

Australian Capital Territory

# **Public Health (Chief Health Officer) COVID-19 Management Direction 2022 (No 1)**

**Notifiable instrument NI2022-512**

made under the

**Public Health Act 1997, s 118U (Chief health officer directions—general) and  
s 118ZD (Standing exemption)**

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I make the directions as set out below.

Dr Kerryn Coleman  
Chief Health Officer

13 October 2022

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## Contents

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	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1 Name of instrument	1
2 Commencement	1
3 Dictionary	1
4 Directions	1
5 Grounds for directions	1
6 Duration	2
7 Consultation and public notice	2
8 Revocation	2

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J2022-1028

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)



## Part 1 Preliminary

### 1 Name of instrument

This instrument is the *Public Health (Chief Health Officer) COVID-19 Management Direction 2022 (No 1)*.

### 2 Commencement

This instrument commences on 14 October 2022.

### 3 Dictionary

The dictionary at the end of this instrument is part of this instrument.

### 4 Directions

I make the directions set out in part 2 in relation to the *Public Health (COVID-19 Management) Declaration 2022*.

### 5 Grounds for directions

- (1) I consider the directions are necessary to prevent or alleviate the risk presented by COVID-19 on the following grounds:
  - (a) COVID-19 poses a serious public health risk in the ACT;
  - (b) the World Health Organization declared the Omicron variant of COVID-19 to be a variant of concern on 26 November 2021;
  - (c) the Omicron variant of COVID-19 is highly transmissible and remains the dominant variant globally, and in the ACT following its introduction on 3 December 2021;
  - (d) the BA.4 and BA.5 sub-lineages of the Omicron variant are the dominant sub-lineages in Australia, being more prone than BA.2 to escaping immunity provided by vaccination and earlier COVID-19 infection, and are associated with an increase in infections;

- (e) the ACT has experienced persistent community transmission since the outbreak of COVID-19 on 12 August 2021;
  - (f) community transmission in the ACT is now at its lowest level in 2022, with low case numbers reported on a daily basis;
  - (g) while community transmission continues, there continues to be a necessity to mitigate the burden on people who are most vulnerable to severe disease and the Territory's public health system, including by monitoring the level of ongoing transmission in the community.
- (2) I am satisfied that the limitations imposed by the directions on human rights are reasonable and demonstrably justifiable in a free and democratic society.

## **6 Duration**

This instrument remains in force for the period in which the *Public Health (COVID-19 Management) Declaration 2022* is in force.

*Note* Unless sooner revoked, that declaration is in force until the end of 29 December 2022.

## **7 Consultation and public notice**

I am satisfied that the Act, section 118Y (2), (3) (b) and (4) does not apply to this direction because this direction is not more restrictive than the direction being revoked under section 8.

## **8 Revocation**

The *Public Health (Chief Health Officer) COVID-19 Management Direction and Exemption 2022 (No 1)* (NI2022-483) is revoked.

## Part 2 Diagnosed people

### 9 Diagnosed person to register positive RAT result— direction

- (1) This section applies to a person (a *diagnosed person*) who tests positive to COVID-19 as a result of a rapid antigen test.
- (2) The diagnosed person must, as soon as practicable after becoming aware that they have tested positive, register the positive result with ACT Health.

*Note* The online form for registering a positive RAT is accessible at [www.covid19.act.gov.au](http://www.covid19.act.gov.au).

- (3) However, if the diagnosed person is detained at a correctional centre or detention place, the responsible director-general for the centre or place must, as soon as practicable after becoming aware of the positive result, notify the chief health officer in writing of the relevant information for the diagnosed person.
- (4) Also, if the diagnosed person is a resident of a residential aged care facility, the operator of the facility must, as soon as practicable after becoming aware of the positive result, notify the chief health officer in writing of the relevant information for the diagnosed person.
- (5) For subsections (3) and (4), the *relevant information* for a diagnosed person is the following:
  - (a) the person's name and date of birth;
  - (b) the day the positive test was taken;
  - (c) where the person is living;
  - (d) the contact details of a person ACT Health can communicate with on behalf of the diagnosed person if unable to communicate with the diagnosed person directly.

## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions relevant to this instrument. For example:

- correctional centre
- detention place

*Note 2* Terms used in this instrument have the same meaning that they have in the *Public Health Act 1997*.

***rapid antigen test*** (or ***RAT***) means a rapid antigen test approved by the Therapeutic Goods Administration, Commonwealth Department of Health, for use in Australia to detect COVID-19.

***residential aged care facility*** means a residential facility that provides residential care within the meaning of the *Aged Care Act 1997* (Cwlth), section 41-3 to residents at the facility.

***responsible director-general*** means—

- (a) for a correctional centre—the director-general responsible for administering the *Corrections Management Act 2007*; and
- (b) for a detention place—the director-general responsible for administering the *Children and Young People Act 2008*, chapter 6.