compliance with an instruction under subclause (3).

[14] Clause 12(4)

Omit “subclause (1)(a) to go to a quarantine facility, a hospital or another medical facility”.

Insert instead “subclause (1)(a) or (3)(b) to go to a quarantine facility, a hospital or another medical facility or place”.

[15] Part 4, heading

Omit “**Proving**”. Insert instead “**Providing**”.

[16] Clause 19A

Insert after clause 19—

19A 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—
 - (a) is, during the person’s recovery period, taken to have complied with a direction in an order under the Act, section 7 relating to testing for COVID-19, and
 - (b) is, during the person’s recovery period, 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 Additional Restrictions for Delta Outbreak) Order (No 2) 2021*.

[17] Dictionary

Insert “or the Department of Education” after “NSW Health” in the definition of *authorised contact tracer*.

[18] Dictionary, definition of “diagnosed person”

Omit the definition. Insert instead—

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.

[19] Dictionary, definitions of “medical clearance notice” and “medically cleared”

Omit the definition of *medically cleared*. Insert instead—

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 Appendix A of the *NSW Health Coronavirus Disease (COVID-19) CDNS 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

[20] Dictionary, definition of “recovery period”

Insert in alphabetical order—

recovery period, in relation to a person given a medical clearance notice, means the period of 6 months beginning on the date on which the person was medically cleared.