

Australian Capital Territory

Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 11)

Notifiable Instrument NI2021–796

made under the

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

1. Name of instrument

This instrument is the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 11)*.

2. Commencement

This instrument commences at 11:59pm on 30 December 2021.

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 this instrument.

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 instrument revokes the *Public Health (Diagnosed People and Close Contacts) Emergency Direction 2021 (No 10)* [NI2021-795].

Dr Kerryn Coleman
Chief Health Officer

30 December 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.

The purpose of this Direction is to require people who are diagnosed with **COVID-19** to self-isolate, and people identified as a **close contact** to undergo quarantine in order to limit the spread of **COVID-19**.

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) the Australian Capital Territory has experienced persistent community transmission since the outbreak of the Delta variant of **COVID-19**, in the Australian Capital Territory on 12 August 2021;
- (c) the Delta variant of **COVID-19** (labelled as a variant of concern) has proven challenging both nationally and internationally, demonstrating that elimination of the virus is not feasible and community transmission will continue as the Australian Capital Territory seeks to mitigate the impact of this public health risk;
- (d) the World Health Organization recently declared **COVID-19 Omicron** to be a variant of concern which is being monitored closely, both nationally and internationally, for its potential to lead to severe illness. The first case of **COVID-19 Omicron** was recorded in the Australian Capital Territory on 3 December 2021;
- (e) 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 and necessary to protect the ACT community from the serious public health risk posed by **COVID-19**.



PART 1 — SELF-ISOLATION - COVID-19 DIAGNOSED

Directions

1. This Part applies to a person who is diagnosed with **COVID-19**.
2. On being given the diagnosis, the person must—
 - a. if the person is at **designated premises** when the diagnosis is communicated to them—undertake a **period of self-isolation** at the premises; and
 - b. if the person is not at **designated premises** when the diagnosis is communicated to them—
 - i. travel directly to **designated premises** to undertake a period of **self-isolation**; or
 - ii. if the person requires medical treatment at a hospital—travel directly to a hospital for medical treatment and after leaving or being discharged from the hospital, travel directly to **designated premises** to undertake a **period of self-isolation**; and
 - c. communicate to any person with whom they may come into contact that they are required to self-isolate because of their diagnosis of **COVID-19**; and
 - d. not leave the **designated premises** other than in an emergency or to seek treatment for **COVID-19**, as advised by a staff member of the **ACT COVID-19 Care@Home Program**, ACT Health, or by a treating primary health care provider; and

Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.
 - e. 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.

*Note: A person who usually resides at the same premises would be considered a member of a **household** and will be a **close contact** to whom Part 2 applies.*
3. If the diagnosed person is a child:
 - a. a parent, guardian, person with parental responsibility or carer of the child must:
 - i. self-isolate with the child at the **designated premises** for the **period of self-isolation**; and
 - ii. not leave the **designated premises** other than to undertake a **COVID-19 test**, or 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.



4. A **period of self-isolation** for a person to whom this Part applies is the period beginning when the person is diagnosed with **COVID-19** and ending when the person is given **clearance** from self-isolation by either a **public health officer** or a staff member of the **ACT COVID-19 Care@Home Program**.

PART 2 — QUARANTINE - CLOSE CONTACTS

Directions

5. This Part applies to a person who is a **close contact** of a person diagnosed with **COVID-19**.

Note: Attachment A contains risk mitigation guidance for a **close contact**. This includes a strong recommendation that close contacts should not enter high risk settings, such as hospitals and residential aged care facilities where practicable for days 8 to 14 following the close contacts last exposure to a diagnosed case.

6. The person must:
 - a. if the person is at **designated premises** when they become aware they are a **close contact**—undertake a **period of quarantine** at the premises; and
 - b. if the person is not at **designated premises** when they become aware they are a **close contact**—travel directly to **designated premises** to undertake a **period of quarantine**; and
 - c. communicate to any person with whom they may come into contact that they are undertaking a **period of quarantine** due to being a **close contact** of a person diagnosed with **COVID-19**; and
 - d. not leave the **designated premises** during the **period of quarantine** other than to undertake a **COVID-19 test**, or in an emergency; and
Example: An emergency may include needing to obtain urgent medical treatment, fleeing a serious risk to life or health, or escaping a risk of harm related to domestic and family violence.
 - e. undertake a **COVID-19 test** on day 1 and day 6 of the **period of quarantine**; and
 - f. not permit any other person that does not reside at the **designated premises** to enter the premises during the **period of quarantine**, unless for medical, law enforcement or emergency purposes.
7. A **period of quarantine**, for this Part, means a period that begins on the day the person first becomes aware they are a **close contact** and ends:
 - a. at 11:59pm on the seventh day after the **close contact's notified date of exposure**, subject to obtaining a negative day 6 **COVID-19 test**.



8. A **COVID-19 test** for this Part means:
 - a. for a person who has symptoms consistent with **COVID-19**, a reverse transcription polymerase chain reaction test to diagnose **COVID-19**;
 - b. for a person who does not have symptoms consistent with **COVID-19**, a Rapid Antigen Test to detect **COVID-19**;
 - c. for a person who cannot access a Rapid Antigen Test to detect **COVID-19**, a reverse transcription polymerase chain reaction test to diagnose **COVID-19**.
9. For a person who has a test under paragraph 8(b) and returns a positive detection for **COVID-19**, that person must undergo a reverse transcription polymerase chain reaction test to diagnose **COVID-19**.

PART 3 — RECOVERED CASES

10. This Part applies to a **recovered case**.
11. A **recovered case** is subject to the requirements in Part 2 of this Direction, whichever is applicable, unless an **authorised person** considers it safe for the person to stop complying with the relevant requirements in this Direction.

PART 4 — MISCELLANEOUS

12. An **authorised person** may ask a person for any information necessary to determine whether the person is subject to this Direction, including to produce proof of identification.
13. Any person must comply with any request made under paragraph 12 by an **authorised person**.
14. 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.
15. Any person subject to this Direction must comply with any request under paragraph 14 by an **authorised person**.
16. A **clearance** given by an **authorised person**, **public health officer** or a staff member of the **ACT COVID-19 Care @ Home Program** under paragraph 4 must be in writing.

PART 5 — EXEMPTIONS

Exemption

17. 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 compassionate or other grounds that the Chief Health Officer considers reasonable and appropriate.
18. 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 THIS DIRECTION

Guidance

19. Guidance about how an **authorised medical officer** or an **authorised person** determines whether a person is a **close contact** of a person diagnosed with **COVID-19** can be found at <https://www.covid19.act.gov.au>.
20. Guidance about whether people sharing a **household** with a **close contact** must also quarantine can be found at <https://www.covid19.act.gov.au>.
21. Guidance about how a person is determined to have met the criteria for discharge from self-isolation or quarantine can be found at <https://www.covid19.act.gov.au>.
22. Guidance about symptoms of **COVID-19** can be found at <https://www.covid19.act.gov.au>.
23. Risk mitigation guidance for a person to whom Part 2 applies, is provided in Attachment A.

Definitions

For the purposes of these directions:

24. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
25. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.
26. **ACT COVID-19 Care@Home Program** means the Care@Home Program managed by the Division of Medicine at Canberra Health Services.
27. **Clearance** of a person by a person under paragraph 4, means when the **public health officer** or a staff member of the **ACT COVID-19 Care@Home Program** considers it is safe for the person in self-isolation to stop complying with the relevant requirements for self-isolation under this Direction.
28. **Close contact**, of a person diagnosed with **COVID-19**, means a person who:
 - a. is a member of the same **household** as the diagnosed person; or
 - b. has been notified by an **authorised person** that they are a **close contact**.
29. **Close contact's notified date of exposure** means:
 - a. the date of exposure notified to the **close contact** by an **authorised person** or by a process authorised by that person; or
 - b. if the person has not been notified of the date of exposure by an **authorised person**, the date listed in the applicable **COVID-19 areas of concern notice**.
30. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.



31. **COVID-19 areas of concern notice** means a notice made under Part 1 of the *Public Health (COVID-19 Affected Areas) Emergency Direction 2021 (No 14)*.
32. **COVID-19 Omicron** means the **COVID-19** variant B.1.1.529 (Omicron).
33. **COVID-19 test** means a reverse transcription polymerase chain reaction test to diagnose **COVID-19**.
34. **Designated premises** means:
 - a. the person's usual place of residence or other premises that is suitable for the purposes of self-isolation or quarantine; or
 - b. 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 or an **authorised person** for the purposes of self-isolation or quarantine; or
 - c. 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 self-isolation or quarantine; or
 - d. if the Chief Health Officer, in writing, states another place—the stated place.
35. **Household** means people who ordinarily reside at the same residential premises.
36. **Period of quarantine** for a person:
 - a. under Part 2 means the period applying to the person under paragraph 7; and
37. **Period of self-isolation** for a person under Part 1 means the period applying to the person under paragraph 4.
38. **Public health officer** means a public health officer under the *Public Health Act 1997*.
39. **Recovered case** means a person who has previously been provided **clearance** from a **COVID-19** diagnosis and no more than a six month period has elapsed since the date of **clearance**.

Dr Kerryn Coleman
Chief Health Officer

30 December 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).



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ATTACHMENT A

Risk Mitigation Advice for Close Contacts

The following risk mitigation advice applies to all Close Contacts of a COVID-19 positive case, regardless of variant, and applies during days 8 to 14 after last exposure to a case. Close contacts should:

- Minimise their movement in public spaces wherever possible.
- Not enter high risk settings, including hospitals, residential aged care facilities, correction and detention facilities and residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to disease.
 - Individuals can still access urgent medical care or aged or disability care services.
 - Individuals are permitted to enter a residential aged care facility, or another residential accommodation facility, where they are a resident of that facility.
 - Facilities may permit entry into a facility following a risk assessment (for example, for staff working in the facility).
- Avoid mass gatherings and large-scale events, whether these are held indoors or outdoors.
- Avoid using public transport, and if essential ensure a face mask is worn.
- Practice good hand and respiratory hygiene at all times.
- Wear a face mask whenever in an indoor public place.
- Keep good records of where they have been, including dates and times and use Check in CBR wherever it is required.