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New South Wales

Public Health (COVID-19 Air and Maritime Arrivals) Order (No 2) 2022

under the

Public Health Act 2010

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

Dated 23 May 2022.

Time 2:07pm

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 associated with persons who arrive in New South Wales and have been in a country other than Australia within 14 days before the arrival.

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Public Health (COVID-19 Air and Maritime Arrivals) Order (No 2) 2022

under the

Public Health Act 2010

Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Air and Maritime Arrivals) Order (No 2) 2022*.

2 Commencement

This Order commences at the beginning of 24 May 2022.

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 infection with 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 and transmission of COVID-19 in New South Wales.

5 Meaning of “most practicable direct route”

In this Order, a requirement for a person to take the most practicable direct route does not prevent the person—

- (a) if the person is travelling by road—
 - (i) obtaining fuel for the vehicle or other necessary supplies for the vehicle or a person in the vehicle, or
 - (ii) taking a rest stop, including an overnight rest stop or meal break, or
 - (iii) dealing with an emergency, or
- (b) if the person is travelling by rail or air—
 - (i) travelling directly to suitable accommodation while waiting to transit out of the State if the person self-isolates until the transit, or

- (ii) dealing with an emergency.

Part 2 Relevant international arrivals

6 Introduction

This Part sets out directions of the Minister about relevant international arrivals.

7 Relevant international arrivals to comply with NSW Health Guidelines

- (1) A relevant international arrival must comply with the NSW Health Guidelines for 14 days after the person arrives, including in relation to tests for COVID-19 and restrictions or limitations about attending premises.
- (2) The person who employs a flight crew member must ensure the person complies with the NSW Health Guidelines until subclause (1) ceases to apply to the member.
- (3) In this clause—
employ includes engaging a person as a contractor or subcontractor.

8 Persons arriving in NSW from other countries

- (1) A relevant international arrival must—
 - (a) undergo a test for COVID-19 as soon as practicable, but no later than 24 hours after the relevant international arrival's arrival unless the NSW Health Guidelines provide that the person is not required to undergo a test for COVID-19, and
 - (b) travel by the most practicable direct route to the person's residence or a place suitable for the relevant international arrival to reside in, and
 - (c) self-isolate at the residence or place in accordance with clause 6 of the Self-Isolation Order as if the relevant international arrival were a diagnosed person until—
 - (i) the international arrival undergoes a test for COVID-19, and
 - (ii) the result for the test is negative.
- (2) This clause does not apply to a relevant international arrival who has undergone a test for COVID-19, including a rapid antigen test for COVID-19, in another State or Territory if the result of the test is negative.

Part 3 Miscellaneous

9 Information provided must be true and accurate

- (1) This clause sets out directions of the Minister about provision of information.
- (2) A person must ensure information provided under this Order is true and accurate.
- (3) A person must not provide to another person, information purporting to show the person is a fully vaccinated arrival, unless the information is true and accurate.
- (4) In this clause—
information includes evidence.
provide includes display or produce.

10 Relationship of Order with Self-Isolation Order

- (1) A person to whom a direction is given under this Order must continue to comply with a direction applicable to the person under the Self-Isolation Order.
- (2) If a direction applicable to a person under this Order is inconsistent with a direction applicable to the person under the Self-Isolation Order, the direction under the Self-Isolation Order prevails to the extent of the inconsistency.

11 Exemptions

The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order.

12 Repeal and savings

- (1) The *Public Health (COVID-19 Air and Maritime Arrivals) Order (No 1) 2022* (the **repealed Order**) is repealed.
- (2) An 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), if, immediately before the commencement of this Order—
 - (a) an exemption granted by the Minister under the repealed Order was in force, the exemption continues as if it were granted under this Order, and
 - (b) a delegation by the Minister under the repealed Order was in force, the delegation continues as if it were made for the purposes of this Order.

Schedule 1 Dictionary

NSW Health Guidelines means the *NSW Health Guideline for All International Arrivals* published on the website of NSW Health, as in force for the time being.

Note—

www.health.nsw.gov.au

relevant air arrival means a person who—

- (a) arrives in New South Wales by aircraft, whether the flight originates interstate or overseas, and
- (b) has, within 14 days immediately before the person's arrival, been in a country other than Australia.

relevant international arrival means—

- (a) a relevant air arrival, or
- (b) a relevant maritime arrival.

relevant maritime arrival—

- (a) means a person who arrives in New South Wales on a vessel that comes from a port outside New South Wales, but
- (b) does not include a person who arrives in New South Wales on a vessel that arrives, or has arrived, in New South Wales on a voyage if—
 - (i) the voyage commenced from a port in Australia, and
 - (ii) the vessel has not stopped at a port outside Australia on the voyage, and
 - (iii) each person on board the vessel boarded the vessel at a port in Australia.

Self-Isolation Order means the following—

- (a) the *Public Health (COVID-19 Self-Isolation) Order 2022*,
- (b) 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).

the Act means the *Public Health Act 2010*.

vessel has the same meaning as in the *Ports and Maritime Administration Act 1995*.