



New South Wales

# Public Health (COVID-19 Border Control— South Australia) 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 18th November 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The objects of this Order are to—

- (a) require persons entering New South Wales from South Australia to declare certain information to allow NSW Health to conduct effective COVID-19 contact tracing as required, and
- (b) require persons who have been in a COVID-19 area of concern in South Australia to take certain actions to limit the risk of transmitting the virus.

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## Public Health (COVID-19 Border Control—South Australia) Order 2020

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### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Border Control—South Australia) Order 2020*.

#### 2 Commencement

This Order commences at the beginning of 19 November 2020.

#### 3 Definitions

(1) In this Order—

***affected person*** means a person who—

- (a) is 16 years of age or more, and
- (b) has been in South Australia within the previous 14 days.

***calendar day*** means a period of 24 hours commencing and ending at midnight.

***COVID-19 area of concern*** means an area or place in South Australia specified by the Chief Health Officer by a notice published on the New South Wales Government website [www.nsw.gov.au](http://www.nsw.gov.au).

***enforcement officer*** means any of the following—

- (a) a police officer,
- (b) a member of the NSW Health Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order or the *Public Health (COVID-19 Border Control) Order (No 2) 2020*,
- (c) a member of the Public Service who is a member of a class approved by the Chief Health Officer for the purposes of this Order or the *Public Health (COVID-19 Border Control) Order (No 2) 2020*.

***interstate traveller self-declaration*** means a declaration approved by the Chief Health Officer for the purposes of clause 5.

***related Public Health Order*** means each of the following orders made under section 7 of the Act as in force from time to time—

- (a) the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020*,
- (b) the *Public Health (COVID-19 Border Control) Order (No 2) 2020*,
- (c) the *Public Health (COVID-19 Maritime Quarantine) Order (No 3) 2020*,
- (d) the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2020*,
- (e) any order that remakes, replaces or consolidates, whether in whole or in part, any order or orders mentioned above.

*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.

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

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 and responding to outbreaks of COVID-19, also known 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 New South Wales, as well as other Australian jurisdictions,
- (d) there have been a number of recent cases of unexpected community transmission of COVID-19 in South Australia requiring heightened vigilance and the gathering of information from travellers for the purposes of contact tracing.

## Part 2 Directions concerning providing information

### 5 Direction to complete self-declaration

- (1) The Minister directs that an affected person who enters New South Wales must complete an interstate traveller self-declaration substantially in the form approved by the Chief Health Officer.
- (2) The Minister directs that a person who completes an interstate traveller self-declaration under this clause must ensure that the information provided is true and accurate.
- (3) An interstate traveller self-declaration may be completed—
  - (a) within the 24-hour period immediately before the person enters New South Wales, or
  - (b) on entering New South Wales.
- (4) An affected person must complete a new interstate traveller self-declaration each time the person enters New South Wales.
- (5) Despite subclause (4), an affected person is not required to complete more than 1 interstate traveller self-declaration on a calendar day.
- (6) Without limiting the form of a declaration, a declaration approved by the Chief Health Officer must require the affected person to provide the following information—
  - (a) the person's name,
  - (b) the person's email address and telephone number,
  - (c) each address at which the person stayed in South Australia in the previous 14 days,
  - (d) the address or addresses where the person will be staying in New South Wales,
  - (e) whether or not the person has, in the last 14 days, visited a COVID-19 area of concern,
  - (f) whether or not the person's ability to travel is restricted by a direction made under the *Emergency Management Act 2004* of South Australia and, if so, details of the restriction,
  - (g) the number of dependent children under the age of 16 years travelling with the person,
  - (h) the person's planned date of arrival in New South Wales,
  - (i) if the person is not ordinarily resident in New South Wales, the person's planned date of departure from New South Wales.

### 6 Directions about providing information

- (1) The Minister directs that an affected person who enters New South Wales must carry evidence of completion of an interstate traveller self-declaration.
- (2) The Minister directs that a person must, if required to do so by an enforcement officer, provide information, including photo identification, to allow a decision to be made about—
  - (a) whether the person is an affected person, and
  - (b) if the person is an affected person—whether the person has completed an interstate traveller self-declaration.

- (3) An enforcement officer may require information under subclause (2) only if the enforcement officer suspects on reasonable grounds that the person may be an affected person.
- (4) The Minister directs that a person who provides information in response to a requirement under this clause must ensure that the information is true and accurate.
- (5) A person provides sufficient information in response to a requirement under this clause about whether the person is an affected person if the person produces photographic identification to verify the person's name and address.

**7 Direction to provide self-declaration information to enforcement officer**

The Minister directs that an affected person who, when directed by an enforcement officer, is unable to produce evidence of completion of an interstate traveller self-declaration must provide information to the enforcement officer to enable the declaration to be completed on the affected person's behalf.

**8 Directions about providing information to contact tracers**

- (1) This clause applies to an affected person who—
  - (a) enters New South Wales, and
  - (b) is contacted by a person undertaking contact tracing functions for NSW Health.
- (2) The Minister directs that a person to whom this clause applies must provide true, accurate and complete information to the person undertaking contact tracing functions.

## Part 3 Directions to not enter New South Wales

### 9 Direction to person not resident in New South Wales

- (1) This clause applies to an affected person who—
  - (a) is not resident in New South Wales, and
  - (b) has in the previous 14 days been in a COVID-19 area of concern.
- (2) The Minister directs that a person to whom this clause applies must not enter New South Wales.

**Note.** A person who enters New South Wales in contravention of subclause (2) may be required to self-isolate as required by clause 5 or 6 of the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2020*.

### 10 Direction to person resident in New South Wales

- (1) This clause applies to an affected person who—
  - (a) is a resident in New South Wales, and
  - (b) has in the previous 14 days been in a COVID-19 area of concern.
- (2) The Minister directs that a person to whom this clause applies—
  - (a) is a close contact of a person diagnosed with COVID-19, and
  - (b) must, on entering New South Wales, self-isolate as required by clause 6 of the *Public Health (COVID-19 Self-Isolation) Order (No 4) 2020* as if the person had been directed to do so in writing by or on behalf of an authorised contact tracer.

### 11 Direction to persons transiting through New South Wales

Clauses 9 and 10 do not apply to a person who enters New South Wales for immediate travel by the most direct practicable route to a place outside New South Wales.

## **Part 4 Miscellaneous**

### **12 Relationship of Order to related Public Health Orders**

To avoid doubt, nothing in this Order affects an obligation an affected person has to comply with a direction applicable to the person under a related Public Health Order, including in relation to isolation.

### **13 Exemptions**

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