



New South Wales

# Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (Flight Crew) Order 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, make the following Order under section 7 of the *Public Health Act 2010*.

Dated 20 December 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020* in relation to the quarantining or self-isolation of flight crew.

## **Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (Flight Crew) Order 2020**

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Public Health Act 2010

### **1 Name of Order**

This Order is the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (Flight Crew) Order 2020*.

### **2 Commencement**

This Order commences at the beginning of 22 December 2020.

## **Schedule 1 Amendment of Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2020**

### **[1] Clause 3 Definitions**

Insert in alphabetical order—

*designated worker* means the following—

- (a) a registered health practitioner,
- (b) a person who works in a public hospital,
- (c) a person who works in a private health facility licensed under the *Private Health Facilities Act 2007*,
- (d) a person who works in a facility at which residential care, within the meaning of the *Aged Care Act 1997* of the Commonwealth, is provided,
- (e) an NDIS worker within the meaning of the *National Disability Insurance Scheme (Worker Checks) Act 2018*.

*dwelling* has the same meaning as it has in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

*member of a positioning crew* means a person who—

- (a) is identified as a member of a positioning crew—
  - (i) in the flight manifest of the flight on which the person arrived in New South Wales, or
  - (ii) in a letter from the person’s employer or the airline the person will be flying for, and
- (b) has documentary evidence of the flight, including the date of the flight, on which the person will leave Australia.

*Onward Domestic Travel of International Aircrew guideline* means the guideline for *Onward Domestic Travel of International Aircrew* approved by the Chief Health Officer and published on the website of the New South Wales Government.

### **[2] Clause 5 Directions—persons arriving in NSW by aircraft, including flight crew members**

Insert “or an interstate flight crew member within the meaning of clause 11A” after “member” in clause 5(3).

### **[3] Clause 5A**

Insert after clause 5—

#### **5A Directions—flight crew arriving from New Zealand**

- (1) This clause applies to a flight crew member who arrives in Australia from New Zealand.
- (2) The Minister directs that a flight crew member to whom this clause applies must give a written declaration to a member of the NSW Health Service about whether the flight crew member has been in a country other than Australia or New Zealand in the previous 14 days.
- (3) The Minister directs that a flight crew member who provides information under this clause must ensure the information is true and accurate.

### **[4] Clause 10 Directions—declared flight crew members**

Omit clause 10(1). Insert instead—

- (1) This clause applies to a relevant flight crew member (a ***declared flight crew member***) who—
- (a) is ordinarily resident in New South Wales, and
  - (b) has, before leaving the airport, undergone a test for COVID-19, and
  - (c) has, before leaving the airport, given a written declaration to a member of the NSW Health Service that includes the following—
    - (i) the member’s full name and date of birth,
    - (ii) the address of the member’s place of residence in New South Wales,
    - (iii) the member’s telephone number or email address,
    - (iv) a statement that the member has not, within 14 days immediately before the member’s arrival in New South Wales, been in contact with a person with COVID-19,
    - (v) a statement that the member does not have, and has not had within 72 hours immediately before the member’s arrival in New South Wales, any symptoms of COVID-19,  
**Example.** Examples of symptoms of COVID-19 include a fever, sore throat, cough, shortness of breath or loss of taste or smell.
    - (vi) a statement that the no other person who ordinarily lives at the member’s place of residence is a designated worker.

**[5] Clause 10(3)**

Omit “or accommodation”.

**[6] Clause 10(4)**

Omit “residence or accommodation under”. Insert instead “member’s residence under”.

**[7] Clause 10(4)(a) and (b)**

Omit “or accommodation” wherever occurring.

**[8] Clause 10(4)(b)(i)**

Omit “or the other person is also complying with a direction under this Order”.

**[9] Clause 10(4)(b)(iii)**

Omit “residence”. Insert instead “dwelling”.

**[10] Clause 11**

Omit the clause. Insert instead—

**11 Direction—declared flight crew members’ employers**

The Minister directs that an employer of a declared flight crew member to whom a direction is given under clause 10 must—

- (a) arrange appropriate transportation for the declared flight crew member for any travel under the clause to the member’s residence, and
- (b) if, before the quarantine period ends, the declared flight crew member is departing Australia on a flight, arrange appropriate transportation for the member for any travel under the clause to the airport, and
- (c) ensure the declared flight crew member complies with any requirements in the *NSW Health Air Transportation Guidelines* in relation to the

member's transportation to, and accommodation at, the member's residence under this clause.

**[11] Clauses 11A and 11B**

Insert after clause 11—

**11A Directions—interstate flight crew members**

(1) In this clause—

***interstate flight crew member*** means a relevant flight crew member who—

- (a) is ordinarily resident in another State or Territory, and
- (b) has, before leaving the airport, undergone a test for COVID-19, and
- (c) has, before leaving the airport, given a written declaration to a member of the NSW Health Service that includes the following—
  - (i) the member's full name and date of birth,
  - (ii) the address of the member's place of residence in the other State or Territory,
  - (iii) the member's telephone number or email address,
  - (iv) a statement that the member has not, within 14 days immediately before the member's arrival in New South Wales, been in contact with a person with COVID-19,
  - (v) a statement that the member does not have, and has not had within 72 hours immediately before the member's arrival in New South Wales, any symptoms of COVID-19.

**Example.** Examples of symptoms of COVID-19 include a fever, sore throat, cough, shortness of breath or loss of taste or smell.

***suitable transport*** means transport—

- (a) if travelling to the Australian Capital Territory—
    - (i) by private vehicle, or
    - (ii) by an aeroplane that has no passengers other than interstate flight crew members, or
  - (b) in all other cases, an aeroplane that has no passengers other than interstate flight crew members.
- (2) The Minister directs that an interstate flight crew member who provides information under this clause must ensure the information is true and accurate.
- (3) The Minister directs that an interstate flight crew member must go directly to—
- (a) the member's residence using suitable transport arranged by the member's employer, or
  - (b) a quarantine facility as directed by the Commissioner of Police.
- (4) The Minister directs that an interstate flight crew member who goes to a quarantine facility must remain at the facility until—
- (a) the member's employer arranges suitable transport to the member's residence, or
  - (b) the Commissioner directs otherwise, or
  - (c) there is an emergency that requires the member to leave the quarantine facility.

- (5) The Minister directs that an interstate flight crew member who goes to a quarantine facility must, while remaining at the facility, comply with any conditions decided, or directions given, by the Commissioner of Police.
- (6) The Minister directs that an interstate flight crew member who travels to the member's residence must comply with the Onward Domestic Travel of International Aircrew guideline when travelling to the member's residence.

**11B Direction—declared flight crew members' employers**

The Minister directs that an employer of an interstate flight crew member to whom a direction is given under clause 11A(3), (4) or (6) must ensure the member complies with the Onward Domestic Travel of International Aircrew guideline when travelling to the member's residence.

**[12] Clause 16**

Insert after clause 15—

**16 Provisions consequent on Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (Flight Crew) Order 2020—existing directions**

A person who was, immediately before the commencement of the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (Flight Crew) Order 2020*, subject to a direction under clause 10 or 11 must continue to comply with the direction.