

Public Health (Diagnosed People and Household Contacts) Emergency Direction 2022 (No 3)

Notifiable Instrument NI2022–16

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 Household Contacts) Emergency Direction 2022 (No 3)*.

2. Commencement

This instrument commences at 6:00pm on 13 January 2022.

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 2022 (No 2)* [NI2022-9].

Dr Kerryn Coleman
Chief Health Officer

13 January 2022

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 this Direction is to require people who are diagnosed with **COVID-19** to self-isolate, and people identified as a **household contact** to undergo quarantine 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 has 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. notify any person who is a **household contact** of their diagnosis of **COVID-19**; and
 - e. 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.
 - f. 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 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. comply with Part 2 of this direction as a **household contact**.
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 - HOUSEHOLD CONTACTS

Directions

5. This Part applies to a person who is a **household contact** of a person diagnosed with **COVID-19**.

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

6. The person must:
- complete a COVID-19 online declaration at <https://www.covid19.act.gov.au/>; and
 - if the person is at **designated premises** when they become aware they are a **household contact**—undertake a **period of quarantine** at the premises; and
 - if the person is not at **designated premises** when they become aware they are a **household contact**—travel directly to **designated premises** to undertake a **period of quarantine**; and
 - communicate to any person with whom they may come into contact that they are undertaking a **period of quarantine** due to being a **household contact** of a person diagnosed with **COVID-19**; and
 - 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.
 - undertake a **COVID-19 test** as soon as possible after becoming aware they are a **household contact** and again if the person develops any symptoms consistent with **COVID-19**; and
 - undertake a **COVID-19 test** on or after day 6 of the **period of quarantine**, unless the test under paragraph 6(f) occurs on or after day 5 of the **period of quarantine**; and
 - 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 emergency purposes or **essential support services**.
7. A **period of quarantine**, for this Part, means a period that begins on the day the person first becomes aware they are a **household contact** and ends at 11:59pm on the seventh day after the diagnosed person returned a positive result from a **COVID-19 test**, subject to the **household contact** obtaining a negative test result in accordance with requirements in paragraph 6(g).



8. A **COVID-19 test** for this Part means:
 - a. a rapid antigen test to detect **COVID-19**; or
 - b. a reverse transcription polymerase chain reaction test to diagnose **COVID-19**.
9. For a person who has a test under paragraph 8(a) and returns a positive detection for **COVID-19**, that person must comply with any *Guidance for People who Test Positive for COVID-19* as issued by ACT Health and published on the ACT COVID-19 website.
10. An **authorised person** may direct a person to comply with this Part if they reasonably believe that the person is a close contact of a person diagnosed with **COVID-19** and it is necessary for the person to undertake a period of quarantine.
11. Any person directed by an **authorised person** under paragraph 10 must comply with this Part as if they were if they were a **household contact**.

PART 3 — RECOVERED CASES

Directions

12. This Part applies to a **recovered case**.
13. A **recovered case** is subject to the requirements in Part 2 of this Direction unless an **authorised person** considers it safe for the person to stop complying with the relevant requirements in this Direction.

PART 4 — MISCELLANEOUS

14. 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.
15. Any person must comply with any request made under paragraph 14 by an **authorised person**.
16. 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.
17. Any person subject to this Direction must comply with any request under paragraph 16 by an **authorised person**.
18. 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 5 — EXEMPTIONS

Exemption

19. 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.
20. 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 6 — MATTERS RELEVANT TO THIS DIRECTION

Guidance

21. Information for people who test positive for COVID-19 can be found at <https://www.covid19.act.gov.au/>
22. Information for people who are exposed to COVID-19 can be found at <https://www.covid19.act.gov.au/>.
23. Information about quarantine and suitable quarantine premises can be found at <https://www.covid19.act.gov.au/>.
24. Information about COVID-19 testing can be found at <https://www.covid19.act.gov.au/>.
25. 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/>.
26. Guidance about symptoms of **COVID-19** can be found at <https://www.covid19.act.gov.au/>.
27. Risk mitigation guidance for a person to whom Part 1 applies, is provided in Attachment A.
28. Risk mitigation guidance for a person to whom Part 2 applies, is provided in Attachment B.



Definitions

For the purposes of these directions:

29. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
 30. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.
 31. **ACT COVID-19 Care@Home Program** means the Care@Home Program managed by the Division of Medicine at Canberra Health Services.
 32. **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.
 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** is defined in paragraph 8.
 36. **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.
 37. **Essential support services** means support without which a person would experience a deterioration in health or wellbeing, including assistance with, or provision of, the following:
 - a. personal care;
 - b. meal preparation
 - c. exercise or physiotherapy;
 - d. other critical support.
- Note:** People requiring assistance or support for COVID-19 testing purposes are covered under this definition and provision of medical or other critical supports.
38. **Household** means people who reside at the same residential premises and were present in the household during the **infectious period** of the person diagnosed with COVID-19.

39. **Household contact** of a person diagnosed with COVID-19 means a person who is a member of the same **household** as the diagnosed person.
40. **Infectious period** means two days prior to symptom onset for the person diagnosed with COVID-19, or two days prior to receiving a positive diagnosis of COVID-19, whichever is earlier.
41. **Period of quarantine** for a person under Part 2 means the period applying to the person under paragraph 7.
42. **Period of self-isolation** for a person under Part 1 means the period applying to the person under paragraph 4.
43. **Public health officer** means a public health officer under the *Public Health Act 1997*.
44. **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**.

Dr Kerryn Coleman

Chief Health Officer

13 January 2022

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.

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ATTACHMENT A

Risk Mitigation Advice for Diagnosed Persons

The risk mitigation advice outlined below applies to all persons who have been diagnosed with COVID-19, regardless of variant and vaccination status.

- A diagnosed person should tell social contacts with whom they have spent time that they have been diagnosed with COVID-19. You should tell the people you have spent time with in the 2 days before you started having symptoms or tested positive (whichever came first)
- A diagnosed person should tell their workplace (or educational setting if they are a student, including Early Learning Education Centres) that they have been diagnosed with COVID-19. The following advice should be provided:
 - Date of test; and
 - Date of symptom onset (if symptoms were present) OR infectious period
 - The day/s on which the person attended the workplace or educational setting.

In addition the following advice applies to a diagnosed person during days 8 to 10 after the date on which the positive test was collected (date of test equals day zero).

- Minimise movement in public spaces wherever possible and avoid mass community gatherings/events (eg music festivals) regardless of whether these are held indoors or outdoors.
- Wear a face mask when interacting with other people and in line with existing mask wearing requirements in place within the ACT.
- Practise physical distancing wherever possible and continue good hand and respiratory hygiene at all times.
- Avoid using public transport wherever possible and only use if essential. You should wear a face mask at all times, maintain appropriate physical distancing wherever possible, and practise good hand hygiene.
- Avoid visiting high risk settings (hospital, residential aged care facilities, supported independent living facilities, or correction and detention facilities and other residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to disease), unless for personal care or the individual is a resident in the setting.
 - Individuals can still access urgent medical care or aged or disability care services
 - Facilities may permit entry into a facility following risk assessment.
 - Individuals who work in these settings should contact their employer to obtain permission to return to work and should comply with any risk mitigation measures in place (which may include use of appropriate PPE and testing).



ATTACHMENT B

Risk Mitigation Advice for Household Contacts

The risk mitigation advice outlined below applies to all Household Contacts of a COVID-19 positive case, regardless of variant and applies during days 8 to 14 after the date of the first positive test in the household.

- Monitor for symptoms consistent with COVID-19 and if these develop undergo testing and isolate until a negative result is received.
- In addition to the testing requirements outlined in the Public Health Direction, it is strongly recommended that a further test for COVID-19 is undertaken on day 12 or day 13.
- Household contacts should minimise their movement in public spaces wherever possible and avoid mass community gatherings/events (eg music festivals) regardless of whether these are held indoors or outdoors.
- Household contacts should wear a face mask when interacting with other people and in line with existing mask wearing requirements in place within the ACT.
- Practise physical distancing wherever possible and continue good hand and respiratory hygiene at all times.
- Avoid using public transport wherever possible and only use if essential.
 - You may use public transport to attend a COVID-19 testing facility in accordance with the Public Health Direction if all other transport options have been exhausted. You should wear a face mask at all times, maintain appropriate physical distancing wherever possible, and practise good hand hygiene.
- Avoid visiting high risk settings (hospital, residential aged care facilities, supported independent living facilities, or correction and detention facilities and other residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to disease), unless for personal care or the individual is a resident in this setting.
 - Individuals can still access urgent medical care or aged or disability care services
 - Facilities may permit entry into a facility following risk assessment.
 - Individuals who work in these settings should contact their employer to obtain permission to return to work and should comply with any risk mitigation measures in place (including use of appropriate PPE and testing, which may involved regular rapid antigen testing).
- Keep good records of where they have been, including dates and times and use Check in CBR wherever it is required.