

Australian Capital Territory

Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 3)

Notifiable Instrument NI2021–511

made under the

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

1. Name of instrument

This instrument is the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 3)*.

2. Commencement

This instrument commences at 8:00pm on 27 August 2021.

3. Public Health Emergency Direction

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 in this instrument.

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 instrument revokes the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2020 (No 2)* [NI2021-500].

Dr Kerryn Coleman
Chief Health Officer

27 August 2021

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 require people who are diagnosed with **COVID-19** to self-isolate and people identified as a **close contact** and **secondary contacts** to quarantine, in order 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 — SELF-ISOLATION - COVID-19 DIAGNOSED

Directions

1. This part applies to a person who is diagnosed with **COVID-19**.
2. On being given the diagnosis, the person must—
 - a. if the person is at **designated premises** when the diagnosis is communicated to them—undertake a **period of self-isolation** at the premises; and
 - b. if the person is not at designated premises when the diagnosis is communicated to them—
 - i. travel directly to **designated premises** to undertake a period of **self-isolation**; or
 - ii. if the person requires medical treatment at a hospital—travel directly to a hospital for medical treatment and, following treatment and discharge from the hospital, travel directly to **designated premises** to undertake a **period of self-isolation**; and;
 - c. communicate to any person with whom they may come into contact that they are required to self-isolate because of their diagnosis of **COVID-19**; and
 - d. not leave the **designated premises** other than in an emergency; and

Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.



- e. 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.

Note: A person who usually resides at the same premises would be considered a member of a **household**, and will be a **close contact** to whom part 2 applies.

- 3. If the diagnosed person is a child:
 - a. a parent, guardian, person with parental responsibility or carer of the child must:
 - i. self-isolate with the child at the **designated premises** for the **period of self isolation**; and
 - ii. not leave the designated premises other than to undertake a test for COVID-19, or 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.
- 4. A **period of self-isolation** for a person to whom this part applies is the period beginning when the person is diagnosed with **COVID-19** and ending when the person is given **clearance** from self-isolation by an **authorised medical officer**.

PART 2 — QUARANTINE - CLOSE CONTACT

Directions

- 5. This part applies to a person who is a **close contact** of a person diagnosed with **COVID-19**.
- 6. The person must:
 - a. if the person is at **designated premises** when they become aware they are a **close contact**—undertake a **period of quarantine** at the premises; and
 - b. if the person is not at **designated premises** when they become aware they are a **close contact**—travel directly to **designated premises** to undertake a **period of quarantine**; and
 - c. communicate to any person with whom they may come into contact that they are in quarantine due to being a **close contact** of a person diagnosed with **COVID-19**; and
 - d. not leave the **designated premises** other than to undertake a test for COVID-19, or in an emergency; and
Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.
 - e. 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.



7. If the **close contact** is a 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 to undertake a test for **COVID-19** or in an emergency; and
 - iii. communicate to any person with whom they may come into contact that they are in quarantine due to being a **close contact** of a person diagnosed with **COVID 19**; and
 - iv. not permit any other person that does not reside in the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
8. At the end of the **period of quarantine** a person 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 person**.
9. A **period of quarantine** means a period that begins on the day the person becomes aware they are a **close contact** and ends:
 - a. if the **close contact** has no ongoing exposure to, or contact with a diagnosed person, at midnight on the fourteenth day after the last day of contact with a person diagnosed with **COVID-19**; or
 - b. if the **close contact** has ongoing exposure to, or contact with a diagnosed person, at midnight on the fourteenth day after the day that the diagnosed person returns a negative **COVID-19** test or such time as directed by an **authorised person**.

PART 3 — QUARANTINE – SECONDARY CONTACT

10. This part applies to a **secondary contact** of a **close contact**.
11. The person must:
 - a. if the person is at **designated premises** when they become aware they are a **secondary contact**—quarantine at the premises; and
 - b. if the person is not at **designated premises** when they become aware they are a **secondary contact**—travel directly to **designated premises** and quarantine at the premises; and
 - c. communicate to any person with whom they may come into contact that they are in quarantine due to being a **secondary contact** of a person diagnosed with **COVID-19**; and
 - d. not leave the **designated premises** other than to undergo a test for **COVID-19** or



in an emergency; and

Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.

- e. 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

12. If the **secondary contact** is a 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 duration of the child's quarantine; and
 - ii. not leave the **designated premises** other than to undertake a test for **COVID-19** or in an emergency; and
 - iii. communicate to any person with whom they may come into contact that they are in quarantine due to being a **secondary contact** of a person diagnosed with **COVID 19**; and
 - iv. not permit any other person that does not reside in the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.

13. A **secondary contact** who resides in the same **household** as a **close contact** during their **period of quarantine** must continue to comply with paragraph 11 until the **close contact** is given **clearance** from quarantine by an **authorised person** under paragraph 8(b).

14. A **secondary contact** who does not reside in the same **household** as a **close contact** must continue to quarantine until the earlier of the following:

- a. the relevant **close contact** is tested for **COVID-19** and returns a negative test result, provided there has been no further contact between the individuals since the time of testing; or
- b. midnight on the fourteenth day after the last day of contact with the **secondary contact**.

PART 4 — MISCELLANEOUS

15. An **authorised person** may ask a person for any information necessary to determine whether the person is subject to this Direction, including to produce proof of identification.

16. Any person must comply with any request made under paragraph 15 by an **authorised person**.

17. 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.



18. Any person subject to this Direction must comply with any request under paragraph 17 by an **authorised person**.

19. A **clearance** given by an **authorised person** must be in writing.

Guidance

20. Guidance about how an **authorised medical officer** or an **authorised person** determines whether a person is a **close contact** or a **secondary contact**, of a **close contact** of a person diagnosed with **COVID-19** can be found at <https://www.covid19.act.gov.au/>.

21. Guidance about whether people sharing a **household** with a **close contact** must also quarantine can be found at <https://www.covid19.act.gov.au/>.

22. Guidance about how a person is determined to have met the criteria for discharge from self-isolation or quarantine can be found at <https://www.covid19.act.gov.au/>.

Definitions

For the purposes of these directions:

23. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.

24. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.

25. **Clearance**, of a person by an **authorised person**, means when the **authorised person** considers it is safe for the person to stop complying with the relevant requirements for self-isolation or quarantine under this Direction.

26. **Close contact**, of a person diagnosed with **COVID-19**, means a person who:

- is a member of the same **household** as the diagnosed person; or
- has been notified by an **authorised person** that they are a **close contact**.

27. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.

28. **Designated premises** means:

- the person's usual place of residence or other premises that is suitable for the purposes of self-isolation or quarantine; or
- if the person is not normally a resident of the Australian Capital Territory, a hotel or other premises that has been approved in writing by the Chief Health Officer or an **authorised person** for the purposes of self-isolation or quarantine; or
- 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 self-isolation or quarantine; or.
- d. if the Chief Health Officer, in writing, states another place—the stated place.

29. **Household** means people who ordinarily reside at the same residential premises.

30. **Period of quarantine** for a person under Part 2 means the period applying to the person under paragraph 9.

31. **Period of self-isolation** for a person under Part 1 means the period applying to the person under paragraph 4.

32. **Secondary contact**, of a **close contact** of a person diagnosed with **COVID-19**, means a person who is notified by an **authorised person** that they are a secondary contact due to the person having had, in the determination of the **authorised person**, relevant contact with or exposure to a **close contact**.

33. **Supplementary quarantine period** any period of time as directed by an **authorised person** but not longer than 10 days commencing at the end of the **period of quarantine**.

Dr Kerryn Coleman
Chief Health Officer

27 August 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).

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