

Australian Capital Territory

# Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 5)

Notifiable Instrument NI2021-191

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 (COVID-19 Affected Areas) Emergency Direction 2021 (No 5)*.

## 2. Commencement

This instrument commences at 12 noon on 28 March 2021.

## 3. Public Health Emergency Direction

I, Dr Vanessa Johnston, Acting 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.

Dr Vanessa Johnston  
Acting Chief Health Officer

28 March 2021

# Public Health Emergency Direction

## *Public Health Act 1997*

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

I, Dr Vanessa Johnston, Acting 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 this Direction is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

In making this Direction I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of this Direction 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 – COVID-19 AREAS OF CONCERN NOTICE

1. The Chief Health Officer may, by written notice published on an ACT government website, identify an area or place outside the Australian Capital Territory as a **COVID-19 affected area**, a **COVID-19 place of high concern**, or a **COVID-19 place of concern**.

*Note: <https://www.covid19.act.gov.au/updates/covid-19-affected-areas>*

2. A **COVID-19 areas of concern notice** may state:
  - a. a time at which an area or place becomes a **COVID-19 affected area**, a **COVID-19 place of high concern**, or a **COVID-19 place of concern**; and
  - b. the period during which an area or place is a **COVID-19 affected area**, a **COVID-19 place of high concern**, or a **COVID-19 place of concern**.
3. A time or period stated for an area or place in a **COVID-19 areas of concern notice** may be before the commencement of the notice.



## PART 2 – AFFECTED PERSON—RESIDENT OF AUSTRALIAN CAPITAL TERRITORY

### *Direction*

4. This part applies to an **affected person** who is a **resident of the Australian Capital Territory**.
5. The **affected person** must:
  - a. travel immediately to **designated premises** to undertake a **period of quarantine**; and
  - b. not leave the **designated premises** other than in an emergency; and
  - c. if the **affected person** is an adult—not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
6. If the **affected person** is an **unaccompanied child**:
  - a. a parent, guardian, person with **parental responsibility** or **carer** of the child must:
    - i. quarantine with the child at the **designated premises** for the **period of quarantine**; and
    - ii. not leave the **designated premises** other than in an emergency; and
    - iii. not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and.
  - b. all members of the **household** of the **designated premises** of an **affected person** must:
    - i. not leave the **designated premises** after the beginning of the **period of quarantine** other than in an emergency; and
    - ii. comply with any request of an **authorised person**, including to produce proof of identification.
7. The **affected person** must, on each occasion they travel to the Australian Capital Territory, complete a **self-declaration form** within 24 hours before their intended arrival in the Australian Capital Territory.
8. However, if the **affected person** arrives in the Australian Capital Territory without having completed a **self-declaration form**, they must:
  - a. complete a **self-declaration form** on arrival; and
  - b. comply with any direction given by an **authorised person**.
9. If the **affected person** is a child, a requirement to complete a **self-declaration form** under paragraph 7 or 8 must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.

10. If the **affected person** is required to obtain an exemption, approval or other permission (an **authorisation**) to leave a State or Territory where the person is located, the **affected person** must, before arriving in the Australian Capital Territory:
  - a. obtain the authorisation; and
  - b. give ACT Health a copy of the authorisation.

## PART 3 – AFFECTED PERSON—NOT RESIDENT OF AUSTRALIAN CAPITAL TERRITORY

### *Direction*

11. This part applies to an **affected person** who is not a **resident of the Australian Capital Territory**.
12. The **affected person** must not enter into the Australian Capital Territory unless they obtain an **exemption** before arriving.
13. If the **affected person** is a child, a requirement to obtain an **exemption** under paragraph 12 must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.
14. The **affected person** must, on arrival in the Australian Capital Territory:
  - a. travel immediately to **designated premises** to undertake a **period of quarantine**; and
  - b. not leave the **designated premises** other than in an emergency; and
  - c. if the **affected person** is an adult—not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
15. If the **affected person** is an **unaccompanied** child, a parent, guardian, person with **parental responsibility** or **carer** of the child must:
  - a. quarantine with the child at the **designated premises** for the **period of quarantine**; and
  - b. not leave the **designated premises** other than in an emergency; and
  - c. not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.



## PART 4 – AFFECTED PERSON ON COMMENCEMENT OF COVID-19 AREAS OF CONCERN NOTICE

### *Direction*

16. This part applies to a person if:
  - a. immediately before the commencement of a **COVID-19 areas of concern notice**, a person is:
    - i. in the Australian Capital Territory; and
    - ii. not an **affected person**; and
  - b. on commencement of the notice, the person becomes an **affected person**.
17. The person must:
  - a. travel immediately to **designated premises** to undertake a **period of quarantine**; and
  - b. not leave the **designated premises** other than in an emergency; and
  - c. if the person is an adult—not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
18. If the **affected person** is an **unaccompanied child**:
  - a. a parent, guardian, person with **parental responsibility** or **carer** of the child must:
    - i. quarantine with the child at the **designated premises** for the **period of quarantine**; and
    - ii. not leave the **designated premises**, other than in an emergency; and
    - iii. 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
  - b. all members of the **household** of the **designated premises** of an **affected person** must:
    - i. not leave the **designated premises** after the beginning of the **period of quarantine** other than in an emergency; and
    - ii. comply with any request by an **authorised person**, including to produce proof of identification.
19. An **affected person** must complete a **self-declaration form** within 24 hours after the commencement of the **COVID-19 areas of concern notice**.
20. If the **affected person** is a child, a requirement to complete a **self-declaration form** under paragraph 19 must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.



## PART 5 – PEOPLE WHO HAVE BEEN IN A COVID-19 PLACE OF HIGH CONCERN

21. If a person who is not an **affected person** has been in a **COVID-19 place of high concern**, they must:
  - a. complete a **self-declaration form** within 24 hours of arriving in the Australian Capital Territory, or within 24 hours from the commencement of a **COVID-19 areas of concern notice**.
  - b. abide by any conditions or guidance within a **COVID-19 areas of concern notice** that applies to the **COVID-19 place of high concern**.
22. If the person is a child, a requirement to complete a **self-declaration form** under paragraph 21 must be completed by the child's parent, guardian, person with **parental responsibility** or **carer**.

## PART 6 – PEOPLE WHO HAVE BEEN IN A COVID-19 PLACE OF CONCERN

23. If a person who is not an **affected person** has been in a **COVID-19 place of concern**, they must abide by any conditions or guidance within a **COVID-19 areas of concern notice** that applies to the **COVID-19 place of concern**.

## PART 7 – MISCELLANEOUS DIRECTIONS

### **Direction**

24. An **authorised person** may ask a person arriving at or in the Australian Capital Territory for any information necessary to determine whether the person is subject to this Direction.
25. Any person arriving at or in the Australian Capital Territory must comply with any request made under paragraph 24 by an **authorised person**.
26. An **authorised person** may direct a person who is subject to this Direction to do such things as are reasonably necessary to comply with this Direction.

*Examples of directions:*

*An authorised person may direct a person to show the authorised person proof of residence in the Australian Capital Territory.*

*An authorised person may direct a person to show the authorised person that person's exemption to enter the Australian Capital Territory.*

*An authorised person may direct a person who does not have an exemption to not enter the Australian Capital Territory.*
27. Any person subject to this Direction must comply with any request under paragraph 26 by an **authorised person**.



28. 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 to produce proof of identification to the **authorised person**.
29. If a person fails to comply with any direction given under paragraph 28, the **authorised person** may take all reasonable steps to enforce compliance with the direction.
30. A person must, if requested by an **authorised person**, state if they have been in a **COVID-19 affected area**.
31. An **affected person** must communicate to any person they come into contact with during the **period of quarantine** that they are undertaking a **period of quarantine** under this Direction.
32. When booking accommodation to undertake a **period of quarantine**, the **affected person** must communicate to the accommodation provider that the booking is for the person to undertake a **period of quarantine** under this Direction.
33. Any person required to quarantine under this Direction must do so at their own expense.
34. A person is not regarded as having been in a **COVID-19 place of high concern** if the person transited through the **COVID-19 place of high concern** by road or rail, including to attend an airport (other than a **COVID-19 place of high concern** that is within the airport), provided the person does not exit the airport or the motor vehicle or train in which the person is travelling while in the **COVID-19 place of high concern**.
35. A person is not regarded as having been in a **COVID-19 place of concern** if the person transited through the **COVID-19 place of concern** by road or rail, including to attend an airport (other than a **COVID-19 place of concern** that is within the airport), provided the person does not exit the airport or the motor vehicle or train in which the person is travelling while in the **COVID-19 place of concern**.
36. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from this Direction.
37. An **authorised person** may, in writing and subject to any conditions that the **authorised person** considers necessary, exempt a person from the full **period of quarantine**.



## PART 8 – GUIDANCE

38. If a person tests positive to COVID-19 during the **period of quarantine**, they must comply with the *Public Health (Self-Isolation) Emergency Direction 2020 (No 4)* [NI2020-662].
39. For the purposes of Parts 2 and 4, all members of the **household** of the **designated premises** should undertake a **period of quarantine** in accordance with the guidance provided at Attachment A to this Direction.
40. Guidance is provided at Attachment B in relation to the **exemption** process in Part 3.
41. Guidance is provided at Attachment C in relation to persons entering the Australian Capital Territory by road for transport or freight purposes (including furniture removalists).

### **Definitions**

For the purposes of this Direction:

42. **Affected person** means a person who:
  - a. has been given notice that they are a **close contact**; or
  - b. has been in a **COVID-19 affected area** at any relevant time or during any relevant period stated in the notice (if any), other than a person who:
    - i. transits through a **COVID-19 affected area** by road or rail, including to attend an airport (other than a **COVID-19 affected area** that is within the airport), provided the person does not exit the airport or the motor vehicle or train in which the person is travelling while in the **COVID-19 affected area**; or
    - ii. enters the Australian Capital Territory for urgent medical, law enforcement or emergency purposes; or
    - iii. enters the Australian Capital Territory by road for transport or freight purposes (including furniture removalists); or
    - iv. arrives in the Australian Capital Territory by air for the purpose of transiting to another destination, and does not leave the Canberra Airport; or
    - v. arrives in the Australian Capital Territory by road or air for the purpose of transiting to New South Wales by road and immediately does so; or
    - vi. has undergone an unbroken 14-day period of hotel quarantine in Australia following a flight that originated from overseas, and has travelled directly to the Australian Capital Territory immediately upon completion of quarantine.





43. **Arrival**, of a person in the Australian Capital Territory, means the point at which:
  - a. for travel by air – the person disembarks the plane at the Canberra airport; or
  - b. for travel by bus – the person disembarks the bus in the Australian Capital Territory; or
  - c. for travel by train – the person disembarks the train in the Australian Capital Territory; or
  - d. for travel by car – the car crosses the border from New South Wales into the Australian Capital Territory; and
  - e. by any other means – the person crosses the border from New South Wales into the Australian Capital Territory.
44. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.
45. **Carer**, for the purposes of this Direction, includes an appropriate adult nominated by a person with **parental responsibility**.
46. **Close contact** means a person who has been given notice that they are a close contact of a diagnosed COVID-19 case by the Department of Health responsible for the State or Territory in which the **COVID-19 affected area** is located, as amended from time to time
47. **COVID-19 affected area** means an area or place identified as an affected area in a **COVID-19 areas of concern notice**.
48. **COVID-19 areas of concern notice** means a notice made under paragraph 1.
49. **COVID-19 place of concern** means an area or place identified as a place of concern in a **COVID-19 areas of concern notice**.
50. **COVID-19 place of high concern** means an area or place identified as a place of high concern in a **COVID-19 areas of concern notice**.
51. Unless stated otherwise in writing by the Chief Health Officer, **designated premises** means:
  - a. if the **affected person** is a **resident of the Australian Capital Territory**—the person’s usual place of residence or other premises that is suitable for the person to reside in for a **period of quarantine**; or
  - b. if the **affected person** is not a **resident of the Australian Capital Territory**—accommodation that is suitable for the person to reside in for a **period of quarantine**.



52. **Exemption**, in Part 3, means a written approval, whether unconditional or conditional, issued by the Chief Health Officer or an **authorised person** for an **affected person** who is not a **resident of the Australian Capital Territory** to enter the Australian Capital Territory.
53. A **household** means people who ordinarily reside at the same residential premises.
54. **Resident of the Australian Capital Territory** means a person whose principal place of residence, or home that the person primarily occupies on an ongoing and permanent basis, is in the Australian Capital Territory.
55. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
56. A **period of quarantine** means either:
- a period of 14 days beginning on the day after the last date the person was in a **COVID-19 affected area** and concluding at 11:59 pm on Day 14; or
  - if any other period of time is provided for in a **COVID-19 areas of concern notice**, that period of time.
57. **Self-declaration form** means a form approved by the Chief Health Officer for the purposes of Part 2, Part 4 or Part 5.
58. For an **affected person** who is a child, **unaccompanied** means without the presence of a person with **parental responsibility**.

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**Dr Vanessa Johnston**

Acting Chief Health Officer

28 March 2021



## **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).



## ATTACHMENT A

### Guidance for members of households who are required to quarantine (Parts 2 and 4 only)

- If the **affected person** under **Parts 2 and 4** can maintain appropriate separation from other members of the **household**, the other members of the **household** do not need to quarantine.
- Appropriate separation means that the **affected person** should sleep in a separate bedroom, use a separate bathroom if available, and avoid spending time in the same room as other members of the **household**. If the **affected person** needs to be in the same room as members of the **household**, the **affected person** and members of the **household** should wear a mask.
- If an **affected person** and members of the **household** cannot maintain separation as described above, then the members of the **household** will need to quarantine with the **affected person**, or the **affected person** should undertake quarantine in alternative **accommodation**.
- If a member of the **household** undertakes quarantine with the **affected person**, other than in the case of an emergency, all members of the **household** should remain in the designated premises for the **period of quarantine**.



## ATTACHMENT B

### Guidance for exemption in relation to Part 3 for a person who is not a resident of the Australian Capital Territory

- Applications for exemption from this Direction for an **affected person** who is not a **resident of the Australian Capital Territory** must be submitted not more than two weeks in advance of proposed travel to the Australian Capital Territory and no less than 72 hours in advance of the proposed travel date.
- If an **affected person** requires an exemption, approval or other permission (an **authorisation**) to leave a State or territory, that authorisation must be obtained prior to applying for an exemption to enter the Australian Capital Territory and evidence of the authorisation must be provided.
- It is highly unlikely that an exemption will be granted at the point of arrival in the Australian Capital Territory.
- Applications are prioritised according to travel date and those with long lead times are unlikely to be processed earlier than two weeks before travel, due to the possibility of changing border restrictions.
- Applications for exemption will only be granted in highly exceptional circumstances. Strict quarantine requirements may still apply even if an exemption to enter the Australian Capital Territory has been granted.
- Only the following exceptional circumstances will be considered for an exemption:
  - a. Providing essential services in the Australian Capital Territory which may include the following industries:
    - i. health care;
    - ii. government, law enforcement or military;
    - iii. Member of Parliament or staff;
    - iv. education;
    - v. agriculture (please check eligibility by referring to the Australian Government's Agriculture Worker's code);
    - vi. maintenance or repair of critical infrastructure;
    - vii. construction, engineering, or manufacturing.
  - b. compassionate grounds e.g. visiting a family member receiving palliative care;
  - c. attending the funeral of an immediate family member;
  - d. needing to attend medical appointments;
  - e. needing a service only available in the ACT, which is time critical;
  - f. entering for child access or critical care arrangements;
  - g. required to attend court or legal proceeding; or
  - h. moving permanently to the ACT.



## ATTACHMENT C

### Risk Mitigation Guidance for persons entering the Australian Capital Territory by road for transport or freight purposes (including furniture removalists)

This Direction should be read in conjunction with the *Freight Movement Code for the Domestic Border Controls* which is available at:

- [www.covid19.act.gov.au](http://www.covid19.act.gov.au) or
- [https://www.infrastructure.gov.au/vehicles/vehicle\\_regulation/files/freight-movement-code-for-the-domestic-border-controls.pdf](https://www.infrastructure.gov.au/vehicles/vehicle_regulation/files/freight-movement-code-for-the-domestic-border-controls.pdf)

The *Freight Movement Code for the Domestic Border Controls* provides for enforceable measures such as the following:

- A valid border permit or equivalent approval.  
**NOTE** *The ACT requires that furniture removalists notify ACT Health prior to entering the Australian Capital Territory. Information about the notification process can be found at <https://www.covid19.act.gov.au/>.*
- A COVIDSafe workplan.
- Carrying and using COVID-19 related Personal Protective Equipment (when social distancing is not possible), including:
  - Hand sanitiser,
  - Gloves,
  - An appropriate face mask.

**NOTE** *Further information on face masks can be found at*

<https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/retail-supermarkets-and-shopping-centres/masks?tab=tab-toc-employer#heading--2--tab-toc-what-are-cloth-masks?>

- People subject to the *Freight Movement Code for the Domestic Border Controls* should be tested for COVID-19 on a rolling 7-day testing cycle until at least 14 days have passed since they were last in a **COVID-19 affected area**, and should carry evidence of the results of these tests when travelling.
- Record keeping for contact tracing purposes to be kept and retained:
  - for heavy vehicle drivers, in the work diary until lodged with the record keeper or in accordance with the legislative requirements of the relevant state (including the Northern Territory);
  - for support workers, by the worker; and
  - for rail crew, by the driver or operator.



- The records should include where they are travelling, with whom they have been in contact (including when not working), details of accommodation, and onward and return travel (as per the Freight Movement Protocol agreed by National Cabinet).
- Effective self-isolation where practicable when working during stops including for accommodation purposes.
- No passengers, unless required for the purposes of work (for example, 'two up' drivers).
- No working while symptomatic until a negative test result has been received. Workers should not return to work until after symptoms have ceased.
- Upon request from an **authorised person**, heavy vehicle drivers, rail crew and support workers where relevant, will be expected to show evidence of complying with the enforceable measures.

### Accessibility

If you have difficulty reading a standard printed document and would like an alternative format, please phone 13 22 81.



If English is not your first language and you need the Translating and Interpreting Service (TIS), please call 13 14 50.

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