



New South Wales

# Public Health (COVID-19 Air Transportation Quarantine) Order 2020

under the

Public Health Act 2010

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

Dated, this 28th day of March 2020 (original order).  
As amended on 29 March 2020 and 3 April 2020 at 8.11 pm.

Minister for Health and Medical Research

## Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences by giving a Ministerial direction that a person who arrives in New South Wales by aircraft and has been in a country other than Australia within 14 days before that arrival must undertake mandatory quarantine for a period of 14 days. The direction does not apply to the flight crew of aircraft.

Section 10 of the *Public Health Act 2010* creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

## Editorial note

This is the order as amended by the *Public Health (COVID-19 Air Transportation and Maritime Quarantine) Amendment Order 2020* and the *Public Health (COVID-19 Air Transportation Quarantine) Amendment Order 2020*.

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## Public Health (COVID-19 Air Transportation Quarantine) 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 2020*.

### 2 Commencement

This Order commences on 29 March 2020.

**Note.** This Order commences at the beginning of 29 March 2020. See section 24 of the *Interpretation Act 1987*.

### 3 Definitions

(1) In this Order—

**Commissioner of Police** means—

- (a) the Commissioner within the meaning of the *Police Act 1990*, or
- (b) a member of the NSW Police Force to whom the Commissioner has delegated the exercise of functions under section 31 of that Act.

**medical facility** means a hospital or other medical facility.

**quarantine facility** means premises designated as a quarantine facility under clause 7.

**quarantine period**, for a person arriving in New South Wales, means the period—

- (a) starting when the person arrives in New South Wales, and
- (b) ending on the 14th day after that arrival, at the time decided by the Commissioner of Police.

**relevant person**—see clause 5(1).

**the Act** means the *Public Health Act 2010*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Notes included in this Order do not form part of this Order.

(3) Despite section 36(1) of the *Interpretation Act 1987*, for the purposes of calculating when a **quarantine period** ends, the day a person arrives in New South Wales is to be counted as the first day of the period.

**Example.** A person arrives in New South Wales on 1 April 2020. The quarantine period for the person starts on that day and ends on 14 April 2020 at the time on that day decided by the Commissioner of Police.

### 4 Grounds for concluding that there is a risk to public health

It is noted that the basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring international outbreaks of COVID-19, listed in the Act as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in NSW, as well as other Australian jurisdictions.

#### **5 Directions—persons arriving in NSW**

- (1) The Minister directs that a person (a relevant person) who arrives in New South Wales by aircraft and who has, within 14 days immediately before that arrival, been in a country other than Australia must do one of the following as directed by the Commissioner of Police—
  - (a) go directly to a quarantine facility specified by the Commissioner of Police,
  - (b) go directly to a medical facility for treatment.

**Note.** The *Public Health (COVID-19 Maritime Quarantine) Order 2020* provides for the requirements that apply to persons arriving in New South Wales by vessel.
- (2) The Minister directs that a person required to go to a quarantine facility or medical facility under subclause (1) must comply with any directions of the Commissioner of Police in relation to the person's transit at the airport or travel to the quarantine facility or medical facility.
- (3) The directions under this clause do not apply to a person who arrives in New South Wales in the person's capacity as a member of the flight crew of an aircraft.

#### **6 Direction—entering and remaining at quarantine facility or medical facility**

- (1) The Minister directs that a relevant person must remain at the quarantine facility or medical facility (or another quarantine facility or medical facility as directed by the Commissioner of Police) during the quarantine period unless—
  - (a) the Commissioner directs otherwise, or
  - (b) there is an emergency that requires the person to leave the quarantine facility or medical facility.
- (2) A relevant person must, while remaining at a quarantine facility or medical facility during the quarantine period, comply with any conditions decided, or directions given, by the Commissioner of Police.
- (3) A person must not enter a quarantine facility or a part of a medical facility being used to quarantine persons under this Order unless the person is—
  - (a) a police officer, or
  - (b) entering at the direction of a police officer, or
  - (c) entering for the purposes of providing medical treatment or care to a person in the quarantine facility or part of the medical facility, or
  - (d) entering because of an emergency, or
  - (e) a person carrying out functions necessary for the ordinary operation of the quarantine facility or medical facility.
- (4) A person at a quarantine facility or a part of a medical facility being used to quarantine persons under this Order must not provide another person with access to the facility or the part of the facility unless the other person is—
  - (a) a police officer, or
  - (b) entering at the direction of a police officer, or

- (c) entering for the purposes of providing medical treatment or care to a person in the quarantine facility or part of the medical facility, or
- (d) entering because of an emergency, or
- (e) a person carrying out functions necessary for the ordinary operation of the quarantine facility or medical facility.

**7 Designation of premises as quarantine facility**

The Commissioner of Police may designate, in writing, any premises or type of premises the Commissioner considers appropriate to be a quarantine facility for the purposes of this Order.

**8 Direction—advice provided by Chief Health Officer**

The Minister directs that the Commissioner of Police must, in the exercise of a function under this Order, have regard to any advice provided by the Chief Health Officer (or a delegate of the Chief Health Officer) for the purposes of this Order.

**9 Exemption**

The Minister may, in writing and subject to the conditions that the Minister considers appropriate, grant an exemption to this Order.

**10 Repeal of Order**

- (1) The *Public Health (COVID-19 Quarantine) Order 2020* is repealed.
- (2) This Order is repealed at the beginning of 25 June 2020.

**11 Transitional arrangements**

- (1) This clause applies to a person who was subject to a direction under clause 5 of the *Public Health (COVID-19 Quarantine) Order 2020* if the person's quarantine period had not ended immediately before this Order commenced.
- (2) To remove any doubt, the person must continue to comply with the direction until the quarantine period has ended.

**12 Transitional arrangement for Public Health (COVID-19 Air Transportation and Maritime Quarantine) Amendment Order 2020**

To remove any doubt, paragraph (b) of the definition of *quarantine period* in clause 3(1), as substituted by the *Public Health (COVID-19 Air Transportation and Maritime Quarantine) Amendment Order 2020* (the **Amendment Order**), applies to a person subject to a direction under clause 6(1) immediately before the commencement of the Amendment Order.