

Australian Capital Territory

Public Health (COVID-19 Interstate Travellers – South Australia) Emergency Direction 2020

Notifiable Instrument NI2020–739

made under the

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

1. Name of instrument

This instrument is the *Public Health (COVID-19 Interstate Travellers – South Australia) Emergency Direction 2020*.

2. Commencement

This instrument commences at 5:30 pm on 19 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.

Dr Kerryn Coleman
Chief Health Officer

19 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 – SELF-DECLARATION FORM

Direction

1. An **affected person** who wishes to travel into the Australian Capital Territory must complete an **interstate traveller self-declaration form** within the 24-hour period prior to travel and receive confirmation to travel before the **affected person** arrives in the Australian Capital Territory.
2. A parent, guardian, person with **parental responsibility** or **carer** of a child must complete an **interstate traveller self-declaration form** on behalf of the child in accordance with paragraph 1.
3. Paragraph 1 does not apply to a person who transits through the Australian Capital Territory by road or rail, including to attend an airport, provided the person does not exit the car, bus or train in which the person is travelling while in the Australian Capital Territory.
4. Paragraph 1 does not apply to a person who transits through the Australian Capital Territory by air, provided the person does not exit the airport while in the Australian Capital Territory.

PART 2 – SOUTH AUSTRALIAN COVID-19 DECLARED PLACE

Direction

5. An **affected person** who:
- a. is not a resident of the Australian Capital Territory; and
 - i. has travelled to a **South Australian COVID-19 declared place** in the 14 days prior to arriving in the Australian Capital Territory; or
 - ii. has symptoms of COVID-19, including fever, cough, sore throat shortness of breath or loss of smell or taste;
- must not travel to the Australian Capital Territory.

6. An **affected person** who, despite being subject to paragraph 5, arrives in the Australian Capital Territory must:
- a. notify ACT Health at the point of their arrival; and
 - b. complete an **interstate traveller self-declaration form** on arrival in the Australian Capital Territory; and
 - c. comply with any direction given by an **authorised person**.

Example of directions: an authorised person may require a person to undertake a period of quarantine or require the person to leave the Australian Capital Territory.

7. If a person is directed under paragraph 6 to undertake a **period of quarantine** the person must:
- a. travel immediately to **designated premises** to undertake a **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.
8. An **affected person** who is a resident of the Australian Capital Territory, but has not completed an **interstate traveller self-declaration form** prior to travel must:
- a. notify ACT Health at the point of their arrival; and
 - b. complete an **interstate traveller self-declaration form** on arrival in the Australian Capital Territory; and
 - c. comply with any request by an **authorised person** including to produce proof of identification.

9. An **affected person** who:
- a. is a resident of the Australian Capital Territory; and
 - b. arrives in the Australian Capital Territory; and
 - c. has travelled to a **South Australian COVID-19 declared place** in the 14 days prior to arriving in the Australian Capital Territory;
- must:
- d. travel immediately to **designated premises** to undertake a **period of quarantine**; and
 - e. not leave the **designated premises** other than in an emergency; and
 - f. 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
 - g. comply with any request by an **authorised person** including to produce proof of identification.
10. If an affected person who is subject to paragraph 9 is a child who has travelled **unaccompanied** to the Australian Capital Territory, 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.
11. For the purposes of Part 2, all members of the **household** of a **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.
12. Anyone required to quarantine under this direction must do so at their own expense.

PART 3 — MATTERS RELEVANT TO THESE DIRECTIONS

13. For the purposes of Parts 1 and 2, the point at which a person arrives into the Australian Capital Territory means:
- a. for travel by air – from the Canberra airport;
 - b. for travel by bus – from the bus station or other place where the person disembarks;

- c. for travel by train – from the train station where the person disembarks;
 - d. for travel by car – from the point at which the car crosses the border from New South Wales into the Australian Capital Territory; and
 - e. by any other means – from the point at which the person crosses the border from New South Wales into the Australian Capital Territory.
14. 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 and 2.
15. 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**.

Enforcement

16. 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**.
17. If a person fails to comply with any direction given under this Direction, then the **authorised person** may take all reasonable steps to enforce compliance with the direction.

Definitions

For the purposes of these directions:

18. **Affected person** means a person who has been in South Australia in the previous 14 days, other than a person who transits through a **South Australian COVID-19 declared place** by road or rail, including to attend an airport, provided the person does not exit the motor vehicle or train in which the person is travelling while in the **South Australian COVID-19 declared place**.
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:
- a. 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
 - b. if the person is not normally a resident of the Australian Capital Territory, a hotel or other premises that is suitable for the person to reside in for **period of quarantine**.

22. **Interstate traveller self-declaration form** means a form approved by the Chief Health Officer.
23. **Household**, in relation to designated premises, means people who ordinarily reside at the premises.
24. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
25. A **period of quarantine** means a period of 14 days, including any period of time that has already elapsed since the person was last in a **South Australian COVID-19 declared place**, prior to arrival in the Australian Capital Territory.
26. **South Australian COVID-19 declared place** means a location published at www.covid19.act.gov.au.
27. **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

19 November 2020

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