

Australian Capital Territory

Public Health (Returned Travellers) Emergency Direction 2021 (No 2)

Notifiable Instrument NI2021–641

made under the

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

1. Name of instrument

This instrument is the *Public Health (Returned Travellers) Emergency Direction 2021 (No 2)*.

2. Commencement

This instrument commences at 11:59pm on 31 October 2021.

3. Public Health Emergency Direction

I, Dr Kerry 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 (Returned Travellers) Emergency Direction 2021* [NI2020-339].

Dr Kerry Coleman
Chief Health Officer

31 October 2021



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.

Grounds for directions

I consider the directions are necessary or desirable to alleviate the **COVID-19** emergency on the grounds that—

- (a) **COVID-19** poses a serious public health risk to the Australian Capital Territory community;
- (b) it is important to limit the spread of **COVID-19** in the Australian Capital Territory community.

In making this Direction, I have had regard to relevant human rights and I am satisfied that the limitations imposed as a result of this Direction are both demonstrably justifiable in a free and democratic society.

PART 1 – PERSONS WHO ARE FULLY VACCINATED

Directions

1. This part applies to a person who:
 - a. is **fully vaccinated**; and
 - b. enters Australia following a flight that originated from a place outside Australia.
2. A person must:
 - a. be **tested for COVID-19** within 24 hours of arrival in Australia;
 - b. undergo a further COVID-19 test between days 5 and 6 after their arrival in Australia; and
 - c. comply with any Guidelines for vaccinated travellers as issued by ACT Health and published on the ACT COVID-19 website.



PART 2 – PERSONS WHO ARE NOT FULLY VACCINATED AND WHO ENTER AUSTRALIA OUTSIDE OF THE AUSTRALIAN CAPITAL TERRITORY

Directions

3. This part applies to a person who:
 - a. is not **fully vaccinated**; and
 - b. enters Australia (at a place outside the Australian Capital Territory) following a flight that originated from a place outside Australia.

4. A person must not enter the Australian Capital Territory unless the person has undergone an unbroken 14-day period of quarantine or self-isolation (however described) in an Australian State or the Northern Territory.

Note: For persons travelling with children refer to ACT Health's Guidance for travellers who are traveling with Children under 18 years of age who are not fully vaccinated at Attachment A.

5. This Part does not apply to a **diplomatic visa-holder**.

PART 3 – PERSONS WHO ARE NOT FULLY VACCINATED WHO ENTER THE AUSTRALIA CAPITAL TERRITORY DIRECTLY FROM OVERSEAS

6. This part applies to a person who:
 - a. is not **fully vaccinated**; and
 - b. enters the Australian Capital Territory directly following a flight that originated from a place outside Australia.
7. The person must:
 - a. on arrival in the Australian Capital Territory travel immediately to **designated premises** to undertake a **standard period of quarantine**; and
 - b. not leave the **designated premises** other than in an emergency; and
 - c. not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes.
8. At the end of the **standard period of quarantine** a person required to quarantine under this Part must remain in quarantine for an additional period (not longer than the **supplementary quarantine period**) unless:
 - a. the person is **tested for COVID-19** when requested by an **authorised person** and returns a negative test result; and
 - b. the person is given clearance from quarantine by an **authorised medical officer**.



9. If the person is a child:
- a. a parent, guardian, person with **parental responsibility** or **carer** of the child must:
 - i. quarantine with the child at the **designated premises** for the **relevant period of quarantine**;
 - ii. not leave the **designated premises** other than in an emergency; and
 - iii. not permit any other person who does not reside at the **designated premises** to enter the premises, unless for medical, law enforcement or emergency purposes; and.
 - b. all members of the **household** of the **designated premises** of the child must:
 - i. not leave the **designated premises** after the beginning of the **relevant period of quarantine** other than in an emergency; and
 - ii. comply with any request of an **authorised person**, including to produce proof of identification.
10. This Part does not apply to a **diplomatic visa-holder**.

PART 4 — INTERNATIONAL FLIGHT CREW, AIR AMBULANCE AND MEDEVAC CREW

11. This part applies to a member of an international flight crew, air ambulance and medevac crew who enters Australia following a flight that originated from a place outside Australia.
12. If the member of the crew is **fully vaccinated against COVID-19** the person must comply with Part 1 of this direction.
13. If the member of the crew is not **fully vaccinated against COVID-19** the person must:
- a. on arrival in the Australian Capital Territory travel immediately to **designated premises** to undertake a **standard period of quarantine** until the sooner of the following happens:
 - i. the quarantine period ends, or
 - ii. the member departs on another flight that leaves Australia;
 - b. not leave the premises, except:
 - i. for the purposes of obtaining medical care or medical supplies; or
 - ii. in any other emergency situation;
 - c. not permit any other person to enter the premises unless:
 - i. the other person usually resides at the premises; or
 - ii. the other person is also complying with Part 4 of this Direction for the same **standard quarantine period**; or
 - iii. for medical, law enforcement or emergency purposes.



14. A person who is a member of an **international flight crew** or a member of an air ambulance or medevac crew must comply with any request by an **authorised person** to produce proof of identification.
15. The employer of an unvaccinated **international flight crew** member must:
 - a. arrange approved transportation for the member to **designated premises**;
 - b. if the member does not have appropriate accommodation at designated premises, arrange for appropriate accommodation at **designated premises**;
 - c. if, before the standard quarantine period ends, the member is departing the Australian Capital Territory on a flight, arrange approved transportation for the member to travel to the airport.
16. Any crew member operating in a professional capacity tasked to the aircraft cabin, the aircraft flight deck, or support crew (such as aircraft engineer, loading personnel or airport safety personnel) aboard a privately chartered international flight is subject to quarantine in accordance with this Direction.
17. At the end of the **standard period of quarantine** a person required to quarantine under this Part must remain in quarantine for an additional period (not longer than the **supplementary quarantine period**) unless:
 - a. the member departs on another flight that leaves Australia; or
 - b. the person is tested for COVID-19 when requested by an authorised person and returns a negative test result; and
 - c. the person is given clearance from quarantine by an authorised medical officer.

PART 5 — EXEMPTIONS

18. The Chief Health Officer may, in writing and subject to any conditions that the Chief Health Officer considers necessary, exempt a person from this Direction, or a stated requirement under this Direction, on grounds that the Chief Health Officer considers reasonable and appropriate.
19. If the Chief Health Officer exempts a person from this Direction, or a stated requirement under this Direction that person must comply with the conditions of the exemption.

PART 6 – MATTERS RELEVANT TO THESE DIRECTIONS

20. For the purposes of Parts 2, 3 and 4, the point at which a person arrives or enters 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.

Enforcement

21. An **authorised person** may ask a person arriving at or in the Australian Capital Territory for any information necessary to determine whether the person is subject to this Direction.
22. Any person arriving at or in the Australian Capital Territory must comply with any request made under paragraph 21 by an **authorised person**.
23. An **authorised person** may direct a person who is subject to this Direction to do such things as are reasonably necessary to comply with this Direction.
24. Any person subject to this Direction must comply with any request under paragraph 9 by an **authorised person**.
25. 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 to produce proof of identification to the **authorised person**.
26. If a person fails to comply with any direction given under paragraph 25, the **authorised person** may take all reasonable steps to enforce compliance with the direction.

Definitions

For the purposes of this Direction:

27. **ADF** means the Australian Defence Force.
28. **ADF international flight** means an international flight involving an ADF aircraft or commissioned flight.
29. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
30. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an authorised medical officer under the *Public Health Act 1997*.
31. **Carer**, for the purposes of this Direction, includes an appropriate adult nominated by a person with **parental responsibility**.
32. **Child** in this public health direction means a person who is under 12 years old.
33. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
34. **COVID-19 vaccination** means a SARS-COV-2 (COVID-19) vaccine that is approved or recognised by the Australian Therapeutic Goods Administration.



35. Unless stated otherwise in writing by the Chief Health Officer, **designated premises** means:
- a. for Part 3 of this Direction – premises approved in writing by the Chief Health Officer or an **authorised person** as suitable for quarantine purposes;
 - b. for Part 4 of this Direction - if the person is normally a resident of the Australian Capital Territory:
 - i. If the person can maintain appropriate separation from members of the household – their usual place of residence, or
 - ii. if the person cannot maintain appropriate separation from members of the household – a room allocated on check in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an **authorised person** for the purposes of quarantine.
 - c. for Part 4 of this Direction - if the person is not a resident of the Australian Capital Territory:
 - i. a room allocated on check in at any hotel, serviced-apartment, or similar accommodation approved in writing by the Chief Health Officer or an authorised person for the purposes of quarantine.
36. **Diplomatic visa-holder** means a person, such as a foreign official posted to Australia and member of their family, who have been issued with a diplomatic visa by the Commonwealth Department of Foreign Affairs and Trade.
37. **Fully vaccinated** means a person who, no later than seven days before entry to the Australian Capital Territory:
- a. has received the number of doses required for a complete course of a **COVID-19 vaccination**; or
 - b. has a **medical contraindication certificate** issued to the person; or
 - c. has a **medical contraindication certificate** recorded on the Australian Immunisation Register that prevents the person from receiving a **COVID-19 vaccination**.
38. A **household** means people who ordinarily reside at the same residential premises.
39. **International Flight Crew** means any crew member operating in a professional capacity tasked to the aircraft cabin, the aircraft flight deck, or support crew (such as aircraft engineer, loading personnel or airport safety personnel) aboard a commercial international passenger or freight flight, or a privately chartered international flight, but does not include crew of an **ADF international flight** or crew aboard a privately chartered international flight.
40. **Medical contraindication certificate** means a certificate issued by a medical practitioner:
- a. provided in a form approved by the ACT Chief Health Officer certifying that because of a specified medical contraindication, the person to whom the certificate has been issued cannot have any available **COVID-19 vaccination**; or

- b. provided in a form approved by another State or Territory Government certifying that because of a specified medical contraindication, the person to whom the certificate has been issued cannot have any available **COVID-19 vaccination**.
41. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
42. **Relevant period of quarantine** means:
- if all member of the **household** of the **designated premises** are **fully vaccinated**, a period of 7 days after the day of arrival into Australia or the Australian Capital Territory and ending at 11:59pm on the seventh (7th) day;
 - if not all members of the **household** of the **designated premises** are **fully vaccinated**, the **standard quarantine period**.
43. **Standard quarantine period** means a period of 14 days after the day of arrival and ending at 11:59pm on the fourteenth (14th) day after arrival.
- Example:* A for a person who arrives in Canberra on 24 February 2021, day zero (0) is the day of arrival; day one (1) is 25 February 2021, and the fourteenth (14th) day is 10 March 2021. The standard quarantine duration would end at 11:59pm on 10 March 2021.
44. **Supplementary quarantine period** means a period not longer than 14 days commencing at the end of the **standard quarantine period**.
45. **Tested for COVID-19** means a reverse transcription polymerase chain reaction test to detect **COVID-19**.

Guidance

- If a person tests positive to COVID-19 while in the Australian Capital Territory, they must comply with the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 5)*.
- If a person who enters the Australian Capital Territory following a flight that originated outside Australia is a **diplomatic visa-holder**, risk mitigation guidance is provided by the Chief Health officer in the document titled 'Guidance on arriving into the ACT for holders of diplomatic visas (subclass 995 visas) and their dependents'.
- Any crew member operating in a professional capacity tasked to the aircraft cabin, the aircraft flight deck, or support crew (such as aircraft engineer, loading personnel or airport safety personnel) aboard an **ADF international flight** is to quarantine in accordance with **ADF** quarantine policies.

Dr Kerryn Coleman

Chief Health Officer
31 October 2021



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).

Accessibility

If you have difficulty reading a standard printed document and would like an alternative format, please phone 13 22 81.



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GUIDANCE FOR TRAVELLERS WHO ARE TRAVELLING WITH CHILDREN UNDER 18 YEARS OF AGE WHO ARE NOT FULLY VACCINATED

It is acknowledged that children under 18 years of age may have had difficulty accessing a COVID-19 vaccination whilst residing overseas.

The ACT Chief Health Officer will consider granting exemptions to certain families which include unvaccinated children under 18 years of age who are arriving into Australia and seeking to onward travel to the ACT.

Where a child is travelling with fully vaccinated adults, the entire travelling party will be granted an exemption to onward travel to the ACT from port of entry, and must comply with the conditions contained within the exemption.

Exemptions will also be considered for unaccompanied children aged under 18 years of age who are not fully vaccinated.

Exemptions must be submitted through the process outlined on the ACT Government's COVID-19 website.