



New South Wales

Public Health (COVID-19 Lord Howe Island) Order (No 4) 2020

under the

Public Health Act 2010

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

Dated, this 27th day of August 2020.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences on Lord Howe Island by giving a direction that restricts access to and from the Island.

Section 10 of the *Public Health Act 2010* creates an offence of failing to comply with a direction of the Minister for Health and Medical Research. The maximum penalty for an individual is imprisonment for 6 months or a fine of up to \$11,000, or both, plus a further \$5,500 fine for each day the offence continues. The maximum penalty for a corporation is \$55,000 plus a further \$27,500 for each day the offence continues.

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Public Health (COVID-19 Lord Howe Island) Order (No 4) 2020

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1 Name of Order

This Order is the *Public Health (COVID-19 Lord Howe Island) Order (No 4) 2020*.

2 Commencement

This Order commences at the beginning of 31 August 2020.

3 Definitions

In this Order—

Coordinator-General means the person who is the Coordinator-General, Environment, Energy and Science within the Department of Planning, Industry and Environment.

Lord Howe Island means the Island within the meaning of the *Lord Howe Island Act 1953*.

resident of Lord Howe Island means a person who resides on the Island, within the meaning of the *Lord Howe Island Act 1953*.

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.

4 Declaration of Lord Howe Island as a public health risk area

- (1) Lord Howe Island is declared to be a public health risk area.
- (2) It is noted that the basis for concluding Lord Howe Island is a public health risk area is as follows—
 - (a) public health authorities both internationally and in Australia have been monitoring and addressing international 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) Lord Howe Island has limited capacity to provide critical medical care to patients with severe COVID-19 infections.

5 Direction of the Minister—access

- (1) The Minister directs that access to and from Lord Howe Island is restricted to the following persons—
 - (a) a resident of Lord Howe Island,
 - (b) a non-resident of Lord Howe Island, but only to leave the Island,

- (c) a person required to provide, or support, health services and other essential services to persons on the Island,
 - (d) a person required to provide services to persons on the Island,
 - (e) a person who is part of the crew of an aircraft or ship referred to in subclause (2)(a)–(c),
 - (f) a person who is part of the crew of an aircraft referred to in subclause (2)(d) provided the person takes reasonable steps while on the Island—
 - (i) to avoid contact with any other person apart from a crew member, and
 - (ii) to minimise the risk of spreading COVID-19, including by using a face mask or other protective equipment,
 - (g) a person approved under subclause (3).
- (2) The Minister directs that a person must not land an aircraft on Lord Howe Island or dock a ship at Lord Howe Island other than—
- (a) for the purpose of providing supplies to persons on the Island, or
 - (b) for a purpose related to providing, or supporting, health services and other essential services to persons on the Island, or
 - (c) for a reason approved under subclause (3), or
 - (d) for the purpose of refuelling the aircraft for an onward journey if the aircraft has arrived from another part of Australia.
- (3) The Coordinator-General may approve, in writing, the following subject to any conditions the Coordinator-General considers appropriate—
- (a) a person having access to or from Lord Howe Island,
 - (b) a person landing an aircraft on the Island or docking a ship at the Island.

6 Direction of the Minister—quarantine

- (1) The Minister directs that a person who arrives on Lord Howe Island must do the following—
- (a) travel from the point of arrival on the Island to premises suitable for the person to reside in during the quarantine period,
 - (b) except in exceptional circumstances, reside in the premises during the quarantine period,
 - (c) not leave the premises during the quarantine period except—
 - (i) for the purposes of obtaining medical care or medical supplies, or
 - (ii) because of an emergency, or
 - (iii) in circumstances where the person is able to avoid close contact with other persons,
 - (d) not permit any other person to enter the premises during the quarantine period unless the other person—
 - (i) usually resides at the premises, or
 - (ii) is also complying with this direction for the same quarantine period, or
 - (iii) enters the premises for medical purposes or because of an emergency,
 - (e) otherwise comply with the *NSW Health Self Isolation Guidelines* during the quarantine period.
- (2) The direction under subclause (1) does not apply to—
- (a) a person mentioned in clause 5(1)(c), or

- (b) a person who arrives on Lord Howe Island in the person's capacity as a member of the crew of an aircraft or ship.
- (3) In this clause—
 - NSW Health Self Isolation Guidelines* means the *NSW Health Self Isolation Guidelines*—
 - (a) issued by the Chief Health Officer and approved by the Minister, and
 - (b) published on the website of NSW Health.
 - Note.** www.health.nsw.gov.au
 - quarantine period* means the period—
 - (a) starting when the person arrives on Lord Howe Island, and
 - (b) ending at midnight on the 14th day after that arrival.

7 Exemption

The Minister may, in writing and subject to any conditions the Minister considers appropriate, exempt a person from the operation of this Order or specified provisions of this Order.

8 Repeal of existing Order and savings

- (1) The *Public Health (COVID-19 Lord Howe Island) Order (No 3) 2020* (the **existing Order**) is repealed on the commencement of this Order.
- (2) Any act, matter or thing that, immediately before the repeal of the existing Order, had effect or was required under the existing Order continues to have effect or be required under this Order.
- (3) Without limiting subclause (2)—
 - (a) a delegation given in respect of a provision of the existing Order continues to have effect as a delegation in respect of the corresponding provision of this Order, and
 - (b) an exemption from a provision of the existing Order continues to have effect under this Order as an exemption from the corresponding provision of this Order, and
 - (c) an approval given under clause 5(3) of the existing Order continues to have effect as an approval under clause 5(3) of this Order.

9 Repeal of this Order

This Order is repealed at the beginning of 28 November 2020.