



New South Wales

Public Health Amendment (COVID-19 Border Provisions) Order 2021

under the

Public Health Act 2010

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

Dated 28 October 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The objects of this Order are—

- (a) to amend the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2021* to make further provision for—
 - (i) quarantine requirements for persons arriving in New South Wales by air who are fully vaccinated against COVID-19 and for flight crew members, and
 - (ii) the length of quarantine periods, and
 - (iii) the transportation of persons who have arrived in New South Wales by air, and
 - (iv) the provision of vaccination evidence, and
- (b) to amend the *Public Health (COVID-19 General) Order 2021* to direct that Victorian residents must not take a holiday or undertake recreation in New South Wales if they have not been vaccinated against COVID-19.

Public Health Amendment (COVID-19 Border Provisions) Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health Amendment (COVID-19 Border Provisions) Order 2021*.

2 Commencement

This Order commences at the beginning of 1 November 2021.

Schedule 1 Amendments

1.1 Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2021

[1] **Clause 5 Quarantine period**

Omit clause 5(4).

[2] **Clause 6A**

Insert after clause 6—

6A Interpretation

A provision of this Part applicable to a relevant person does not apply to a relevant person who is a fully vaccinated arrival.

Not— Part 2A sets out directions of the Minister concerning relevant persons who are fully vaccinated arrivals.

[3] **Clause 7 Persons arriving in NSW by aircraft, including flight crew members**

Omit clause 7(3). Insert instead—

- (3) This clause does not apply to an unvaccinated overseas flight crew member.

Note— See clause 17 for directions concerning unvaccinated overseas flight crew members.

[4] **Clause 14 Testing of designated transportation providers**

Omit “a declared flight crew member” wherever occurring in clause 14(5).

Insert instead “an unvaccinated overseas flight crew member”.

[5] **Clause 17**

Omit clauses 17–20. Insert instead—

17 Unvaccinated overseas flight crew members

- (1) This clause applies to a flight crew member (an *unvaccinated overseas flight crew member*) who—
- (a) has, within 14 days immediately before arriving in New South Wales, been in a country other than Australia, and
 - (b) is not a fully vaccinated arrival.
- (2) An unvaccinated overseas flight crew member must go directly to the member’s place of residence or accommodation until the sooner of the following happens—
- (a) the quarantine period ends,
 - (b) the member departs on another flight that leaves Australia.
- (3) An unvaccinated overseas flight crew member may go to a place of residence as required by subclause (2) only if the member is a resident of New South Wales.
- (4) An unvaccinated overseas flight crew member must do the following while residing at the member’s place of residence or accommodation—
- (a) not leave the residence or accommodation except—

- (i) to undertake duties that are essential for safety or other regulatory reasons including, for example, flight simulation training or safety or security training, or
 - (ii) for the purposes of obtaining medical care or medical supplies, or
 - (iii) in an emergency situation,
 - (b) not permit another person to enter the place of residence or accommodation unless—
 - (i) the person usually lives at the place of residence or accommodation or the person is also complying with a direction under this Order, or
 - (ii) the entry is for medical or emergency purposes, or
 - (iii) the entry is to a place, other than a place of residence, for the purpose of delivering food or essential items,
 - (c) otherwise comply with the NSW Health Air Transportation Guidelines.
- (5) The employer of an unvaccinated overseas flight crew member must—
- (a) arrange approved transportation for the member for travel under this clause to the member’s place of residence or accommodation, and
 - (b) if, before the quarantine period ends, the member is departing New South Wales on a flight—arrange approved transportation for the member for travel under this clause to the airport, and
 - (c) if the member does not have a place of residence at which the person can stay until the person is able to depart on another flight that leaves New South Wales or until the quarantine period ends—arrange appropriate accommodation for the member, and
 - (d) ensure the member complies with any requirements in the NSW Health Air Transportation Guidelines in relation to the member’s transportation or accommodation under this clause.

[6] Part 2A

Insert after Part 2—

Part 2A Provisions for relevant persons who are fully vaccinated arrivals

22A Introduction

This Part sets out directions of the Minister about tests for COVID-19 for relevant persons who are fully vaccinated arrivals.

Note— Commonwealth law regulates the circumstances under which persons are allowed to enter or leave Australia by air. This may include requirements for negative test results for COVID-19, whether before or after arrival or before departure.

22B Fully vaccinated arrivals to comply with certain guidelines

- (1) A relevant person who is a fully vaccinated arrival must comply with the relevant guidelines for 14 days after the person arrives, including in relation to tests for COVID-19 and restrictions or limitations about attending premises.
- (2) Subclause (1) ceases to apply to the relevant person before the expiry of the 14 days if, 7 or more days after the person’s arrival, the person undergoes a test for COVID-19 and is notified that the result for the test was negative.

- (3) The employer of a flight crew member who is a fully vaccinated arrival must ensure that the person complies with the relevant guidelines until subclause (1) ceases to apply to the member.
- (4) In this clause—
relevant guidelines means the NSW Health Guidelines for Recent Fully Vaccinated Arrivals published on the website of NSW Health, as in force for the time being.

[7] Clause 26 Transportation providers

Omit clause 26(1). Insert instead—

- (1) This clause applies to a person (a *transportation provider*) who provides a transportation service under this Order involving transporting—
 - (a) a relevant person who is not a fully vaccinated arrival—
 - (i) to or from a quarantine facility, or
 - (ii) from a quarantine facility to a medical facility, or
 - (b) an unvaccinated overseas flight crew member using approved transportation.
- (1A) A transportation provider must comply with the NSW Health Air Transportation Guidelines.

[8] Clause 27, heading

Insert “**unvaccinated**” after “**particular**”.

[9] Clause 27(1) and (2)

Omit “relevant person” wherever occurring.

Insert instead “relevant unvaccinated person”.

[10] Clause 27(6)

Insert in alphabetical order—

relevant unvaccinated person means a relevant person who is not a fully vaccinated arrival.

[11] Clause 29

Omit the clause. Insert instead—

29 Name and contact details of certain transportation service providers

A person who transports any of the following persons is required to notify the Commissioner of Police of the person’s name and contact details within 48 hours after providing the transportation service—

- (a) a relevant person who is not a fully vaccinated arrival if the person is transported to or from a quarantine facility,
- (b) a flight crew member who is not a fully vaccinated arrival if the member is provided with approved transportation.

[12] Clause 29A

Insert after clause 29—

29A Evidence about vaccination status

- (1) This clause applies to each of the following persons (an *affected person*)—

- (a) a transportation provider,
 - (b) a person who has arrived in New South Wales and been overseas within the previous 14 days.
- (2) An affected person must provide a police officer with vaccination evidence if requested.
- (3) In this clause—
vaccination evidence means—
- (a) for a transportation provider—documentation providing evidence the provider has—
 - (i) received the number of doses required for a complete course of a COVID-19 vaccine, or
 - (ii) a medical contraindication preventing the provider from receiving any COVID-19 vaccine, or
 - (b) for other persons—documentation providing evidence the provider has received the number of doses of a COVID-19 vaccine required to be fully immunised.

[13] Clause 31 COVID-19 vaccinations

Omit “a declared flight crew member” from clause 31(3)(b).

Insert instead “an unvaccinated overseas flight crew member”.

[14] Clause 35

Insert after clause 34—

35 Transitional provisions for Public Health Amendment (COVID-19 Border Provisions) Order 2021

- (1) Clauses 11 and 12 continue to apply to a relevant person who is a fully vaccinated arrival (an *existing fully vaccinated arrival*) if the person—
 - (a) arrived in New South Wales before the amendment day, and
 - (b) had commenced, but not yet completed, the person’s quarantine period before the amendment day, and
 - (c) chooses to remain a quarantined person.
- (2) Part 2A, rather than clauses 11 and 12, applies to an existing fully vaccinated arrival who chooses not to remain a quarantined person as if the 14 day period mentioned in clause 22B(1) had commenced on the day after the person arrived in New South Wales.
- (3) In this clause—
amendment day means the day on which the *Public Health Amendment (COVID-19 Border Provisions) Order 2021* commenced.

[15] Schedule 1 Dictionary

Omit “a declared flight crew member” and “the declared flight crew member” wherever occurring in the definitions of *approved personal transportation*, *approved transportation*, and *flight crew transport service provider*.

Insert instead “an unvaccinated overseas flight crew member” and “the unvaccinated overseas flight crew member”, respectively.

[16] Schedule 1

Omit the definition of *declared flight crew member*.

Insert in alphabetical order—

fully vaccinated arrival means—

- (a) a person who, before arriving in New South Wales, has received the number of doses required for a complete course of a COVID-19 vaccine, or
- (b) a person aged under 12 years who, before arriving in New South Wales, has not received the number of doses required for a complete course of a COVID-19 vaccine, but only if the person is accompanied by a person mentioned in paragraph (a) who is aged 18 years or more.

unvaccinated overseas flight crew member—see clause 17.

1.2 Public Health (COVID-19 General) Order 2021

Clause 6.6 Taking holidays or undertaking recreation

Insert after clause 6.6(1)—

- (1A) An unvaccinated adult who resides in Victoria must not take a holiday or undertake recreation in New South Wales.