

Australian Capital Territory

Public Health (Chief Health Officer Exemption) Guideline 2022*

Notifiable Instrument NI2022–484

made under the

Public Health Act 1997, s 118ZO (Exemptions—Chief health officer directions—guidelines)

1. Name of instrument

This instrument is the *Public Health (Chief Health Officer Exemption) Guideline 2022*.

2. Commencement

This instrument commences on 30 September 2022.

3. Chief Health Officer Exemption Guideline—Duration

This guideline is in force for the period ending on the day the COVID-19 Management Direction (as extended or further extended) ends, unless it is earlier revoked.

Dr Kerry Coleman
Chief Health Officer

29 September 2022

*Name amended under Legislation Act, s 60



ACT
Government

ACT Health

Chief Health Officer Exemption Guideline

Public Health (Chief Health Officer) COVID-19
Management Direction 2022

Issue Date: 29 September 2022

ISSUED BY:

ACT CHIEF HEALTH OFFICER

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Introduction

The *Public Health Act (1997)* (the Act) part 6C establishes a regulatory framework for protecting the public from risks to public health presented by COVID-19. The Executive has made a COVID-19 management declaration as there are reasonable grounds for believing that COVID-19 presents a serious risk to public health.

The Chief Health Officer is able to make a direction under section 118U of the Act, where a COVID-19 management declaration is in force, in relation to one or more of the following:

- a) a requirement for the medical examination or testing of a person;
- b) the segregation or isolation of a person (a segregation or isolation direction);
- c) a requirement for the provision of information (including information about the identity of a person), or the production or keeping of documents.

On 30 September 2022 the Chief Health Officer made the *Public Health (Chief Health Officer) COVID-19 Management Direction and Exemption 2022* (the Direction) to prevent or alleviate the risk presented by COVID-19.

The Direction requires a person who is diagnosed with COVID-19, meaning a person who has returned a positive result to either a rapid-antigen test (RAT) or a reverse transcription polymerase chain reaction (PCR) test to isolate. The Direction also requires people who were living with a diagnosed person during their infectious period, known as household contacts, to quarantine. Household contacts are exempt from quarantine if they comply with the conditions as outlined in the Direction and published on the ACT's COVID-19 website ('Risk Mitigation Requirements for Household Contacts').

On 30 September 2022, the Minister for Health made the *Public Health (Ministerial) COVID-19 Management Direction and Exemption 2022* (the Ministerial Direction). The Ministerial Direction outlines additional requirements for persons who have recovered from COVID-19 that apply on days 6 and 7 following their positive test for COVID-19.

Scope

The Chief Health Officer Exemption Guideline provides:

- guidance for an affected person in relation to making an application for:
 - an exemption,
 - review of an internally reviewable decision, and
 - review of an externally reviewable decision;
- guidance for a decision-maker in relation to the procedure for considering an application for:
 - an exemption,
 - review of an internally reviewable decision, and
 - production of documents to an external reviewer for an externally reviewable decision

The Act defines an 'affected person' as a person to whom the Direction applies, or a person to whom a standing exemption applies, meaning a diagnosed person or household contact.

Applying for an Exemption

An affected person may apply to the Chief Health Officer to be exempt from complying with a requirement under the Direction. An application for an exemption can be made on one or more of the following grounds:

- a. medical grounds;
- b. compassionate grounds;
- c. any other ground stated in this Guideline.

These abovementioned points are further expanded later in these Guidelines. The ability to rely on the above points are subject to the following limitations:

- Quarantine or isolation periods cannot be shortened.
- Exemptions from isolation cannot be granted for non-urgent reasons.

To apply to be exempt from a requirement under the Direction, or a condition under a standing exemption, an affected person must lodge an electronic application to the ACT COVID-19 Exemptions Team. The application portal is available on [the COVID-19 website](#).

Affected persons who are unable to complete the online application form may contact the COVID-19 Exemptions Team directly via email to COVID.Exemptions@act.gov.au or by phone to (02) 5124 9766, to seek assistance in finding an alternative means to apply for an exemption. This includes provision of a paper based or large print version of the form, or an Exemptions Team member completing an online application on your behalf. Telephone Interpreting Service information is also provided on the form for people that need this service.

Applications to the COVID-19 Exemptions Team must include the following:

- Personal details, including full legal name, date of birth, contact and address details
- Personal identification, as follows:
 - photo identification (drivers licence, passport or identity card)
 - where photo identification is not available (for example for children), other identification with the applicant's full name (Medicare Card or birth certificate).
- Details regarding COVID-19 test results (for positive cases) or exposure to a person with COVID-19 (for contacts of cases)
- Written detail outlining:
 - The grounds on which an exemption is sought
 - The date that the exemption is sought from
 - The location/s at which the exemption is needed
- Any additional relevant documentation that supports the request.

Note: Some exemption categories, e.g. child access requests, require additional information to be provided. See further detail below.

Persons who are Diagnosed with COVID-19 and are in isolation

This section applies to a person who has been diagnosed with COVID-19 and who is currently in their isolation period.

Applications on medical grounds

Urgent or emergency care

You do not require an exemption to receive **urgent or emergency** medical care.

Urgent or emergency care includes important medical procedures or care that are time-sensitive and cannot be rescheduled. Examples include:

- Medical attention for life/limb threatening or emergency situations at an Emergency Department
- Haemodialysis
- Chemotherapy
- COVID-19 infusion therapies
- Urgent care at the Garran Clinic for COVID-19 or non-COVID related, non-life threatening injuries or illnesses
- Other care that your treating clinician has determined cannot be reasonably be delayed whilst you are in isolation (including emergency dental care).

You can leave your premises at any time to access this care. Further advice for persons with COVID-19 needing to leave isolation for urgent or emergency care is available on [the COVID-19 website](#).

Non-urgent medical care

Exemption applications can be considered in certain circumstances for individuals to receive medical care that is not regarded as urgent or emergency care.

You are required to submit an exemption application and provide the following additional documentation:

- Written approval from the health care facility detailing the unavoidable nature of the appointment and acknowledging that the patient has COVID-19, and
- The location and time of the appointment.

Applications on compassionate grounds

Exemption applications can also be considered for a person to leave isolation for urgent compassionate reasons. This may include, but is not limited to:

- Visiting an immediate family member receiving palliative care
- Attending the funeral of an immediate family member
- Other compassionate circumstances to be considered on a case-by-case basis where a person in isolation is unexpectedly and significantly impacted by a personal matter.

You are required to submit an exemption application and provide the following additional documentation:

- Supporting documentation that validates the grounds for the exemption being sought, for example
 - A death notice or letter from a funeral service.
 - A supporting letter from the treating professional of a relative at end of life supporting an urgent visit due to a transition to palliative care or hospitalisation with uncertain prognosis.

Where an application for exemption seeks entry to a high-risk facility such as a residential aged care facility or hospital, for example in an end-of-life situation, you should also provide:

- Written approval from the facility which supports entry to the facility and acknowledges that you have COVID-19.

Applications to facilitate ongoing care arrangements

Critical Care Arrangements

Where an individual has caring responsibilities for an immediate family member, exemption applications can be considered for a person to leave their quarantine premises to provide this care, or to support attendance at specific appointments or other needs.

You are required to submit an exemption application and provide the following additional documentation or information:

- The time/s required to provide care (for example on a one off or ongoing basis, or a temporary relocation for the remainder of the isolation period).
- Documentation demonstrating that the care is required and cannot reasonably be provided by another person during the isolation period.

Child Access

Exemption applications can be considered for children who have tested positive to COVID-19 who are:

- subject to an existing joint care arrangement, and
- are required to move between two designated premises during their isolation period.

It is strongly recommended that the child who has tested positive for COVID-19 remains in one location for the whole isolation period. If this is not possible, consideration should be given to dividing the isolation period in a way that minimises movement between premises.

Applications for children to move between isolation premises must provide the following details:

- Child's full name.
- Contact details (mobile, email and home address for both parents).
- Child's date of birth.
- Child's ACT Health record number (if available).
- Child's date of positive test result.
- Written consent and acknowledgement from both parents/guardians that they understand the risks associated with a transfer of isolation to their respective designated premises, including that those in both households will be declared as household contacts and are required to comply with relevant restrictions and advice.
- The residential addresses that the child will be living between and the date of moving premises.

Note: Should an exemption be granted to permit the movement of the child, both households will be declared as household contacts and will need to comply with relevant restrictions and advice available here:

<https://www.covid19.act.gov.au/stay-safe-and-healthy/risk-mitigation-requirements-for-household-contacts>.

For more information on child access arrangements during isolation please visit [the COVID-19 website](#).

Change of isolation premises

Within the ACT

Exemption applications can be considered for a person to relocate to a different isolation premises in the ACT due to their current premises being unsuitable, for example due to inability to adequately separate from others in the household and/or proximity to persons at risk of severe illness from COVID-19, or lack of access to fresh air.

You must confirm in writing the addresses of their current and proposed isolation premises,

- a) whether there is a separate living space in the new premises; and
- b) if there are other people living in the new premises, that they understand the implications of the move (i.e. persons in the household will be considered a household contact and they will need to comply with all relevant conditions for household contacts). When moving between the two premises, travel must be direct in a private vehicle, public spaces must be avoided, and all parties must wear masks.

Note: Persons may leave their isolation premises without an exemption if needing to leave urgently (eg due to a domestic violence or other emergency situation).

To another state or territory

Exemption applications can be considered for a person to travel to another state or territory to complete their isolation period. Reasons for seeking an exemption may include:

- a) return to a home state or territory to access personal belongings;
- b) provide or receive urgent support or care in their home jurisdiction;
- c) a time sensitive compassionate need for travel such as an end of life visit, or
- d) return to home state or territory due to no access to appropriate quarantine premises in the ACT,
- e) a child in the ACT on an excursion or other purpose returning to their parent/guardian in their home state or territory.

You must provide:

- Confirmation you can meet the requirements to travel to the destination jurisdiction, e.g. the jurisdiction will permit your entry without an exemption
- Information regarding the intended date and mode of travel

Applicants should note that travel must be direct in a private vehicle, public spaces must be avoided, and all parties must wear masks. Any stops should be kept to a minimum at isolated rest areas, or to refuel a vehicle as necessary. Travel by plane will not be considered.

Individuals should seek advice from their home jurisdiction to determine whether there are any requirements that must be followed prior to returning home.

Applications on mental health and wellbeing grounds

Exemptions on mental health and wellbeing grounds are considered for persons who are experiencing acute mental health deterioration and or acute mental health distress, defined by presence of significant and distressing symptoms of a mental health condition that requires immediate treatment or relief.

Persons in isolation are permitted to leave their premises for emergency mental health care.

Temporary exemptions may be considered in these cases to permit exercise in an outdoor environment or for individuals to otherwise spend time outside of their isolation premise.

Persons seeking a temporary exemption to isolation on mental health grounds must provide:

- Documentation from a treating medical professional that indicates a pre-existing or acute mental health distress. A letter of support addressed to ACT Health is preferred, however where this cannot be provided, the applicant (or parent/guardian applying on behalf of a child) may discuss alternative options with the Exemptions Team.

Exemptions for other wellbeing activities may be considered where an individual can clearly demonstrate that their wellbeing may be impacted by the isolation requirements, and where the proposed activity will have no interaction with the broader community. For example, the exemptions team will work with an individual to facilitate safe access to fresh air if this is not available within their isolation premises.

Summary of requirements for exemption applications

<p>All applications require the following:</p> <ul style="list-style-type: none"> • Personal details, including date of birth • Contact and address details • Personal identification, as follows: <ul style="list-style-type: none"> ○ photo identification (drivers licence, passport or identity card) ○ where photo identification is not available (for example for children), other identification with the applicant's full name (Medicare Card or birth certificate). • The date of a positive COVID-19 test result or exposure to a person with COVID-19 • Written detail outlining: <ul style="list-style-type: none"> ○ The grounds on which an exemption is sought ○ The date that the exemption is sought from ○ The location/s at which the exemption is needed • Any additional relevant documentation that supports the request. <p>For more information on additional documentation required for each type of exemption application, please refer to the below list.</p>	
<p>Grounds for exemption</p>	<p>Additional requirements for exemption application</p>
<p>Medical</p> <ul style="list-style-type: none"> • Requiring non-urgent medical care 	<p>a. Written approval from the health care facility, detailing the unavoidable nature of the appointment and acknowledging that the patient has COVID-19; and</p> <p>b. The location and time of the appointment.</p>
<p>Compassionate – For example:</p> <ul style="list-style-type: none"> • Visiting an immediate family member receiving palliative care • Attending a funeral of an immediate family member • Other compassionate circumstances 	<p>a. Supporting documentation that validates the grounds for the exemption sought, e.g.</p> <ul style="list-style-type: none"> i. A death notice or letter from a funeral service; or ii. A supporting letter from the treating professional of a relative at end of life, supporting an urgent visit due to transition to palliative care or hospitalisation with uncertain prognosis.

	<p>b. Where an application relates to entry into a high-risk setting, such as residential aged care or hospital facilities:</p> <ol style="list-style-type: none"> i. Written approval from the facility permitting entry to the premises and acknowledging that the applicant has COVID-19.
<p>Critical Care – For example</p> <ul style="list-style-type: none"> • Caring responsibilities for an immediate family member 	<ol style="list-style-type: none"> a. The time/s required to provide care (for example, a one off or ongoing basis, or a temporary relocation for the remainder of the isolation period) b. Documentation demonstrating that the care is required and cannot reasonably be provided by another person during the isolation period.
<p>Child Access</p> <p>Considered for children who:</p> <ul style="list-style-type: none"> • are subject to existing joint care arrangement; and • are required to move between two designated premises during their isolation period. 	<ol style="list-style-type: none"> a. Child's full name b. Contact details (mobile, email and home address for both parents) c. Child's date of birth d. Child's ACT Health record number (if available) e. Child's date of positive test result f. Written consent and acknowledgement from <u>both</u> parents/guardians that they understand the risks associated with a transfer of isolation to their respective designated premises, including that those in both households will be declared as household contacts and are required to comply with relevant restrictions and advice g. The residential addresses that the child will be living between and the date of moving premises
<p>Change of Isolation Premises</p> <p>Within ACT</p> <ul style="list-style-type: none"> • due to current premises being unsuitable; or • proximity to persons at risk of severe illness from COVID-19 <p>To another state/territory</p> <ul style="list-style-type: none"> • return to a home state or territory to access to personal belongings; • provide or receive urgent support or care in their home jurisdiction; • a time sensitive compassionate need for travel such as an end of life visit; • return to home state or territory due to no access to appropriate quarantine premises in the ACT; or • a child in the ACT on an excursion or other purpose returning to their parent/guardian in their home state or territory. 	<ol style="list-style-type: none"> a. Within the ACT <ol style="list-style-type: none"> i. the addresses of their current and proposed isolation premises, ii. that they have a separate living space in the new premises; iii. if there are other people living in the new premises, that they understand the implications of the move (i.e. will be considered a household contact); and iv. what type of premises they intend to relocate to (i.e. stand alone house, apartment, townhouse). b. To another state or territory <ol style="list-style-type: none"> i. Confirmation of advice or approval from the destination jurisdiction that the travel is permitted ii. Information regarding the intended date and mode of travel
<p>Mental health grounds</p>	<ol style="list-style-type: none"> a. Documentation from a treating medical professional that indicates a pre-existing or acute mental health distress.

<p>Other exceptional circumstances</p>	<p>a. Any relevant documentation that validates these grounds that clearly supports an exemption from quarantine. Please note, if seeking to attend a venue during the quarantine period unrelated to the above circumstances, the venue must provide written support.</p>
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Household Contacts of persons with COVID-19

Household contacts are permitted to leave their premises in certain situations under a standing exemption within the Direction. Household contacts may undertake essential activities that cannot be delayed, provided that they comply with the conditions within the Direction. These are also published on the COVID-19 website:

<https://www.covid19.act.gov.au/stay-safe-and-healthy/risk-mitigation-requirements-for-household-contacts>.

Under the standing exemption, persons considered household contacts are permitted to leave their premises for urgent medical care or in an emergency, regardless of the conditions stipulated in the Direction.

Household contacts seeking to enter a high-risk facility must first seek approval from the facility to enter.

Making an Exemption Decision

The decision to grant or refuse an application for exemption is made by the relevant decision-maker.

The relevant-decision maker is the Chief Health Officer who has delegated the function of decision-making for exemptions to particular persons within the COVID-19 Response Branch of ACT Health.

Timeframes for decision making

There are requirements under the Act about the timeframes in which an exemption decision must be made.

Decision makers will issue an outcome as soon as possible, in particular where urgent decisions are required to support time critical circumstances.

Under the Act, a decision must be made within a maximum of **3 days** from the date of application (calculated as detailed below).

If additional documentation is requested by the decision maker, a decision will be made within **3 days** of the requested information being provided.

The legislation states that if a decision is not made within the time period, this is taken to be a decision not to grant an exemption. However, the Exemptions Team will endeavour to assess all applications for exemption within the timeframe.

Calculating time frames

Timeframes under which the decision-maker must make a decision are calculated from:

- the calendar day after the day the application is made; or
- the calendar day after the day that an applicant gives additional information which was requested by the decision-maker.

If the last day to make a decision is not a **working day**, then the decision must be made on the next possible working day. A working day is 8:30am to 5:00pm on Monday to Friday, but not a public holiday.

Example 1: An application for an exemption is received on Monday 1 August. Tuesday 2 August is counted as 'day 1'. Under the Act, a decision must be made by Thursday 4 August (day 3).

Example 2: An application for an exemption is received on Wednesday 3 August. In this scenario, the 3-day decision deadline falls on a non-working day (Saturday, 6 August), meaning that the timeframe that the decision must be made by extends to the next working day, Monday 8 August.

Example 3: An application for an exemption is received on Tuesday 2 August. The decision maker determines further information is required to make the decision, and requests this on Thursday 4 August. The information requested is provided on Saturday 6 August, resetting the 3-day decision timeframe to Tuesday 9 August.

Granting an application for an Exemption

In assessing an application, the decision-maker must consider the information provided in the application and where it is reasonable or required to make an exemption decision, request the affected person provide any additional information or supporting documentation to reach a decision on the application.

In reaching a decision, the decision-maker must consider the grounds for the exemption and whether the exemption should be subject to conditions which may mitigate any risk to public health. The decision-maker may consult with public health doctors, or other health professionals and subject matter experts within ACT Health as required to seek advice on any medical grounds in an application and/or any public health risk that granting the exemption may create. However, the decision-maker must act independently in exercising their discretion in accordance with their assessment of the application for an exemption. This means the decision must be made without any direction from another person.

The affected person will not be considered exempt from requirements of the Direction unless the person receives written notice from the decision-maker granting the exemption, whether or not subject to conditions.

Provision of Additional Information

The applicant may submit additional information or documentation for consideration following the submission of their original application. Additional information should be submitted via email to COVID.Exemptions@act.gov.au with reference to their application number.

The decision-maker may also, in writing, request that the applicant provide additional information if reasonably required to reach a decision.

If the applicant does not provide the decision-maker with the additional information requested under section 118ZE (6) of the Act within seven days after the day the decision-maker made the request, then the decision-maker may refuse to consider the application further. The affected person may be required to submit a new complete application for an exemption with the information required to reconsider the application, however in most circumstances additional information submitted will be considered alongside the original application.

Refusing an Application for an Exemption

If the decision-maker determines that an exemption cannot be granted, they will inform the applicant in writing of the decision as soon as possible, and no later than 3 working days after:

- (i) the day the application is made; or
- (ii) if additional information is requested - the day the applicant provides the additional information to the Chief Health Officer.

If the decision-maker decides not to grant an exemption but fails to inform the applicant in writing, then the failure to provide a written decision is taken to be a decision not to grant the exemption.

Where a decision is made to refuse to grant an exemption, the applicant will be informed in writing of the reasons for the decision.

If an applicant believes that they have additional information that may change the outcome of the decision, they may supply this to the Exemptions Team to request this information be considered. The Exemptions Team may consider this information and remake the decision on the basis that not all information was previously available, or request that the applicant submit a new application for exemption that contains all relevant information.

Applicants will be informed of the process for applying for an internal review of the decision, if all relevant information has been provided and they remain dissatisfied with the outcome.

Conditions of Exemption

A decision-maker may grant an exemption subject to conditions that an applicant must comply with for the exemption to apply. This could include an exemption to leave quarantine subject to a condition, such as:

- not to enter a certain area or premises;
- to wear a face mask; or
- to maintain physical distancing from others.

If a person fails to comply with a condition of an exemption the exemption will no longer apply. Penalties may apply for a breach of a condition of an exemption or standing exemption.

An exempted person should ensure they are able to access a copy of their exemption at all times when outside of their isolation premises.

Other considerations for an exempted person

Exemptions do not negate a person's work health and safety obligations under relevant legislation. Should a person be exempted from requirements under the Direction that impact on work health and safety, it remains the responsibility of the owner or operator of a setting at which an exempt person may be entering to consider the work health and safety impacts for that person, staff and clients of the applicable service.

Granting an exemption does not remove the need to implement appropriate risk mitigation measures as an owner or operator. Risk mitigation measures and controls should be considered for persons with approved exemptions.

Review of exemption decisions

Internal Review

If an affected person is dissatisfied with an exemption decision, the person may seek an internal review of the decision.

An internal review is an impartial review of the original exemption decision. It is made by an employee of ACT Health that was not the original decision-maker, based on the information that was available at the time of the original decision.

Applications for review should be submitted in full and in writing by the affected person via the Internal Review Application form (available [here](#)), and not previously been subject to an internal review process, except where exceptional circumstances exist.

Affected persons who are dissatisfied with an exemption decision may also wish to lodge an application with an external oversight agency such as the ACT Human Rights Commission or ACT Ombudsman, to request that they investigate the decision.

Timeframes for internal reviews

An internal reviewer will issue their review decision within 3 days following the date that an Internal Review Application is received by ACT Health.

Failure to provide a written outcome and reasoning of an internal review within this timeframe will be taken as confirmation of the original decision.

Grounds for review

When applying for an internal review, an applicant must include the grounds for review.

Grounds for review is the reason why an applicant believes that the original exemption decision was incorrect or unreasonable. It may include an applicant's belief that, when making the original exemption decision, the decision-maker has:

- not appropriately considered all the information provided to support the exemption application;
- misunderstood or misinterpreted the information provided;
- overlooked or placed unreasonable emphasis on certain information rather than considering all the information available.

When outlining the grounds for review, the applicant should specify which documents or evidence is relevant to their internal review application. The applicant should also specify what outcome they are seeking e.g., that an exemption be issued or that a condition attached to an exemption be varied.

Submitting an Internal Review Application

Applicants must provide their internal review application in writing.

An applicant must complete an [Internal Review Application form](#) and submit this via:

- email to ACTHealthOCHO@act.gov.au, with "Internal Review Request" and the applicant's name in the subject line, or
- via mail, to Office of the Chief Health Officer, GPO Box 825 Canberra ACT 2601.

The request for a review of the decision should:

- a. clearly set out the grounds on which the applicant believes a decision was incorrect; and
- b. include all details of the original exemption request.

Requests for an internal review should not include new information, or evidentiary documents that have not previously been provided in the original application. In this instance, the applicant will be asked to submit a new application for exemption that includes the additional information.

Any new information should be included in a new application for exemption in accordance with this Guideline. An application for internal review that includes new information or documentation will be referred back to the original decision maker for reconsideration.

Internal reviewer requirements

For any application for internal review, the internal reviewer will be an ACT Health officer who is authorised to review an exemption decision, was not involved in the original exemption decision and has no substantive prior relationship with the applicant that may result in perceived or actual conflict of interest.

The internal reviewer will be of equal or greater seniority to the original decision-maker.

Internal review outcome

The internal reviewer will assess the original decision in relation to these Guidelines, and determine whether the original decision:

- Was made correctly and fairly in reference to internal policy;
- Considered procedural fairness; and
- Appropriately interpreted and considered all information provided.

The internal reviewer may seek advice from subject matter experts or stakeholders who may or may not have been previously consulted when making the original decision.

When providing an outcome, the internal reviewer will clearly document and provide to the applicant in writing:

- the internal review decision;
- justification / reasoning behind the internal review decision;
- information for the applicant about how lodge an application for external review (if the original exemption decision relates to the Direction).

When issuing an internal review decision, the internal reviewer may:

- confirm the original decision – this means the original decision is upheld in full;
- vary the original decision – this means the decision is modified. For example, changing the conditions that must be met for an exemption to be valid; or
- revoke the original decision – this means that a new exemption decision is made and is provided in writing to the applicant alongside the revocation decision.

Where a decision is modified by the internal reviewer, this may include varying the conditions of the exemption, adjusting the timeframe for which the exemption is granted, or any other modification the internal reviewer deems appropriate.

In most cases, the outcome of an internal review is final. A small number of exemption decisions are eligible under legislation for an external review, following an internal review. The applicant will be advised in writing once informed of the outcome of an internal review if there is any ability to seek a further review of an exemption decision.

External Review

Applicants who are dissatisfied with the outcome of an internal review may be eligible to apply for an external review of an exemption decision. Decisions may be escalated for external review when:

- The applicant has applied for an exemption from quarantine or isolation requirements,
- and
- The application decision has been internally reviewed, and an outcome provided; and
 - The applicant is seeking further review of the decision.

Where an applicant who meets the above criteria has a concern with the outcome of an internally reviewed decision, they can seek an external review. The External Review Application form is available [here](#).

An external review must be sought by writing to the Office of the Chief Health Officer:

- via email to ACTHealthOCHO@act.gov.au; or
- via mail to Office of the Chief Health Officer, GPO Box 825 Canberra ACT 2601

An external review is conducted by a person outside of ACT Health who is judicially qualified and has been appointed by the Minister as an external reviewer.

When reviewing a decision, an external reviewer will review the decision against the following:

- The requirements in relation to exemptions under the relevant Direction; and
- The requirements (if any) of the Exemption Guidelines and any relevant internal policy.

The outcome of an external review may be as follows:

- The original decision is upheld,
- The original decision is modified,
- The original decision is revoked and a new decision made, or
- The original decision is referred back to the relevant decision maker for the decision to be remade.

If the decision is referred back to the relevant decision maker, the external reviewer must inform the decision maker of why the decision did not comply with the relevant requirements.

There are no limitations on the time taken to conduct an external review. The applicant will be informed in writing of the outcome of the external review when complete.

Review of Individual Directions

Under the Act, the Chief Health Officer may make a direction for the segregation or isolation in relation to a particular person (an individual direction) which must be in writing and given to the person. If a direction is issued by the Chief Health Officer on a particular person it will enclose these Guidelines which contain information on applying for an exemption. The Chief Health Officer must also provide a copy of the Direction to a public advocate.

Further Information

A full list of COVID-19 Management Directions can be found at <https://www.covid19.act.gov.au/directions>.

Review of Guideline and Schedule of Changes

These guidelines are subject to regular review. The guidelines may be updated to reflect changes to the relevant COVID-19 Management Direction and to incorporate feedback and improve processes as required.

Feedback on the Guidelines can be directed to: COVID.Exemptions@act.gov.au

Version	Issue Date	Summary of Changes
1.0	30 September 2022	Initial Issue

Approval Authority

These guidelines have been drafted in accordance with the *Public Health Act 1997*, under consultation with the ACT Human Rights Commission.

Dr Kerryn Coleman

ACT Chief Health Officer

29 September 2022



ACT
Government

ACT Health

OFFICE OF THE CHIEF HEALTH OFFICER
ACT HEALTH DIRECTORATE