

Australian Capital Territory

# Public Health (Returned Travellers) Emergency Direction 2020 (No 9)

**Notifiable Instrument NI2020–837**

made under the

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

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## 1. Name of instrument

This instrument is the *Public Health (Returned Travellers) Emergency Direction 2020 (No 9)*.

## 2. Commencement

This instrument commences at 11:59pm on 24 December 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 the *Public Health (Returned Travellers) Emergency Direction 2020 (No 8)* [NI2020-663].

Dr Kerry Coleman  
Chief Health Officer

24 December 2020

# Public Health Emergency Direction

## *Public Health Act 1997*

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

I, Dr Kerryn 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. The purpose of these directions is to restrict non-essential gatherings and the operation of non-essential businesses and undertakings in order to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

In making these directions I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of these Directions are both demonstrably justifiable in a free and democratic society and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

## PART 1 - QUARANTINE FOLLOWING OVERSEAS TRAVEL

### **Direction**

1. A person (other than **diplomatic visa-holder**) who enters the Australian Capital Territory following a flight that originated from a place outside Australia is:
  - a) for a person who is a member of an **international flight crew** or a member of an air ambulance or medevac crew – subject to self-quarantine under Part 2;
  - b) for a child who has travelled **unaccompanied** – subject to supervised home quarantine under Part 3; or
  - c) for any other person – subject to mandatory quarantine under Part 4.

## PART 2 – SELF-QUARANTINE OF INTERNATIONAL FLIGHT CREW, AIR AMBULANCE AND MEDEVAC CREW

### **Direction**

2. A person who is a member of an **international flight crew** or a member of an air ambulance or medevac crew must:
  - a. from the point at which the person arrives into the Australian Capital Territory, travel immediately to **designated premises** and reside in the premises:
    - i. for the **standard quarantine duration**; or
    - ii. until their next flight departing the Australian Capital Territory if that period is shorter than the **standard quarantine duration**; and



- b. not leave the premises, except:
    - i. for the purposes of obtaining medical care or medical supplies; or
    - ii. in any other emergency situation; and
  - c. not permit any other person to enter the premises unless:
    - i. the other person usually resides at the premises; or
    - ii. the other person is also complying with Part 2 of this Direction for the same **standard quarantine duration**; or
    - iii. for medical, law enforcement or emergency purposes.
3. A person who is a member of an **international flight crew** or a member of an air ambulance or medevac crew must comply with any request by an **authorised person** to produce proof of identification.

## PART 3 – SUPERVISED QUARANTINE OF UNACCOMPANIED CHILD

### *Direction*

4. From the point at which a child who has travelled **unaccompanied** arrives into the Australian Capital Territory, the child must:
- a. travel immediately to **designated premises** to undertake quarantine for at least the **standard quarantine duration**; and
  - b. not leave the **designated premises**, other than in an emergency; and
  - c. comply with any request by an **authorised person** to produce proof of identification.
5. A parent, guardian, person with **parental responsibility** or **carer** of a child who has travelled **unaccompanied** must:
- a. quarantine with the child at **designated premises** for at least the **standard quarantine duration**; and
  - b. not leave the **designated premises**, other than in an emergency; and
  - c. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and
  - d. comply with any request by an **authorised person** to produce proof of identification.
6. All members of the **household** of the **designated premises** must:
- a. not leave the **designated premises** after the beginning of the **standard quarantine duration** other than in an emergency; and
  - b. comply with any request by an **authorised person** to produce proof of identification.



7. At the end of the **standard quarantine duration** a person required to quarantine under this Part must remain in quarantine for an additional period (not longer than the **supplementary quarantine period**) unless:
  - a. the person is tested for COVID-19 when requested by an **authorised person** and returns a negative test result; and
  - b. the person is given clearance from quarantine by an **authorised medical officer**.

## PART 4 – MANDATORY QUARANTINE FOLLOWING OVERSEAS TRAVEL

### *Direction*

8. A person referred to in Part 1, paragraph 1(c) must:
  - a. travel immediately to **designated premises** to undertake quarantine for at least the **standard quarantine duration**; and
  - b. not leave the **designated premises**, other than in an emergency; and
  - c. not permit any other person to enter the **designated premises** unless:
    - i. the other person is also complying with Part 4 of this Direction; or
    - ii. the other person has been given a written direction by the Chief Health Officer permitting them to join the person in quarantine; or
    - iii. for medical, law enforcement or emergency purposes; and
  - d. comply with any request by an **authorised person** to produce proof of identification.
9. At the end of the **standard quarantine duration** a person required to quarantine under this Part must remain in quarantine for an additional period (not longer than the **supplementary quarantine period**) unless:
  - a. the person is tested for COVID-19 when requested by an **authorised person** and returns a negative test result; and
  - b. the person is given clearance from quarantine by an **authorised medical officer**.

## PART 5 — MATTERS RELEVANT TO THESE DIRECTIONS

10. For the purposes of Parts 2, 3 and 4, the point at which a person arrives into the Australian Capital Territory means:
  - a. for travel by air – from the Canberra airport;
  - b. for travel by bus – from the bus station or other place where the person disembarks;
  - c. for travel by train – from the train station where the person disembarks;
  - d. for travel by car – from the point at which the car crosses the border from New South Wales into the Australian Capital Territory; and
  - e. by any other means – from the point at which the person crosses the border from New South Wales into the Australian Capital Territory.



11. A person is not required to comply with the direction in Parts 1, 2, 3 or 4 if the person has undergone an unbroken 14-day period of quarantine or self-isolation in an Australian State or the Northern Territory.
12. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from the directions in Parts 1, 2, 3 or 4.
13. A clearance from quarantine given by an **authorised medical officer** must be in writing.

### Enforcement

14. If a person fails to comply with this Direction, an **authorised person** may 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**.
15. If a person fails to comply with any direction given under paragraph 14, then the **authorised person** may take all reasonable steps to enforce compliance with the direction.

### Guidance

16. 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.
17. If a person tests positive to COVID-19 during the **standard quarantine duration** or the **supplementary quarantine period** they must comply with the *Public Health (Self-Isolation) Emergency Direction 2020 (No 4)* [NI2020-662].

### Transitional

18. The repealed law continues to apply to a person who started quarantine under the repealed law before the commencement of this Direction and was still in quarantine immediately before the commencement of this Direction.
19. Repealed law means *Public Health (Returned Travellers) Emergency Direction 2020 (No 8)* [NI2020-663].

### Definitions

For the purposes of these directions:

20. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
21. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.



22. **Carer**, for the purposes of this Direction, includes an appropriate adult nominated by a person with **parental responsibility**.
23. Unless stated otherwise in writing by the Chief Health Officer, **designated premises** means:
- a. for Part 2 - if the person is normally a resident of the Australian Capital Territory:
    - i. if the person can maintain appropriate separation from members of the **household** - their usual place of residence provided, or
    - ii. if the person cannot maintain appropriate separation from members of the **household** - a room allocated on check-in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised person** for the purposes of quarantine.
  - b. for Part 2 - if the person is not normally a resident of the Australian Capital Territory:
    - i. a room allocated on check-in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised person** for the purposes of quarantine.
  - c. for Part 3 – a premises approved in writing by the Chief Health Officer or an **authorised person** as suitable for the **unaccompanied** child, together with a parent, guardian or carer, to reside in for the **standard quarantine duration**; or
  - d. for Part 4 – a room allocated on check-in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised person** for the purposes of quarantine.
24. **Diplomatic visa-holder** means persons such as foreign officials posted to Australia and their family that have been issued with a diplomatic visa by the Commonwealth Department of Foreign Affairs and Trade.
25. A **household** means people who ordinarily reside at the same residential premises.
26. **International Flight Crew** means any crew member aboard an international flight and operating in a professional capacity tasked to the aircraft cabin, the aircraft flight deck, or support crew (such as aircraft engineer, loading personnel or airport safety personnel).
27. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
28. The **standard quarantine duration** is a period of 14 days, beginning on the day of arrival and ending at 11:59pm on the fourteenth (14<sup>th</sup>) day after arrival.
29. A **supplementary quarantine period** is a further period of quarantine of 10 days, commencing from the end of the **standard quarantine duration** and ending at 11:59pm on the tenth (10<sup>th</sup>) day after the end of the **standard quarantine duration**.
30. For a returned traveller who is a child, **unaccompanied** means without the presence of a person with **parental responsibility**.



## **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

24 December 2020

## ATTACHMENT A

### *Risk Mitigation Guidance*

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

- a. 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 to 24 days;
- b. 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 last day of quarantine;
- c. the **diplomatic visa-holder** does not leave the premises during the quarantine period, except:
  - i. for the purposes of obtaining medical care or medical supplies; and
  - ii. in any other emergency situation;
- d. the **diplomatic visa-holder** communicate the fact that they are subject to quarantine to any person to whom they may come into contact;
- e. the **diplomatic visa-holder** does 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 quarantine period, or for medical or emergency purposes;
- f. the **diplomatic visa-holder** be tested for COVID-19 at the end of 14 days of quarantine;
- g. the **diplomatic visa-holder** leave quarantine in accordance with direction:
  - i. after 14 days if the **diplomatic visa-holder** was tested for COVID-19 and the test result is negative for COVID-19; or
  - ii. after 24 days if the **diplomatic visa-holder** was not tested for COVID-19;
- h. if the **diplomatic visa-holder** is tested for COVID-19 and tests positive for COVID-19, that they comply with the *Public Health (Self-Isolation) Emergency Direction 2020 (No 4)* [NI2020-662]; and
- i. the Commonwealth Department of Foreign Affairs and Trade and/or Australian Border Force contact the ACT Government via the [hecc.operations@act.gov.au](mailto:hecc.operations@act.gov.au) email address to inform ACT Health:
  - i. that the **diplomatic visa-holder** is in self isolation and their location; and





- ii. 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.

### Accessibility

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