

Australian Capital Territory

# Public Health (COVID-19 Interstate Travellers) Emergency Direction 2020 (No 3)

Notifiable Instrument NI2020–713

made under the

**Public Health Act 1997, s 120 (Emergency actions and directions)**

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## 1. Name of instrument

This instrument is the *Public Health (COVID-19 Interstate Travellers) Emergency Direction 2020 (No 3)*.

## 2. Commencement

This instrument commences at 11:59pm on 6 November 2020.

## 3. Public Health Emergency Direction

I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out in the schedule.

## 4. Duration

This Direction is in force for the period ending on the day the declared emergency (as extended or further extended) ends, unless it is earlier revoked.

## 5. Revocation

This Direction revokes the *Public Health (COVID-19 Interstate Travellers) Emergency Direction 2020 (No 2)* [NI2020-661]

Dr Kerryn Coleman  
Chief Health Officer

6 November 2020

# Public Health Emergency Direction

## *Public Health Act 1997*

*Made under the Public Health Act 1997,  
section 120 (Emergency actions and directions)*

I, Dr Kerryn Coleman, Chief Health Officer, consider it necessary or desirable to alleviate the emergency declared under the *Public Health (Emergency) Declaration 2020 (No 1)* [NI2020-153] (the **declared emergency**) on 16 March 2020, to give the directions as set out below.

The purpose of this Direction is to limit the spread of coronavirus disease 2019 (**COVID-19**), caused by the novel coronavirus SARS-CoV-2.

In making these directions I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of these Directions are both demonstrably justifiable in a free and democratic society and necessary to protect the ACT community from the serious public health risk posed by COVID-19.

## PART 1 – TRAVEL FROM VICTORIA – AFFECTED PERSON

1. Part 1 applies to a person who has been in Victoria at any time in the previous 14 days (an **affected person**), but does not apply to the following:
  - a) a person who is ordinarily a resident of the Australian Capital Territory;
  - b) a person who was in Victoria for the sole purpose of transiting through an airport in Victoria, who did not leave the airport during that transit period;
  - c) a person who was in Victoria for the sole purpose of transiting by road in a private vehicle from South Australia to New South Wales, who transited only along the Sturt Highway;
  - d) a person who was in Victoria for the sole purpose of transiting to the Australian Capital Territory after being a passenger on the Vessel known as the Spirit of Tasmania, who:
    - i. if transiting by air to the Australian Capital Territory – travelled from the vessel by the most practicable direct route to an airport in Victoria and did not leave the airport during that transit period; or
    - ii. if transiting by road or rail without transiting by air – travelled from the vessel by the most practicable direct route to New South Wales; or
    - iii. if transiting to the Australian Capital Territory after transiting to New South Wales by air – travelled from the vessel by the most practicable direct route to an airport in Victoria and did not leave the airport during that transit period.

2. An **affected person** must not enter the Australian Capital Territory unless the **affected person**:
  - a. enters the Australian Capital Territory for urgent medical, law enforcement or emergency purposes; or
  - b. transits into or through the Australian Capital Territory by road for business or freight purposes; or
  - c. arrives in the Canberra airport by air for the purpose of transiting to another destination, and does not leave the Canberra airport; or
  - d. has undergone an unbroken 14-day period of hotel quarantine following a flight that originated from overseas and has travelled directly to the Australian Capital Territory immediately upon completion of quarantine; or
  - e. has an exemption from this Direction.

## PART 2 – QUARANTINE FOLLOWING TRAVEL FROM VICTORIA – RESIDENT OF AUSTRALIAN CAPITAL TERRITORY

3. A person who is ordinarily a resident of the Australian Capital Territory who arrives into the Australian Capital Territory after being in Victoria within the previous 14 days must:
  - a. notify ACT Health prior to their arrival in the Australian Capital Territory; and
  - b. travel immediately to **designated premises** to undertake a **period of quarantine**; and
  - c. not leave the **designated premises** other than in an emergency; and
  - d. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and
  - e. comply with any request by an **authorised person** to produce proof of identification.

## PART 3 – SUPERVISED QUARANTINE OF UNACCOMPANIED CHILD

4. Prior to the arrival in the Australian Capital Territory of an **unaccompanied** child who is proposing to travel to the Australian Capital Territory, a parent, guardian, person with **parental responsibility** or **carer** of the child must notify ACT Health.
5. From the point at which a child who is ordinarily a resident of the Australian Capital Territory and who has travelled **unaccompanied** after being in Victoria within the previous 14 days arrives into the Australian Capital Territory, the child must:
  - a. travel immediately to **designated premises** to undertake quarantine for the **period of quarantine**; and
  - b. not leave the **designated premises**, other than in an emergency; and

- c. comply with any request by an **authorised person** to produce proof of identification.
6. A parent, guardian, person with **parental responsibility** or **carer** of a child who has travelled **unaccompanied** must:
  - a. quarantine with the child at **designated premises** for the **period of quarantine**; and
  - b. not leave the **designated premises**, other than in an emergency; and
  - c. not permit any other person that does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and
  - d. comply with any request by an **authorised person** to produce proof of identification.
7. All members of the **household** of the **designated premises** must:
  - a. not leave the **designated premises** after the beginning of the **period of quarantine** other than in an emergency; and
  - b. comply with any request by an **authorised person** to produce proof of identification.

## PART 4 — MATTERS RELEVANT TO THESE DIRECTIONS

8. For the purposes of Parts 2 and 3, the point at which a person arrives into the Australian Capital Territory is the time when the person:
  - a. for travel by air – disembarks the plane at the Canberra airport;
  - b. for travel by bus – disembarks the bus at a bus station or other place;
  - c. for travel by train – disembarks the train at a train station;
  - d. for travel by car – crosses the border from New South Wales into the Australian Capital Territory; and
  - e. by any other means – crosses the border from New South Wales into the Australian Capital Territory.
9. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from the directions in Parts 1, 2 or 3. Exemptions will be made in accordance with published guidance material endorsed by the Chief Health Officer.
10. An exemption under paragraph 8 must be requested and provided prior to the person's arrival in the Australian Capital Territory.
11. An **authorised person** may, in writing and subject to any conditions that the **authorised person** considers necessary, exempt a person from the full **period of quarantine**.



## Transitional

12. The **repealed law** continues to apply to a person who:
- was granted an exemption under the repealed law; or
  - started quarantine under the repealed law before the commencement of this Direction and was still in quarantine immediately before the commencement of this Direction.
13. **Repealed law** means *Public Health (COVID-19 Interstate Travellers) Emergency Direction 2020 (No 2)* [NI2020-661].

## Enforcement

14. If a person fails to comply with this Direction, an **authorised person** may direct the person to do such things as are reasonably necessary to comply with this Direction including, upon request, to produce proof of identification to the **authorised person**.
15. If a person fails to comply with any direction given under paragraph 13, then the **authorised person** may take all reasonable steps to enforce compliance with the direction.

## Guidance

16. If a person tests positive to COVID-19 during the **period of quarantine** they must comply with the *Public Health (Self-Isolation) Emergency Direction 2020 (No 4)* [NI2020-662].
17. Risk mitigation guidance for an **affected person** who transits into or through the Australian Capital Territory by road for business or freight purposes under Part 1, paragraph 1(b) is provided at **Attachment A** to this Direction.

## Definitions

For the purposes of these directions:

18. **Affected person** – see paragraph 1.
19. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997*.
20. **Carer**, for a child, includes an appropriate adult nominated by a person with **parental responsibility** for the child.
21. Unless stated otherwise in writing by the Chief Health Officer, **designated premises** means:
- the person's usual place of residence or other premises that is suitable for the person to reside in for a **period of quarantine**; or
  - if the person is not normally a resident of the Australian Capital Territory, a hotel or other premises that has been approved in writing by the Chief Health Officer as suitable to reside in for a **period of quarantine**.

22. **Household**, in relation to **designated premises**, means people who ordinarily reside at the premises.
23. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
24. **Period of quarantine** means a period of 14 days, including any period of time that has already elapsed since the person was last in Victoria, prior to arrival in the Australian Capital Territory.
25. **Residential aged care facility** has the same meaning as in the *Public Health (Residential Aged Care Facilities) Emergency Direction 2020 (No 3)* [NI2020-363].
26. **Unaccompanied**, in relation to a child, means without the presence of a person with **parental responsibility**.

## PENALTIES

Section 120 (4) of the *Public Health Act 1997* provides:

A person must not, without reasonable excuse, fail to comply with a direction under this section.

### Maximum Penalty:

In the case of a natural person, \$8,000 (50 penalty units).

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**Dr Kerryn Coleman**

Chief Health Officer

6 November 2020

## ATTACHMENT A - Risk Mitigation Guidance

This Direction should be read in conjunction with the *Freight Movement Code for the Domestic Border Controls* which is available at:

- [www.covid19.act.gov.au](http://www.covid19.act.gov.au) or
- [https://www.infrastructure.gov.au/vehicles/vehicle\\_regulation/files/freight-movement-code-for-the-domestic-border-controls.pdf](https://www.infrastructure.gov.au/vehicles/vehicle_regulation/files/freight-movement-code-for-the-domestic-border-controls.pdf)

The *Freight Movement Code for the Domestic Border Controls* provides for enforceable measures such as the following:

- A valid border permit or equivalent approval.
- A COVIDSafe workplan.
- Carrying and using **COVID-19** related Personal Protective Equipment (when social distancing is not possible), including:
  - Hand sanitiser,
  - Gloves,
  - An appropriate face mask.

**NOTE** Further information on face masks can be found at

<https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/industry-information/retail-supermarkets-and-shopping-centres/masks?tab=tab-toc-employer#heading--2--tab-toc-what-are-cloth-masks?>

- People subject to the *Freight Movement Code for the Domestic Border Controls* should be tested for **COVID-19** on a rolling 7-day testing cycle until at least 14 days have passed since they were last in a **COVID-19** affected area, and should carry evidence of the results of these tests when travelling.
- Record keeping for contact tracing purposes to be kept and retained:
  - for heavy vehicle drivers, in the work diary until lodged with the record keeper or in accordance with the legislative requirements of the relevant state ;
  - for support workers, by the worker; and
  - for rail crew, by the driver or operator.
- The records should include where they are travelling, with whom they have been in contact (including when not working), details of accommodation, and onward and return travel (as per the Protocol).
- Effective self-isolation where practicable when working during stops including for accommodation purposes.

- No passengers, unless required for the purposes of work (for example, 'two up' drivers).
- No working while symptomatic until a negative test result has been received. Workers should not return to work until after symptoms have ceased.
- Upon request from an authorised officer, heavy vehicle drivers, rail crew and support workers where relevant, will be expected to show evidence of complying with the enforceable measures.

### Accessibility

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