

Public Health (Diagnosed People and Household Contacts) Emergency Direction 2022 (No 4)

Notifiable Instrument NI2022–99

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 Household Contacts) Emergency Direction 2022 (No 4)*.

2. Commencement

This instrument commences at 11:59pm on 25 February 2022.

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 2022 (No 3)* [NI2022-16].

Dr Kerryn Coleman
Chief Health Officer

25 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 people who are diagnosed with **COVID-19** either through a **rapid antigen test** or **PCR test** to self-isolate, and people identified as a **household contact** of a diagnosed person to undergo quarantine in order to limit the spread of **COVID-19**. This Direction requires a person who returns a positive result from a **rapid antigen test** to report the positive result to the ACT Health Directorate through an online form in order for the ACT Health Directorate to provide appropriate advice to the individual on self-isolation requirement and care, support and treatment options.

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 — SELF-ISOLATION - COVID-19 DIAGNOSED

Directions

1. This Part applies to a **diagnosed person**.
2. On becoming a **diagnosed person**, the person must—
 - a. if the person is at **designated premises** —undertake a **period of self-isolation** at the premises; and
 - b. if the person is not at **designated premises** —
 - 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 they are a **diagnosed person**; and
 - d. notify any person who is a **household contact** of their status as a **diagnosed person**; and
 - e. 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.
 - 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;
*Note: A person who usually resides at the same premises would be considered a **household contact** to whom Part 2 applies.*
 - g. take reasonable steps to notify the following people that the person has become a **diagnosed person**:
 - i. the employer, or person who otherwise engaged the **diagnosed person** to perform work, if the person attended a workplace during their **infectious period**;
 - ii. the operator, or a staff member identified to receive notifications of diagnosed persons, of an **education setting** if the person attended during their **infectious period**; and
 - iii. the operator of a **high risk setting** if the person attended during their **infectious period**.



Note: It is also recommended that a diagnosed person notify any person who is a low, moderate or high risk contact that they have become a diagnosed person. A person exposed to COVID-19 is advised to following the guidance published by the ACT Health Directorate at <https://www.covid19.act.gov.au/stay-safe-and-healthy/exposed-to-covid19>.

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. comply with Part 3 of this direction as a **household contact**.
4. A **period of self-isolation** for a **diagnosed person** begins when the person returns a positive result after undertaking a **COVID-19 test** and ends when the person is either:
 - a. given **clearance** from self-isolation by either a **public health officer** or a staff member of the **ACT COVID-19 Care@Home Program**; or
 - b. declared to no longer be a **diagnosed person** pursuant to paragraph 5.
5. A person may be declared to no longer be a **diagnosed person** by a **public health officer**, or any staff member of the COVID-19 Response Operations Branch, if the person:
 - a. is a **diagnosed person** because they have returned a positive **rapid antigen test**; and
 - b. has completed a **COVID-19** online declaration in accordance with paragraph 7 of this Direction; and
 - c. within 2 days of becoming a **diagnosed person** undertakes a **PCR test** which returns a negative result, and the person notifies ACT Health of the negative result.

Note: If a person has returned conflicting test results, then the person may seek a review by ACT Health of their status as a diagnosed person. ACT Health will consider whether an individual can be given clearance from the self-isolation requirements following an individual assessment. A diagnosed person is typically cleared 7 days after the diagnosed person undertook the COVID-19 test which returned a positive result. The date of the test is day 0.

PART 2 — REPORTING A POSITIVE RAPID ANTIGEN TEST

Directions

6. This Part applies to a person who is a **diagnosed person** because they have returned a positive **rapid antigen test**.
7. On becoming a **diagnosed person**, the person must complete a **COVID-19** online declaration at <https://www.covid19.act.gov.au/>.

*Note: a **diagnosed person** who has difficulty completing a **COVID-19** online declaration may contact ACT Health for assistance completing the declaration.*



8. If the **diagnosed person** is a child, then a parent, guardian, person with parental responsibility or carer of the child must complete a **COVID-19** online declaration at <https://www.covid19.act.gov.au/>.
9. Paragraphs 7 and 8 do not apply to the following people:
 - a. a detainee at a correctional centre; or
 - b. a young detainee at a detention place; or
 - c. a resident of a **residential aged care facility**.
10. If the **diagnosed person** is a person listed in paragraph 9, then the person, or a person collecting the **rapid antigen test**, must inform the operator or a staff member at the premises that the person has returned a positive **rapid antigen test**.
11. If the director-general responsible for a correctional centre or detention place becomes aware that a detainee has returned a positive **rapid antigen test**, then the director-general must as soon as practicable:
 - a. notify the ACT Health Directorate that the person has returned a positive **rapid antigen test** and become a **diagnosed person**; and
 - b. provide the ACT Health Directorate with the **diagnosed person's**:
 - i. name;
 - ii. date of birth;
 - iii. date the positive test was taken;
 - iv. address for isolation as a **diagnosed person**; and
 - v. relevant contact details to enable the **diagnosed person** to receive **clearance** from self-isolation as appropriate.
12. If the owner, operator or controller of the **residential aged care facility** becomes aware that a resident has returned a positive **rapid antigen test**, then the owner, operator or controller of the **residential aged care facility** must as soon as practicable:
 - a. notify the Health Directorate that the person has returned a positive **rapid antigen test** and become a **diagnosed person**; and
 - b. provide the Health Directorate with the **diagnosed person's**:
 - i. name;
 - ii. date of birth;
 - iii. date the positive test was taken;
 - iv. address for isolation as a **diagnosed person**; and
 - v. relevant contact details to enable the **diagnosed person** to receive **clearance** from self-isolation.

PART 3 — QUARANTINE - HOUSEHOLD CONTACTS

Directions

13. This Part applies to a person who is a **household contact** of a **diagnosed person**.

Note: Attachment A contains risk mitigation guidance for a **household contact**. This includes a strong recommendation that household contacts should not enter **high risk settings** where practicable for days 8 to 14 following the household contact's last exposure to a diagnosed case.

14. The person must:

- a. complete a COVID-19 online declaration at <https://www.covid19.act.gov.au/>; and
- b. if the person is at **designated premises** when they become aware they are a **household contact**—undertake a **period of quarantine** at the premises; and
- c. if the person is not at **designated premises** when they become aware they are a **household contact**—travel directly to **designated premises** to undertake a **period of quarantine**; and
- d. communicate to any person with whom they may come into contact that they are undertaking a **period of quarantine** due to being a **household contact** of a **diagnosed person**; and
- e. not leave the **designated premises** during the **period of quarantine** other than to undertake a **COVID-19 test** from an ACT Government COVID-19 Testing Centre, 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.

- f. undertake a **COVID-19 test** as soon as possible after becoming aware they are a **household contact** and again if the person develops any symptoms consistent with **COVID-19**; and
- g. undertake a **COVID-19 test** on or after day 6 of the **period of quarantine**, unless the test under paragraph 144(f) occurs on or after day 5 of the **period of quarantine**; and
- h. 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 emergency purposes or **essential support services**.

15. A **household contact** who is either:

- a. currently undertaking a **period of quarantine** in accordance with paragraph 14; or
- b. whose **period of quarantine** has ended in the past 14 days, in accordance with paragraph 17(b);

is not required to re-commence compliance with paragraph 14 if another member of their household becomes a **diagnosed person**.



Example: If a person becomes a **household contact** because a **diagnosed person** in their household had a positive test collected on 1 March 2022, their **period of quarantine** will end on 8 March 2022. If another member of the household becomes a **diagnosed person** after undertaking a **COVID-19 test** between 1 and 22 March 2022, then the **household contact** will not be required to undertake a further **period of quarantine**. However, if the other household member undertook the **COVID-19 test** after 23 March 2022 and subsequently became a **diagnosed person**, the **household contact** would be required to undertake a further period of quarantine.

16. Paragraph 15 does not apply to a **household contact** whose **period of quarantine** ends in accordance with paragraph 17(a).
17. A **period of quarantine** for a **household contact** means a period that begins on the day the person becomes aware they are a **household contact** of a **diagnosed person** and ends on the earlier of the following:
 - a. if the **diagnosed person** is declared to no longer be a **diagnosed person** pursuant to paragraph 5, at the time they are declared to no longer be a **diagnosed person**;
or
 - b. at 11:59pm on the seventh day after the **diagnosed person** undertook a **COVID-19 test** which returned a positive result.

Note: A household contact is required to undertake a **COVID-19 test** consistent with paragraphs 14(f)-(g) of this Direction.

18. An **authorised person** may direct a person to comply with this Part if they reasonably believe that the person is a close contact of a person diagnosed with **COVID-19** and it is necessary for the person to undertake a period of quarantine.
19. Any person directed by an **authorised person** under paragraph 14 must comply with this Part as if they were if they were a **household contact**.

PART 4 — RECOVERED CASES

Directions

20. This Part applies to a **recovered case**.
21. A **recovered case** is not subject to the directions in Part 3 of this Direction.

Note: A person who is declared to no longer to be a **diagnosed person** under paragraph 5 is not a **recovered case** and will need to comply with Part 3 of this Direction if they become a **household contact**.

PART 5 — MISCELLANEOUS

22. 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.



23. Any person must comply with any request made under paragraph 22 by an **authorised person**.
24. 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.
25. Any person subject to this Direction must comply with any request under paragraph 24 by an **authorised person**.
26. 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(a) must be in writing.

PART 6 — EXEMPTIONS

Exemption

27. 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.
28. 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 7 — MATTERS RELEVANT TO THIS DIRECTION

Guidance

29. Information for people who test positive for COVID-19 can be found at <https://www.covid19.act.gov.au/>
30. Information for people who are exposed to COVID-19 can be found at <https://www.covid19.act.gov.au/>.
31. Information about quarantine and suitable quarantine premises can be found at <https://www.covid19.act.gov.au/>.
32. Information about COVID-19 testing can be found at <https://www.covid19.act.gov.au/>.
33. 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/>.
34. Guidance about symptoms of **COVID-19** can be found at <https://www.covid19.act.gov.au/>.
35. Risk mitigation guidance for a person to whom Part 1 applies, is provided in Attachment A.
36. Risk mitigation guidance for a person to whom Part 2 applies, is provided in Attachment B.



Definitions

For the purposes of these directions:

37. **Authorised medical officer** means an authorised medical officer under the *Public Health Act 1997*.
38. **Authorised person** means an authorised person under section 121 of the *Public Health Act 1997* and includes an **authorised medical officer**.
39. **ACT COVID-19 Care@Home Program** means the Care@Home Program managed by the Division of Medicine at Canberra Health Services.
40. **Clearance** of a person by a person under paragraph 4(a), 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.
41. **COVID-19** means the coronavirus disease 2019, caused by the novel coronavirus SARS-CoV-2.
42. **COVID-19 test** means:
 - a. a **Rapid Antigen Test**; or
 - b. a **PCR Test**.
43. **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.
44. **Diagnosed person** means a person who has undertaken a **COVID-19 test** and returned a positive result.
45. **Education setting** means:
 - a. an early childhood education centre;
 - b. school;
 - c. college;
 - d. university; or
 - e. any other institution at which education or training is provided.



46. **Essential support services** means support without which a person would experience a deterioration in health or wellbeing, including assistance with, or provision of, the following:

- a. personal care;
- b. meal preparation;
- c. exercise or physiotherapy; or
- d. other critical support.

Note: People requiring assistance or support for COVID-19 testing purposes are covered under this definition and provision of medical or other critical supports.

47. **High risk setting** means:

- a. a hospital;
- b. a **residential aged care facility**;
- c. a correctional centre;
- d. a detention place; and
- e. residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to severe disease.

48. **Household** means people who reside at the same residential premises and were present in the household during the **infectious period** of the person diagnosed with COVID-19.

49. **Household contact** of a person diagnosed with COVID-19 means a person who is a member of the same **household** as the **diagnosed person**.

50. **Infectious period** means the earlier of the following:

- a. two days prior to symptom onset for the person diagnosed with **COVID-19**, or
- b. two days prior to undertaking a **COVID-19 test** which returned a positive result for **COVID-19**.

51. **Period of quarantine** for a person under Part 3 means the period applying to the person under paragraph 17.

52. **Period of self-isolation** for a person under Part 1 means the period applying to the person under paragraph 4.

53. **PCR test** means a reverse transcription polymerase chain reaction to diagnose COVID-19.

54. **Public health officer** means a public health officer under the *Public Health Act 1997*.

55. **Rapid antigen test** means a rapid antigen test approved by the Therapeutic Goods Administration of the Commonwealth for use in Australia to detect **COVID-19**.

Note: Rapid antigen tests which are approved for use in Australia are listed at <https://www.tga.gov.au/covid-19-rapid-antigen-self-tests-are-approved-australia>.



56. **Recovered case** means a person who has been a **diagnosed person** and has been provided **clearance** from a **period of self-isolation**, and no more than an eight week period has elapsed since the date of **clearance**, but does not include someone who is declared to no longer to be a **diagnosed person** under paragraph 5.
57. **Residential aged care facility** means a facility at which accommodation, and personal care or nursing care or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the *Aged Care Act 1997* (Cth).

Dr Kerryn Coleman

Chief Health Officer

25 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).

Accessibility

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ATTACHMENT A

Risk Mitigation Advice for Diagnosed Persons

The risk mitigation advice outlined below applies to all persons who have been diagnosed with COVID-19, regardless of variant and vaccination status.

- A diagnosed person should tell social contacts with whom they have spent time that they have been diagnosed with COVID-19. You should tell the people you have spent time with in the 2 days before you started having symptoms or had a positive test result taken (whichever came first).

In addition the following advice applies to a diagnosed person until their symptoms are gone or they are feeling much better.

- Not attend work
- Minimise contact with other people
- Avoid visiting high risk settings (hospital, residential aged care facilities, supported independent living facilities, or correction and detention facilities and other residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to disease), unless for personal care or the individual is a resident in the setting.
 - Individuals can still access urgent medical care or aged or disability care services
 - Facilities may permit entry into a facility following risk assessment.
 - Individuals who work in these settings should contact their employer to obtain permission to return to work and should comply with any risk mitigation measures in place (which may include use of appropriate PPE and testing).



ATTACHMENT B

Risk Mitigation Advice for Household Contacts

The risk mitigation advice outlined below applies to all Household Contacts of a COVID-19 positive case, regardless of variant and applies during days 8 to 14 after the date of the first positive test in the household.

- Monitor for symptoms consistent with COVID-19 and if these develop undergo testing and isolate until a negative result is received.
- Avoid visiting high risk settings (hospital, residential aged care facilities, supported independent living facilities, or correction and detention facilities and other residential accommodation facilities that support people who require frequent, close personal care and who are vulnerable to disease), unless for personal care or the individual is a resident in this setting.
 - Individuals can still access urgent medical care or aged or disability care services
 - Facilities may permit entry into a facility following risk assessment.
 - Individuals who work in these settings should contact their employer to obtain permission to return to work and should comply with any risk mitigation measures in place (including use of appropriate PPE and testing, which may involved regular rapid antigen testing).