

Australian Capital Territory

# Public Health (Returned Travellers) Emergency Direction 2022 (No 2)

**Notifiable Instrument NI2022–86**

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 (Returned Travellers) Emergency Direction 2022 (No 2)*.

## **2. Commencement**

This instrument commences at 11:59pm on 21 February 2022.

## **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 2022 (No 1)* [NI2022-6].

Dr Kerry Coleman  
Chief Health Officer

18 February 2022



# 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 persons travelling from overseas to either quarantine or undergo a **COVID-19 test**, depending on whether or not the person has been fully vaccinated, 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;
- (b) the World Health Organization has declared the Omicron variant of **COVID-19** to be a variant of concern which is being monitored closely, both nationally and internationally, for its potential to lead to severe illness;
- (c) the Omicron variant of **COVID-19** is highly transmissible and has rapidly replaced the Delta variant of **COVID-19** as the dominant variant;
- (d) the Australian Capital Territory has experienced persistent community transmission since the original outbreak of the Delta variant of **COVID-19**, in the Australian Capital Territory on 12 August 2021 and the introduction of the Omicron variant of **COVID 19** on 3 December 2021;
- (e) there is a necessity to limit the impact of **COVID-19** in the Australian Capital Territory and to mitigate the burden on the public health system which includes continued monitoring and supporting the public health response.

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 – PERSONS WHO ARE FULLY VACCINATED

### **Directions**

1. This part applies to a person who:
  - a. is **fully vaccinated**; and
  - b. enters the Australian Capital Territory within 14 days following a flight that originated from a place outside Australia.
2. The person must:
  - a. undertake a **COVID-19 test** within 24 hours of arrival into Australia and quarantine in a designated premises until a negative result is received, other than leaving in an emergency; and
  - b. comply with any Guidance for **fully 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 7-day period of quarantine or self-isolation (however described) in an Australian State or the Northern Territory.

*Note: For **fully vaccinated** persons travelling with children aged between 12 years and 2 months and 17 years who are not **fully vaccinated** refer to the Guidance for travellers arriving from overseas as issued by ACT Health and published on the ACT COVID-19 website.*

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.

*Note: This Part does not apply to someone who is **fully vaccinated**. This includes a child that is under the age of 12 years and 2 months who has not received the number of doses required for a completed **primary course of vaccination** for **COVID-19**.*

7. The person must:

- a. on arrival in the Australian Capital Territory travel immediately to **designated premises** to undertake a **standard quarantine period**; and
- b. not leave the **designated premises** during the **standard quarantine period** or the **supplementary quarantine period** other than in an emergency or for the purpose of undertaking a **COVID-19 test**; and
- c. not permit any other person who does not reside at the **designated premises** to enter the premises during the **standard quarantine period** or **supplementary quarantine period**, unless for medical, law enforcement or emergency purposes.
- d. undertake a **COVID-19 test**:
  - i. within 24 hours of arrival into Australia; and
  - ii. on day 6 after their arrival into Australia.

8. At the end of the **standard quarantine period** 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 has undertaken a **COVID-19 test** in accordance with paragraph 7(d)(ii) or anytime during the **supplementary quarantine period** and returns a negative test result; or
- b. the person is given clearance from quarantine by an **authorised medical officer**.

9. If the person is a child aged 12 years and 2 months to 17 years who is unaccompanied or travelling with a **fully vaccinated** parent, guardian, person with **parental responsibility** or **carer** of the child, then:

- a. a parent, guardian, person with **parental responsibility** or **carer** of the child must not permit:
  - i. the child to leave the **designated premises** during the **standard quarantine period**, or the **supplementary quarantine period** other than in an emergency or for the purpose of undertaking a **COVID-19 test**; and



- ii. any other person who does not reside at the **designated premises** to enter the premises during the **standard quarantine period** or the **supplementary quarantine period**, unless for medical, law enforcement or emergency purposes.
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 the Australian Capital Territory within 14 days following a flight that originated from a place outside Australia.
12. If the member of the crew is **fully vaccinated** the person must comply with Part 1 of this direction.
13. If the member of the crew is not **fully vaccinated** the person must:
- a. on arrival in the Australian Capital Territory travel immediately to **designated premises** for the **standard quarantine period**, unless the person has already undertaken quarantine in another Australian State or the Northern Territory, until the sooner of the following happens:
    - i. the **standard quarantine period** ends, or
    - ii. the member departs on another flight or series of flights leaving Australia; and
  - b. not leave the **designated premises** during the **standard quarantine period**, except:
    - i. for the purposes of obtaining medical care or medical supplies; or
    - ii. in any other emergency situation; or
    - iii. to undertake a **COVID-19 test**; and
  - c. not permit any other person to enter the **designated premises** during the **standard quarantine period** 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; and
  - d. undertake a **COVID-19 test**:
    - i. within 24 hours of arrival in Australia; and
    - ii. on day 6 after arrival in Australia.
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 **international flight crew** member who is not **fully vaccinated** must:
  - a. arrange transportation for the member to **designated premises**; and
  - b. if the member does not have appropriate accommodation at a **designated premises**, arrange for appropriate accommodation at **designated premises**; and
  - c. if, before the **standard quarantine period** ends, the member is departing the Australian Capital Territory on a flight, arrange 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 subject to this Part must continue to comply with paragraph 13 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 undertakes a **COVID-19 test** when requested by an **authorised person** and returns a negative test result; or
  - c. the person undertakes a **COVID-19 test** during the **supplementary quarantine period** and returns a negative test result; or
  - d. 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 1, 2, 3 and 4, the point at which a person arrives or enters into the Australian Capital Territory is:
  - a. for travel by air – from the point they arrive at Canberra airport;
  - b. for travel by bus – from the point they arrive at the bus station or other place where the person disembarks;
  - c. for travel by train – from the point they arrive at 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 23 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. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
33. **COVID-19 test** means a rapid antigen test to detect **COVID-19** or a reverse transcription polymerase chain reaction test to diagnose **COVID-19**.
34. **COVID-19 vaccine** 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 1 of this Direction:
    - i. the person's usual place of residence or other premises that is suitable for the purposes of self-isolation or quarantine; or
    - ii. if the person is not normally a resident of the Australian Capital Territory - a hotel or other premises that is suitable for the purposes of self-isolation or quarantine; or
    - iii. if the Chief Health Officer, in writing, states another place—the stated place.
  - b. Part 2 of this Direction:
    - i. the person's usual place of residence or other premises that is suitable for the purposes of self-isolation or quarantine; or
    - ii. 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
    - iii. 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
    - iv. if the Chief Health Officer, in writing, states another place—the stated place.
  - c. for Part 3 of this Direction – premises approved in writing by the Chief Health Officer or an **authorised person** as suitable for quarantine purposes;
  - d. 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.





- e. 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 completed a **primary course of vaccination** for **COVID-19**; or
  - b. has a **medical contraindication certificate** issued to the person;
  - c. has a **medical contraindication certificate** recorded on the Australian Immunisation Register that prevents the person from receiving a **COVID-19 vaccine**; or
  - d. is under the age of 12 years and 2 months who has not received the number of doses required for a **primary course of vaccination** for **COVID-19**.
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 medical certificate issued by a registered medical practitioner, and written in English, which includes:
- a. the person's full name, which matches his or her travel identification documents; and
  - b. the date of the medical consultation and details of the medical practitioner; and
  - c. details that clearly outline that the person cannot have a **COVID-19 vaccine** because of a medical condition which means they cannot receive a **COVID-19** vaccination.
- Note: These requirements are consistent with criteria outlined by the Australian Government Department of Health and published at: [www.health.gov.au/health-alerts/covid-19/international-travel/proof-of-vaccination#evidence-of-medical-contraindication-to-covid19-vaccine](http://www.health.gov.au/health-alerts/covid-19/international-travel/proof-of-vaccination#evidence-of-medical-contraindication-to-covid19-vaccine).*
41. **Parental responsibility** is as defined in section 15 of the *Children and Young People Act 2008*.
42. **Primary course of vaccination** means either one dose of the Janssen **COVID-19 vaccine** or two doses of any other **COVID-19 vaccine**.



43. **Standard quarantine period** means a period of 7 days ending at 11:59pm on the seventh (7<sup>th</sup>) day after arrival.

*Note: In working out the end of the standard quarantine period, the day of arrival is not included. For example, that a person who arrives in Canberra on 1 March 2022 would be required to quarantine until 11:59pm on 8 March 2022.*

44. **Supplementary quarantine period** means a period of 7 days commencing at the end of the **standard quarantine period**.

### Guidance

1. 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 2022 (No 3)*, as amended or replaced from time to time.
2. The Chief Health Officer has provided risk mitigation guidance to a person who is a **diplomatic visa-holder** entering the Australian Capital Territory following a flight that originated outside Australia entitled 'Guidance on arriving into the ACT for holders of diplomatic visas (subclass 995 visas) and their dependents'.
3. 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

18 February 2022

### 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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