

Public Health (Returned Travellers) Emergency Direction 2020 (No 4)

Notifiable Instrument NI2020–269

made under the

Public Health Act 1997, s 120 (Emergency actions and directions)

1. Name of instrument

This instrument is the *Public Health (Returned Travellers) Emergency Direction 2020 (No 4)*.

2. Commencement

This instrument commences at 11:59pm on 8 May 2020.

3. Public Health Emergency Direction

I, Dr Kerry Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out in the schedule.

4. Duration

This direction is in force for the period ending on the day the declared emergency (as extended or further extended) ends, unless it is earlier revoked.

5. Revocation

This direction revokes, replaces and extends the *Public Health (Returned Travellers) Emergency Direction 2020 (No 2)* [NI2020-183] and the *Public Health (Returned Travellers) Emergency Direction 2020 (No 3)* [NI2020-215].

Dr Kerry Coleman
Chief Health Officer

8 May 2020

Public Health Emergency Direction

Public Health Act 1997

*Made under the Public Health Act 1997,
section 120 (Emergency actions and directions)*

I, Dr Kerry Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out below.

QUARANTINE FOLLOWING OVERSEAS TRAVEL

The purpose of this direction is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

Direction

1. From 11:59pm on 8 May 2020, a person (other than a **diplomatic visa holder**) who enters the Australian Capital Territory following a flight that originated from a place outside Australia, must:
 - from the point at which the person arrives in the Australian Capital Territory, travel directly from that place to **designated premises** to reside in those premises until **clearance from quarantine** is given by an **authorised medical officer**; and
 - communicate the fact that they are subject to quarantine to any person to whom they may come into contact; and
 - comply with any request by an **authorised person** to produce proof of identification.
2. For the purposes of paragraph 1(a), the point at which a person arrives into the Australian Capital Territory means:
 - for travel by air – from the Canberra airport;
 - for travel by bus – from the bus station or other place where the person disembarks;
 - for travel by train – from the train station where the person disembarks;
 - for travel by car – from the point at which the car crosses the border from New South Wales into the Australian Capital Territory; and
 - by any other means – from the point at which the person crosses the border from New South Wales into the Australian Capital Territory.



3. An **authorised medical officer** may give **clearance from quarantine** after 48 hours if satisfied the person subject to quarantine is able to comply with the *Public Health (Returned Travellers) Emergency Direction 2020* [NI2020-164], with the 14 day period under that direction to include any time already spent in quarantine.
4. A person is not required to comply with the direction in paragraph 1 if the person has undergone an unbroken 14-day period of quarantine or self-isolation in an Australian State or the Northern Territory.
5. A person is not required to comply with the direction in paragraph 1 if the person is a member of an international flight crew. They must, however, self-isolate at their place of residence (or hotel if not in their local city) between flights or for 14 days, whichever is shorter, and otherwise observe *the Public Health (Returned Travellers) Emergency Direction 2020* [NI2020-164].
6. A person is not required to comply with the direction in paragraph 1 if the person is a member of an air ambulance or medevac crew. They must, however, self-isolate at their place of residence (or hotel if not in their local city) between flights or for 14 days, whichever is shorter, and otherwise observe *the Public Health (Returned Travellers) Emergency Direction 2020* [NI2020-164].
7. Notwithstanding paragraph 6, the Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a member(s) of an air ambulance or medevac crew to enable the member(s) to return to other duties.
8. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from the direction in paragraph 1 on compassionate or urgent medical grounds.

Enforcement

9. If a person fails to comply with this direction, an **authorised person** may then direct the person to do such things as are reasonably necessary to comply with this direction including, upon request, to produce proof of identification to the **authorised person**.
10. If a person fails to comply with any direction given under paragraph 9, then the **authorised person** may take all reasonable steps to enforce compliance with this direction.

Guidance

11. If a person who enters the Australian Capital Territory following a flight that originated outside Australia is a diplomatic visa-holder, risk mitigation guidance is provided at [Attachment A](#) to this Direction.



Definitions

For the purposes of these directions:

12. The term **designated premises** refers to any premises approved in writing by the Chief Health Officer for the purposes of quarantine.
13. A person is given **clearance from quarantine** when an **authorised medical officer** certifies that the person meets the criteria for discharge from quarantine. Certification must be in writing but is not required to be in a particular form.
14. An **authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
15. An **authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.
16. A **diplomatic visa-holder** means a foreign official posted to Australia and their dependants issued with a diplomatic visa by the Commonwealth Department of Foreign Affairs and Trade.

PENALTIES

Section 120 (4) of the *Public Health Act 1997* provides:

A person must not, without reasonable excuse, fail to comply with a direction under this section.

Maximum Penalty:

In the case of a natural person, \$8,000 (50 penalty units).

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Dr Kerry Coleman

Chief Health Officer

8 May 2020

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ATTACHMENT A

Risk Mitigation Guidance

If a person who enters the Australian Capital Territory following a flight that originated outside Australia is a **diplomatic visa-holder**, it is recommended that:

- from the point at which the person arrives in the Australian Capital Territory, the **diplomatic visa-holder** travel immediately to a premises that is suitable for the person to reside for a period of 14 days;
- except in exceptional circumstances, the **diplomatic visa-holder** reside in that premises for the period beginning on the day of arrival and ending at midnight on the fourteenth day after arrival;
- the **diplomatic visa-holder** not leave the premises, except:
 - for the purposes of obtaining medical care or medical supplies; and
 - in any other emergency situation;
- the **diplomatic visa-holder** communicate the fact that they are subject to quarantine to any person to whom they may come into contact;
- the **diplomatic visa-holder** not permit any other person to enter the premises unless that other person usually lives at the premises, or the other person is complying with this direction for the same 14-day period, or for medical or emergency purposes; and
- the Commonwealth Department of Foreign Affairs and Trade and/or Australian Border Force contact the ACT Government via the Covid.ops@act.gov.au email address to inform ACT Health:
 - that the **diplomatic visa-holder** is in self isolation and their location; and
 - of the contact details **diplomatic visa-holder** to enable ACT Health to conduct checks on their welfare, such as whether they have developed any COVID-19 symptoms.