

Australian Capital Territory

Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 8)

Notifiable Instrument NI2021–726

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 8)*.

2. Commencement

This instrument commences at 11:59pm on 7 December 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 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 7)* [NI2021-708].

Dr Vanessa Johnston
Acting Chief Health Officer

7 December 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 require people who are diagnosed with **COVID-19** to self-isolate, and people identified as a **close contact** to undergo quarantine with the period varying depending on whether or not a person has been fully vaccinated, in order to limit the spread of **COVID-19**. This Direction includes separate quarantine requirements for a person who has been exposed to **COVID-19 Omicron** while assessment of the transmissibility, severity of the disease and effect of existing vaccines is undertaken.

Grounds for directions

I consider the directions are necessary or desirable to alleviate the **COVID-19** emergency on the grounds that—

- (a) **COVID-19** poses a serious public health risk to the Australian Capital Territory community;
- (b) the Australian Capital Territory has experienced persistent community transmission since the outbreak of the Delta variant of **COVID-19**, in the Australian Capital Territory on 12 August 2021;
- (c) the Delta variant of **COVID-19** (labelled as a variant of concern) has proven challenging both nationally and internationally, demonstrating that elimination of the virus is not feasible and community transmission will continue as the Australian Capital Territory seeks to mitigate the impact of this public health risk;
- (d) the World Health Organisation recently declared **COVID-19 Omicron** to be a variant of concern which is being monitored closely, both nationally and internationally, for its potential to lead to severe illness. The first case of **COVID-19 Omicron** was recorded in the Australian Capital Territory on 3 December 2021;
- (e) it is important to limit the spread of **COVID-19** in the Australian Capital Territory community.

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 after leaving or being discharged 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**, 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 **COVID-19 test**, 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**, but does not apply to a person who is a **close contact** of a person diagnosed with **COVID-19 Omicron** or a **COVID-19 Omicron probable case**.

Note: Part 4 applies to a **close contact** of a person diagnosed with **COVID-19 Omicron** or is a **COVID-19 Omicron probable case** and applies irrespective of whether or not 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 **COVID-19 test**, 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 where the person is not otherwise in quarantine. A person undertaking quarantine must not leave their premises other than under subparagraph 6(d).



7. A **period of quarantine**, for this part, 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**, but does not apply to a person who is a close contact of a person diagnosed with **COVID-19 Omicron** or a **COVID-19 Omicron probable case**.

Note: Part 4 applies to a **close contact** of a person diagnosed with **COVID-19 Omicron** or a **COVID-19 Omicron probable case** and applies irrespective of whether the person is **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 **COVID-19 test**, 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 where the person is not otherwise in quarantine. A person undertaking quarantine must not leave their premises other than under subparagraph 10(d).

- 11. A **period of quarantine**, for this part, 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 undertaken a **COVID-19 test** when requested by an **authorised person** and returns a negative test result; or
 - b. the person undertakes a **COVID-19 test** 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 — QUARANTINE - COVID-19 OMICRON VARIANT CLOSE CONTACT

- 13. This part applies to a person who is a **close contact** of a person:
 - a. diagnosed with **COVID-19 Omicron**; or
 - b. who is a **COVID-19 Omicron probable case**.

Note: A **close contact** of a person who is a **COVID-19 Omicron probable case** will remain subject to Part 4 of this Direction unless informed by an **authorised medical officer** that the diagnosed person has not subsequently been confirmed to be infected with **COVID-19 Omicron**, in which case Part 2, 3 or 5 of this Direction will apply.

- 14. 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 **COVID-19 test**, 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. undergo a **COVID-19 test**:
 - i. as soon as possible after becoming aware that they are a close contact; and
 - ii. on the 5th or 6th day after last being exposed to or being in contact with a diagnosed person; and
 - iii. on the 12th or 13th day after last being exposed to or being in contact with a diagnosed person; and
 - iv. at any other time, as requested by an **authorised person**.
- f. 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.

Note: A person may seek an exemption from this subparagraph under this Direction where the person is not otherwise in quarantine. A person undertaking quarantine must not leave their premises other than under subparagraph 14(d).

15. A **period of quarantine**, for this part, 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.
16. 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 undertaken a **COVID-19 test** in accordance with paragraph 14 (e) (iii) or (iv) and returns a negative test result; or
 - b. the person undertakes a **COVID-19 test** anytime during the **supplementary**



- quarantine period** and returns a negative result; or
- c. the person is given clearance from quarantine by an **authorised person**.
17. The **household** of a person to whom this part applies must comply with all of the requirements in paragraph 14 as if they are the **close contact** or **casual contact**, other than the requirements in paragraph 14 (c) and (e).
18. The **period of quarantine** for a person to whom paragraph 17 applies is the same as the relevant **close contact**.
- Note: The member of the same **household** as a **close contact** is not required to quarantine where the **close contact** is informed that the diagnosed person has not subsequently become a confirmed **COVID-19 Omicron** case.*
19. A person to whom paragraph 17 applies must complete any **supplementary quarantine period** that the relevant **close contact** is required to complete.

PART 5 — RECOVERED CASES

20. This part applies to a **recovered case** whether or not the person is **fully vaccinated**.
21. A **recovered case** is not subject to Part 2 and 3 of this Direction.
- Note: A **close contact** of a person diagnosed with **COVID-19 Omicron** or a **COVID-19 Omicron probable case**, including any **household** members of the **close contact** are required to comply with the quarantine requirements in Part 4.*

PART 6 — MISCELLANEOUS

22. 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.
23. Any person must comply with any request made under paragraph 22 by an **authorised person**.
24. 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.
25. Any person subject to this Direction must comply with any request under paragraph 24 by an **authorised person**.
26. A **clearance** given by an **authorised person**, **public health officer** or a staff member of the **ACT COVID-19 Care @ Home Program** under paragraph 4 must be in writing.



PART 7 — EXEMPTIONS

Exemption

27. 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.
28. 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 8 — MATTERS RELEVANT TO THIS DIRECTION

Guidance

29. 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>.
30. Guidance about whether people sharing a **household** with a **close contact** must also quarantine can be found at <https://www.covid19.act.gov.au>.
31. 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:

32. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
33. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.
34. **ACT COVID-19 Care@Home Program** means the Care@Home Program managed by the Division of Medicine at Canberra Health Services.
35. **Casual contact** means a person who:
 - a. has attended a **casual contact exposure location** at which a person diagnosed with **COVID-19 Omicron** has attended during the relevant period;
 - b. has been notified by an **authorised person** that they are a **casual contact**.
36. **Casual contact exposure location** means an area or place identified as a casual contact exposure location in a **COVID-19 areas of concern notice**.



37. **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.
38. **Close contact**, of a person diagnosed with **COVID-19**, means a person who:
 - a. is a member of the same **household** as the diagnosed person; or
 - b. has been notified by an **authorised person** that they are a **close contact**.
39. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
40. **COVID-19 areas of concern notice** has the same meaning as it does in the *Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 13)*, as amended or replaced from time to time.
41. **COVID-19 Omicron** means the **COVID-19** variant B.1.1.529 (Omicron).
42. **COVID-19 Omicron probable case** means a person who has not been diagnosed with **COVID-19 Omicron** but where an **authorised medical officer** is satisfied that:
 - a. the person has been diagnosed with **COVID-19**; and
 - b. the person is a **close contact** or **casual contact** of a **COVID-19 Omicron** case.
43. **COVID-19 test** means a reverse transcription polymerase chain reaction test to diagnose **COVID-19**.
44. **COVID-19 vaccination** means a SARS-COV-2 (COVID-19) vaccine that is approved or recognised by the Australian Therapeutic Goods Administration.
45. **Designated premises** means:
 - a. the person's usual place of residence or other premises that is suitable for the purposes of self-isolation or quarantine; or
 - b. 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
 - c. 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.
46. **Disability service** has the same meaning as it does in the *Public Health (Disability and Other Care Workers COVID-19 Vaccination) Emergency Direction 2021*.



47. **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**.
48. **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*.
49. **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.
50. **Household** means people who ordinarily reside at the same residential premises.
51. **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*.
52. **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**.
53. **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.
54. **Nurse** means—
- 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
 - includes a person who is qualified to practise as a nurse practitioner.

55. **Period of quarantine** for a person:
- under Part 2 means the period applying to the person under paragraph 7; and
 - under Part 3 means the period applying to the person under paragraph 11.
 - under Part 4 means the period applying to the person under paragraph 15.
56. **Period of self-isolation** for a person under Part 1 means the period applying to the person under paragraph 4.
57. **Public health officer** means a public health officer under the *Public Health Act 1997*.
58. **Recovered case** means a person who has previously been provided **clearance** from a **COVID-19** diagnosis and no more than a six month period has elapsed since the date of **clearance**.
59. **Residential aged care facility** has the same meaning as it does in the *Public Health (Aged Care Workers COVID-19 Vaccination) Emergency Direction 2021 (No 2)*.
60. **Supplementary quarantine period** means a period of 14 days commencing at the end of the **period of quarantine**.

Dr Vanessa Johnston

Acting Chief Health Officer

7 December 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).

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.

For further accessibility information, visit: www.health.act.gov.au/accessibility

www.health.act.gov.au | Phone: 132281

© Australian Capital Territory, Canberra December 2021