

Australian Capital Territory

Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 9)

Notifiable Instrument NI2021–751

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 9)*.

2. Commencement

This instrument commences at 11:59pm on 15 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 8)* [NI2021-726].

Dr Vanessa Johnston
Acting Chief Health Officer

15 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**.

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 Organization 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**.

Note: Attachment A contains risk mitigation guidance for a **close contact** and their **household**. This includes a strong recommendation that close contacts and their household should not enter high risk settings, such as hospitals and residential aged care facilities where practicable for day 8 to 14 following the close contacts last exposure to a case.

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.
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 last 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 undertaken a **COVID-19 test** 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 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 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**.

Note: Attachment A contains risk mitigation guidance for the **household** of a **close contact**. This includes a strong recommendation that the household of a close contact should not enter high risk settings, such as hospitals and residential aged care facilities where practicable while the **close contact** remains in quarantine.

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.



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 last 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 — RECOVERED CASES

13. This Part applies to a **recovered case** whether or not the person is **fully vaccinated**.
14. A **recovered case** is subject to the requirements in Parts 2 and 3 of this Direction, whichever is applicable, unless an **authorised person** considers it safe for the person to stop complying with the relevant requirements in this Direction.
15. Paragraph 14 does not apply to a person who between 1 December 2021 and 15 December 2021 was both:
 - a. a **recovered case**; and
 - b. a notified **close contact**.

PART 5 — TRANSITIONAL PROVISIONS

16. A person who was undertaking a period of quarantine under Part 4 of *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2020 (No 8) (revoked)* immediately before it was revoked must comply with either Part 2 or Part 3 of this Direction, whichever is applicable.



PART 6 — MISCELLANEOUS

17. 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.
18. Any person must comply with any request made under paragraph 17 by an **authorised person**.
19. 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.
20. Any person subject to this Direction must comply with any request under paragraph 19 by an **authorised person**.
21. 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

22. 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.
23. 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

24. 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>.
25. Guidance about whether people sharing a **household** with a **close contact** must also quarantine can be found at <https://www.covid19.act.gov.au/>.
26. 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/>.
27. Risk mitigation guidance for a person to whom Part 2 applies, and the **household** of a person to whom Parts 2 and 3 apply is provided in Attachment A.



Definitions

For the purposes of these directions:

28. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
29. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.
30. **ACT COVID-19 Care@Home Program** means the Care@Home Program managed by the Division of Medicine at Canberra Health Services.
31. **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.
32. **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**.
33. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
34. **COVID-19 Omicron** means the **COVID-19** variant B.1.1.529 (Omicron).
35. **COVID-19 test** means a reverse transcription polymerase chain reaction test to diagnose **COVID-19**.
36. **COVID-19 vaccination** means a SARS-COV-2 (COVID-19) vaccine that is approved or recognised by the Australian Therapeutic Goods Administration.
37. **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.
38. **Disability service** has the same meaning as it does in the *Public Health (Disability and Other Care Workers COVID-19 Vaccination) Emergency Direction 2021*.



39. **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**.
40. **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*.
41. **Household** means people who ordinarily reside at the same residential premises.
42. **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**.
43. **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.
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 previously been provided **clearance** from a **COVID-19** diagnosis and no more than a six month period has elapsed since the date of **clearance**.
47. **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

15 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

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ATTACHMENT A

Risk Mitigation Advice for Close Contacts

The following risk mitigation advice applies to fully vaccinated Close Contacts of a COVID-19 positive case, regardless of variant, and applies during days 8 to 14 after last exposure to a case. Close contacts should:

- Minimise their movement in public spaces wherever possible.
- Not enter high risk settings, including hospitals, residential aged care facilities, correction and detention facilities and residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to disease.
 - Individuals can still access urgent medical care or aged or disability care services.
 - Individuals are permitted to enter a residential aged care facility, or another residential accommodation facility, where they are a resident of that facility.
 - Facilities may permit entry into a facility following a risk assessment (for example, for staff working in the facility).
- Avoid mass gatherings and large-scale events, whether these are held indoors or outdoors.
- Avoid using public transport, and if essential ensure a face mask is worn.
- Practice good hand and respiratory hygiene at all times.
- Wear a face mask whenever in an indoor public place.
- Keep good records of where they have been, including dates and times and use Check in CBR wherever it is required.

Risk Mitigation Advice for Household Contacts of Close Contacts

The following risk mitigation advice applies to household contacts of a close contact, regardless of variant, and applies while the close contact is in quarantine. Household contacts should:

- Remain in quarantine until any close contacts who are quarantining in the household receive a negative result to their first test for COVID-19.



- Maintain appropriate separation from close contacts who are quarantining in the same household. Appropriate separation means the close contact should be able to comply with the following requirements.
 - Stay and sleep in a separate bedroom;
 - Use a separate bathroom, or clean a shared bathroom after each use
 - Not spend any time in the same room as other people within the house.
 - Not share household items including dishes, cups, towels and bedding.
 - Avoid common areas of the household. If unavoidable, wear a mask when in common areas and clean any surfaces with detergent after use.
- Where appropriate separation cannot be maintained, household contacts of close contacts should apply the following measures whilst the close contact in the household is in quarantine.
 - Minimise their movement in public spaces wherever possible.
 - Not enter high risk settings, including hospitals, residential aged care facilities, correction and detention facilities and residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to disease.
 - i. Individuals can still access urgent medical care or aged or disability care services.
 - ii. Individuals are permitted to enter a residential aged care facility, or another residential accommodation facility, where they are a resident of that facility.
 - iii. Facilities may permit entry into a facility following a risk assessment (for example, for staff working in the facility).
 - Avoid mass gatherings and large-scale events, whether these are held indoors or outdoors.
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 - Practice good hand and respiratory hygiene at all times.
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