



New South Wales

Public Health (COVID-19 Interstate Hotspots) Order 2021

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, make the following Order under section 7 of the *Public Health Act 2010*.

Dated 8 January 2021 at 5.23pm.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to restrict the movement of persons who have been in certain Queensland COVID-19 hotspots since 2 January 2021 while those hotspots are in lockdown in Queensland.

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Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Interstate Hotspots) Order 2021*.

2 Commencement

Part 2 commences at 6pm on 8 January 2021.

3 Definitions

(1) In this Order—

affected area means—

- (a) each of the following Queensland local government areas—
 - (i) City of Brisbane,
 - (ii) City of Ipswich,
 - (iii) Lockyer Valley Region,
 - (iv) Logan City,
 - (v) Moreton Bay Region,
 - (vi) Redland City,
 - (vii) Scenic Rim Region,
 - (viii) Somerset Region, and
- (b) any other area or place in Queensland specified by a COVID-19 concerns notice.

affected person means a person who has been in an affected area on or after 2 January 2021, but does not include a person who has transited through Brisbane Airport for the purposes of departing on another flight without leaving the Airport.

COVID-19 concerns notice means a notice, as in force for the time being, published for the purposes of this Order by the Chief Health Officer on the New South Wales Government website specifying areas or places in Queensland that are areas or places of concern for COVID-19 transmission.

Note. The URL for the NSW Government website is www.nsw.gov.au.

enforcement officer means any of the following—

- (a) a police officer,
- (b) a member of the NSW Health Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order,
- (c) a member of the Public Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order.

interstate traveller self-declaration means a declaration approved by the Chief Health Officer for the purposes of clause 5.

NSW airport means an airport located in New South Wales.

place of residence includes the premises where a person lives, together with any garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

Note. The Act defines premises to include any land, temporary structure, vehicle or vessel.

Queensland lockdown means the lockdown of any of the affected areas resulting from a public health direction given by the Chief Health Officer of Queensland under the *Public Health Act 2005* of Queensland, as in force for the time being.

temporary accommodation includes hotel or motel accommodation or a short-term holiday rental.

the Act means the *Public Health Act 2010*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

- (2) If a provision of this Order provides for a person to travel to a place outside New South Wales by the most practicable direct route, the provision does not prevent the person—
- (a) if the person is travelling by road—
 - (i) obtaining fuel for the vehicle or other necessary supplies for the vehicle or a person in the vehicle, or
 - (ii) taking a rest stop, including an overnight rest stop or meal break, or
 - (iii) dealing with an emergency, or
 - (b) if the person is travelling by rail or air—
 - (i) travelling directly to suitable accommodation while waiting to transit to the place outside New South Wales if the person self-isolates until the transit, or
 - (ii) dealing with an emergency.
- (3) Notes included in this Order do not form part of this Order.

4 Grounds for concluding that there is a risk to public health

The basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and responding to outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions,
- (d) there has been at least one recent case in Queensland involving a highly infective strain of the virus, establishing a substantial risk of transmission in the community requiring heightened vigilance and the gathering of information from travellers for the purposes of contact tracing.

Part 2 Directions concerning providing information

5 Directions to complete self-declaration

- (1) The Minister directs that an affected person who enters New South Wales at a NSW airport must complete an interstate traveller self-declaration substantially in the form approved by the Chief Health Officer.
- (2) The Minister directs that a person who completes an interstate traveller self-declaration under this clause must ensure that the information provided is true and accurate.
- (3) An interstate traveller self-declaration may be completed—
 - (a) within the 24-hour period immediately before the person enters New South Wales, or
 - (b) on entering New South Wales.
- (4) An affected person must complete a new interstate traveller self-declaration each time the person enters New South Wales at a NSW airport.
- (5) Despite subclause (4), an affected person is not required to complete more than 1 interstate traveller self-declaration on a calendar day.
- (6) Without limiting the form of a declaration, a declaration approved by the Chief Health Officer must require the affected person to provide the following information—
 - (a) the person's name,
 - (b) the person's email address and telephone number,
 - (c) each address at which the person stayed in Queensland in the previous 14 days,
 - (d) the address or addresses where the person will be staying in New South Wales,
 - (e) whether or not the person has, in the last 14 days, visited an affected area,
 - (f) whether or not the person's ability to travel is restricted by a public health direction made under the *Public Health Act 2005* of Queensland and, if so, details of the restriction,
 - (g) the number of dependent children under the age of 16 years travelling with the person,
 - (h) the person's planned date of arrival in New South Wales,
 - (i) if the person is not ordinarily resident in New South Wales, the person's planned date of departure from New South Wales.

6 Directions about providing information

- (1) The Minister directs that an affected person who enters New South Wales at a NSW airport must carry evidence of completion of an interstate traveller self-declaration.
- (2) The Minister directs that a person must, if required to do so by an enforcement officer, provide information, including photo identification, to allow a decision to be made about—
 - (a) whether the person is an affected person, and
 - (b) if the person is an affected person who entered New South Wales at a NSW airport—whether the person has completed an interstate traveller self-declaration.
- (3) An enforcement officer may require information under subclause (2) only if the enforcement officer suspects on reasonable grounds that the person may be an affected person.

- (4) The Minister directs that a person who provides information in response to a requirement under this clause must ensure that the information is true and accurate.
- (5) A person provides sufficient information in response to a requirement under this clause about whether the person is an affected person if the person produces photographic identification to verify the person's name and address.

7 Direction to provide self-declaration information to enforcement officer

The Minister directs that an affected person who enters New South Wales at a NSW airport, when directed by an enforcement officer, is unable to produce evidence of completion of an interstate traveller self-declaration must provide information to the enforcement officer to enable the declaration to be completed on the affected person's behalf.

8 Direction about providing information to contact tracers

- (1) This clause applies to an affected person who—
 - (a) enters, or is in, New South Wales, and
 - (b) is contacted by a person undertaking contact tracing functions for NSW Health.
- (2) The Minister directs that a person to whom this clause applies must provide true, accurate and complete information to the person undertaking contact tracing functions.

Part 3 Directions concerning movement

9 Directions of Minister concerning affected persons who enter on or after commencement

- (1) The Minister directs that an affected person who enters New South Wales on or after the commencement of this Order must, immediately after entering, travel directly to—
 - (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (2) The Minister directs that an affected person to whom this clause applies must not, without reasonable excuse, be away from the place at which the person is staying.
- (3) This clause does not apply to a person who is homeless.

10 Directions of Minister concerning affected person who entered before commencement

- (1) This clause applies to an affected person in New South Wales who entered New South Wales before the commencement of this Order.
- (2) If an affected person is not already doing so when this Order commences, the Minister directs that the affected person must, as soon as possible after the commencement of this Order, travel directly to—
 - (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (3) The Minister directs that an affected person must not, without reasonable excuse, be away from the place at which the person is staying.
- (4) This clause does not apply to a person who is homeless.

11 Reasonable excuses

- (1) For the purposes of this Division, a reasonable excuse includes doing an activity specified by Schedule 1.
Note. Examples of a reasonable excuse in Schedule 1 include leave for reasons involving—
 - (a) obtaining food or other goods and services, or
 - (b) travelling for the purposes of work or education if it is not possible to do it at home, or
 - (c) exercise, or
 - (d) medical or caring reasons.
- (2) In addition, if a person is staying in temporary accommodation, it is a reasonable excuse to leave the temporary accommodation if—
 - (a) the period of the booking of the temporary accommodation expires, and
 - (b) the person—
 - (i) goes directly to the person's place of residence or other temporary accommodation, or
 - (ii) travels immediately by the most practicable direct route to a place outside New South Wales, and
 - (c) where subparagraph (b)(i) applies—the person continues to comply with clause 9 or 10, as the case requires.
- (3) Taking a holiday is not a reasonable excuse.

12 Application of directions to persons transiting through New South Wales

Clauses 9 and 10 do not apply to a person who enters, or has entered, New South Wales for immediate travel by the most direct practicable route to a place outside New South Wales.

Part 4 Miscellaneous

13 Relationship of Order to related Public Health Orders

- (1) To avoid doubt, nothing in this Order affects an obligation an affected person has to comply with a direction applicable to the person under a related Public Health Order, including in relation to isolation.
- (2) In this clause—
related Public Health Order means each of the following orders made under section 7 of the Act as in force from time to time—
 - (a) the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020*,
 - (b) the *Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2020*,
 - (c) the *Public Health (COVID-19 Self-Isolation) Order (No 5) 2020*,
 - (d) any order that remakes, replaces or consolidates, whether in whole or in part, any order or orders mentioned above.

14 Exemptions

The Minister may, in writing and subject to the conditions that the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.

15 When Parts 2 and 3 cease to apply

Parts 2 and 3 cease to apply to affected persons at the same time as the Queensland lockdown ends.

Schedule 1 Reasonable excuses

- 1** obtaining food or other goods or services for the personal needs of the household or other household purposes (including for pets) and for vulnerable persons
- 2** travelling for the purposes of work if the person cannot work from the person's place of residence
- 3** travelling for the purposes of attending childcare (including picking up or dropping another person at childcare)
- 4** travelling for the purposes of facilitating attendance at a school or other educational institution if the person attending the school or institution cannot learn from the person's place of residence
- 5** exercising or outdoor recreation
- 6** obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities
- 7** attending a funeral service at which there are no more than 100 persons, including the person conducting the service
- 8** moving to a new place of residence (including a business moving to new premises) or between different places of residence of the person or inspecting a potential new place of residence
- 9** providing care or assistance (including personal care) to a vulnerable person or providing emergency assistance, but not including visiting a residential aged care facility within the meaning of the *Public Health (COVID-19 Aged Care Facilities) Order (No 4) 2020*
- 10** undertaking any legal obligations
- 11** accessing public services (whether provided by Government, a private provider or a non-Government organisation), including—
 - (a) social services, and
 - (b) employment services, and
 - (c) domestic violence services, and
 - (d) mental health services, and
 - (e) services provided to victims (including as victims of crime)
- 12** for children who do not live in the same household as their parents or siblings or one of their parents or siblings—continuing existing arrangements for access to, and contact between, parents and children or siblings
- 13** for a person who is a priest, minister of religion or member of a religious order—going to the person's place of worship or providing pastoral care to another person
- 14** avoiding injury or illness or to escape a risk of harm
- 15** for emergencies or compassionate reasons including where 2 persons are in a relationship but do not necessarily live together.