

Australian Capital Territory

Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 5)

Notifiable Instrument NI2021–640

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 5)*.

2. Commencement

This instrument commences at 11:59pm on 31 October 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 4)* [NI2021-612].

Dr Kerryn Coleman
Chief Health Officer

31 October 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** 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 or to seek treatment for COVID-19, as advised by a staff member of the **ACT COVID-19 Care@Home Program** or ACT Health, or by a treating primary health care provider; 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 either a **public health officer** or a staff member of the **ACT COVID-19 Care @ Home Program**.

PART 2 — QUARANTINE - VACCINATED CLOSE CONTACT

Directions

5. This part applies to a person who is a **close contact** of a person diagnosed with **COVID-19**, where the person is **fully vaccinated**.
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 undertaking a **period of quarantine** due to being a **close contact** of a person diagnosed with **COVID-19**; and



- d. not leave the **designated premises** during the **period of quarantine** 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 during the **period of quarantine**, unless for medical, law enforcement or emergency purposes.
- f. not attend a **high risk setting** for a period fourteen days after the **close contact** was exposed or in contact with a diagnosed person, unless the high risk setting is their home.

Note: A person may seek an exemption from this subparagraph under this Direction.

7. A **period of quarantine**, for a **close contact** who is **fully vaccinated**, means a period that begins on the day the person first 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 11:59pm on the seventh day after the **close contact** was exposed or in contact with a diagnosed person; or
 - b. if the **close contact**, has ongoing exposure to, or contact with a diagnosed person at 11:59pm on the seventh day after the diagnosed person is given **clearance** from self-isolation under paragraph 4.
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 has been **tested for COVID-19** no earlier than six days after the **close contact** was last exposed or in contact with a diagnosed person and returns a negative test result;
 - b. the person is **tested for COVID-19** anytime during the **supplementary quarantine period** and returns a negative result; or
 - c. the person is given clearance from quarantine by an **authorised person**.

PART 3 — QUARANTINE - UNVACCINATED CLOSE CONTACT

Directions

9. This part applies to a person who is a **close contact** of a person diagnosed with **COVID-19**, where the person is not **fully vaccinated**.



10. 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 undertaking a **period of quarantine** due to being a **close contact** of a person diagnosed with **COVID-19**; and
 - d. not leave the **designated premises** during their **period of quarantine** 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 during the **period of quarantine**, unless for medical, law enforcement or emergency purposes.
 - f. not attend a **high risk setting** for a period fourteen days after the **close contact** was exposed or in contact with a diagnosed person.
Note: A person may seek an exemption from this subparagraph under this Direction.
11. A **period of quarantine**, for a person not **fully vaccinated**, 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 11:59pm on the fourteenth day after the **close contact** was exposed or in contact with a diagnosed person; or
 - b. if the **close contact** has ongoing exposure to, or contact with a diagnosed person, at 11:59pm on the fourteenth day after the day that the diagnosed person is given clearance from self-isolation under paragraph 4.
12. 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 has been **tested for COVID-19** when requested by an **authorised person** and returns a negative test result; or
 - b. the person is tested for **COVID-19** anytime during the **supplementary quarantine period** and returns a negative result; or
 - c. the person is given clearance from quarantine by an **authorised person**.



PART 4 — RECOVERED CASES

13. This part applies to a **recovered case** whether or not the person is **fully vaccinated**.
14. A **recovered case** is not subject to Part 2 and 3 of this Direction.

PART 5 — 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 16 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 18 by an **authorised person**.
19. A **clearance** given by an **authorised person** and a **public health officer** or a staff member of the **ACT COVID-19 Care @ Home Program** under paragraph 4 must be in writing.

PART 6 — EXEMPTIONS

Exemption

20. 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, or a stated requirement under this Direction, on compassionate or other grounds that the Chief Health Officer considers reasonable and appropriate.
21. If the Chief Health Officer exempts a person from this Direction, or a stated requirement under this Direction that person must comply with the conditions of the exemption.

PART 7 — MATTERS RELEVANT TO THIS DIRECTION

Guidance

22. Guidance about how an **authorised medical officer** or an **authorised person** determines whether a person is a **close contact** of a person diagnosed with **COVID-19** can be found at <https://www.covid19.act.gov.au/>.
23. Guidance about whether people sharing a **household** with a **close contact** must also quarantine can be found at <https://www.covid19.act.gov.au/>.



24. 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:

25. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
26. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.
27. **ACT COVID-19 Care@Home Program** means the Care@Home Program run by the Division of Medicine at Canberra Health Services.
28. **Child** in this public health direction means a person who is under 12 years old.
29. **Clearance** of a person by a person under paragraph 4, means when the **public health officer** or a staff member of the **ACT COVID-19 Care @ Home Program** considers it is safe for the person in self-isolation to stop complying with the relevant requirements for self-isolation under this Direction.
30. **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**.
31. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
32. **COVID-19 vaccination** means a SARS-COV-2 (COVID-19) vaccine that is approved or recognised by the Australian Therapeutic Goods Administration.
33. **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
 - if the Chief Health Officer, in writing, states another place—the stated place.

34. **Disability service** has the same meaning as it does in the *Public Health (Disability and Other Care Workers COVID-19 Vaccination) Emergency Direction 2021*.
35. **Fully vaccinated** means a person who, fourteen days before their last exposure to or contact with a diagnosed person:
- has received the number of doses required for a complete course of a **COVID-19 vaccine**;
 - has a **medical contraindication certificate** issued to the person; or
 - has a **medical contraindication certificate** recorded on the Australian Immunisation Register that prevents the person from receiving a **COVID-19 vaccination**.
36. **Health care facility** has the same meaning as it does in the *Public Health (Health Care and Support Workers COVID-19 Vaccination) Emergency Direction 2021*.
37. **High risk setting** means the following premises:
- a **residential aged care facility**, or any premises that an **in-home and community aged care provider** provides services to;
 - a **health care facility**;
 - a correctional centre or detention place;
 - any premises that a **disability service** provides services to.
38. **Household** means people who ordinarily reside at the same residential premises.
39. **In-home and community aged care provider** has the same meaning as it does in the *Public Health (Disability and Other Care Workers COVID-19 Vaccination) Emergency Direction 2021*.
40. **Medical contraindication certificate** means a certificate issued by a medical practitioner:
- in a form approved by the Chief Health Officer; and
 - certifying that because of a specified medical contraindication, the person to whom the certificate has been issued cannot have any available **COVID-19 vaccination**.
41. **Medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the medical profession (other than as a student), including a person holding limited or provisional registration to the extent that the person is allowed to do the activity under the person's registration.

42. **Nurse** means—

- a. a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the nursing and midwifery profession as a nurse (other than as a student), including a person holding limited or provisional registration to the extent that the person is allowed to do the activity under the person's registration; and
- b. includes a person who is qualified to practise as a nurse practitioner.

43. **Period of quarantine** for a person:

- a. under Part 2 means the period applying to the person under paragraph 7; and
- b. under Part 3 means the period applying to the person under paragraph 11.

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

45. **Public health officer** means a public health officer under the *Public Health Act 1997*.

46. **Recovered case** means a person who has been previously diagnosed with COVID-19 and has been provided **clearance** and where no more than a period of six months has elapsed from the date of **clearance**.

47. **Residential aged care facility** has the same meaning as it does in the *Public Health (Aged Care Workers and Visitors COVID-19 Vaccination) Emergency Direction 2021 (No 2)*.

48. **Supplementary quarantine period** means a period not longer than 14 days commencing at the end of the **period of quarantine**.

49. **Tested for COVID-19** means a reverse transcription polymerase chain reaction test to detect **COVID-19**.

Dr Kerryn Coleman
Chief Health Officer

31 October 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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