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New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 3) 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 25th August 2022.
Time 6:15pm

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The object of this Order is to repeal and remake the *Public Health (COVID-19 Self-Isolation) Order (No 2) 2022* with minor changes.

Contents

	Page
Part 1 Preliminary	
1 Name of Order	3
2 Grounds for concluding there is a risk to public health	3
3 Interpretation	3
Part 2 Persons diagnosed with COVID-19	
4 Introduction	4
5 Persons diagnosed with COVID-19 must self-isolate	4
6 Persons diagnosed with COVID-19 must notify employers, close contacts and education providers	5
Part 3 Household contacts and close contacts of persons diagnosed with COVID-19	
7 Introduction	7
8 Exemption if complying with NSW Health Household and Close Contact Guidelines	7
9 Exemption in certain other circumstances	7
10 Persons who reside with diagnosed persons	7
11 Close contacts of persons diagnosed with COVID-19 must self-isolate	7
Part 4 Miscellaneous	
12 Medical clearance and other COVID-19 orders	10
13 Exemptions	10
14 Repeal and savings	10
Schedule 1 Dictionary	11

Public Health (COVID-19 Self-Isolation) Order (No 3) 2022

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) 2022*.

2 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,
- (d) there is an ongoing risk of continuing introduction or transmission of the virus in New South Wales.

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.

Part 2 Persons diagnosed with COVID-19

4 Introduction

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

5 Persons diagnosed with COVID-19 must self-isolate

- (1) A diagnosed person must, immediately after becoming aware the person has tested positive to 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 to reside in.
- (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.

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

- (1) A diagnosed person must, immediately after becoming aware the person has tested positive to COVID-19, take reasonable steps to notify the following persons of the positive test, 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 Testing Positive to COVID-19 Fact Sheet,
 - (d) if the person became aware the person has tested positive to COVID-19 as a result of a rapid antigen test—the Chief Executive Officer of Service NSW,
 - (e) 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 Testing Positive to COVID-19 Fact Sheet.
- (3) A notification under subclause (1)(d)—
 - (a) must be made—
 - (i) by using the online form available for that purpose on the Service NSW website, or
 - (ii) in another way approved by the Chief Executive Officer of Service NSW, and
 - (b) is made for the purposes of —
 - (i) providing information about care, treatment and access to health and hospital services to persons who have tested positive to COVID-19, and

- (ii) providing information to NSW Health to support the public health response to the COVID-19 pandemic, including analysis of information and planning for, and the provision of, health and hospital services to the people of New South Wales.
- (4) In this clause—
- educational institution*** means a school, college, university or other institution at which education or training is provided.
- Testing Positive to COVID-19 Fact Sheet*** means the document titled *Testing positive to COVID-19 and managing COVID-19 safely at home* as in force from time to time and published on the website of NSW Health.
- Note—** See www.health.nsw.gov.au

Part 3 Household contacts and close contacts of persons diagnosed with COVID-19

7 Introduction

This Part sets out directions of the Minister about self-isolation of household contacts and close contacts of persons diagnosed with COVID-19.

8 Exemption if complying with NSW Health Household and Close Contact Guidelines

- (1) This clause applies to a person if—
 - (a) the person is a household contact of a diagnosed person, or
 - (b) the person is notified by an authorised contact tracer that the person is a close contact of a diagnosed person.
- (2) The household contact or close contact is not required to comply with clause 10 or 11 if the person complies with the NSW Health Household and Close Contact Guidelines—
 - (a) for a household contact—for a period of 7 days from the time that any person who resides with the household contact last tested positive for COVID-19, or
 - (b) for a close contact—
 - (i) a period of 7 days from the time the close contact is notified by an authorised contact tracer that they are a close contact, or
 - (ii) another period directed by an authorised contact tracer.

9 Exemption in certain other circumstances

Clause 11 does not apply to a person who is a close contact or household contact if—

- (a) the person has already been diagnosed with COVID-19 and has completed the requirement to reside at the person's residence, or a hospital or another place, under clause 5 (a *self-isolation period*), and
- (b) it is no more than 4 weeks since the person's self-isolation period ended.

10 Persons who reside with diagnosed persons

- (1) This clause applies if a household contact of a diagnosed person has not been given a direction under clause 11 by or on behalf of an authorised contact tracer.

Note— See clause 8(2), which provides that a household contact is not required to comply with this clause if the person complies with the NSW Health Household and Close Contact Guidelines for the period set out in that subclause.
- (2) The household contact must comply with clause 11 as if the household contact had been given a direction under clause 11(1)(a) to reside at the household contact's place of residence, or a place suitable for the household contact to reside, for a period of 7 days from when the diagnosed person undertook the test that resulted in the person becoming a diagnosed person (the *self-isolation period*).

Note— See clause 9, which provides that clause 11 does not apply to a person who is a household contact if the person has previously been diagnosed with COVID-19 and it is no more than 4 weeks since the person's period of self-isolation under clause 5 in relation to that diagnosis ended.

11 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) the close contact's residence or a place suitable for the close contact to reside in, or

Note— See also clause 10, which provides that a person who resides with a diagnosed person must self-isolate under this paragraph even if not directed to do so by or on behalf an authorised contact tracer.

- (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 to reside in.

Note— See clauses 8(2) and 9, which provide for exemptions from the requirements of this clause.

- (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) 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.
- (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 7 days, determined by an authorised contact tracer and notified in writing to the close contact.
- (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—
 - (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 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.

Part 4 Miscellaneous

12 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 meet a requirement or direction in the order relating to vaccination 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.

13 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.

14 Repeal and savings

- (1) The *Public Health (COVID-19 Self-Isolation) Order (No 2) 2022* (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 2

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

authorised contact tracer means a person engaged by NSW Health or the Department of Education 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.

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—

- (a) has been notified by or on behalf of NSW Health or a pathology laboratory that the person has tested positive for COVID-19, or
- (b) has become aware the person has tested positive to COVID-19 as a result of a rapid antigen test.

disability has the same meaning 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.

household contact, of a diagnosed person, means a person who, under clause 6(1)(b), is notified by a diagnosed person with whom the person resides that the diagnosed person has tested positive for COVID-19.

medical clearance notice means a notice, in a form approved by the Chief Health Officer, stating that a person has been medically cleared on a specified date and issued—

- (a) by or on behalf of NSW Health, or
- (b) by a medical practitioner, or
- (c) by a registered nurse.

medically cleared, in relation to a diagnosed person, means—

- (a) the diagnosed person has self-isolated for 7 days from the day the person undertook the test that resulted in the person becoming a diagnosed person, or
- (b) the person is notified, by or on behalf of NSW Health or by a medical practitioner, that the person may stop self-isolating earlier than the day mentioned in paragraph (a).

NSW Health Household and Close Contact Guidelines means the *NSW Health Household and Close Contact Guidelines* issued by the Chief Health Officer from time to time and published on the website of NSW Health.

Note— www.health.nsw.gov.au

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

supports has the same meaning as in the *Disability Inclusion Act 2014*.

the Act means the *Public Health Act 2010*.