



New South Wales

# Public Health (COVID-19 Interstate Travellers) Order 2021

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 4 February 2021.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to enable the Chief Health Officer to identify places outside of New South Wales as affected areas or places of high concern.

A person who arrives in New South Wales at a relevant point of entry from an affected area will be required to complete a traveller self-declaration form to provide information including contact information and information about where the person has been.

A person who is not a resident of New South Wales and who has been in a place of high concern during the time specified in the notice identifying the place of high concern is not authorised to enter New South Wales.

A person who is in, or is authorised to enter, New South Wales and who has been in a place of high concern during the time specified in the notice identifying the place of high concern is required to self-isolate.

## Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of Order	3
2 Commencement	3
3 Definitions	3
4 Grounds for concluding there is a risk to public health	3
5 COVID-19 concerns notice	4
<b>Part 2 Affected areas</b>	
6 Definition	5
7 Directions to complete traveller self-declaration	5
8 Directions about providing information	5
9 Direction to provide self-declaration information to enforcement officer	6
10 Direction about providing information to contact tracers	6
<b>Part 3 Places of high concern</b>	
11 Direction to person outside New South Wales who is not a resident	7
12 Direction to person in New South Wales	7
13 Direction to person transiting through New South Wales	7
<b>Part 4 Miscellaneous</b>	
14 Relationship of Order to related Public Health Orders	8
15 Exemptions	8

## Public Health (COVID-19 Interstate Travellers) Order 2021

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Travellers) Order 2021*.

#### 2 Commencement

This Order commences at the beginning of 5 February 2021.

#### 3 Definitions

(1) In this Order—

**affected area** means a State or Territory or part of a State or Territory identified as an affected area in a COVID-19 concerns notice.

**COVID-19 concerns notice** means a notice under clause 5 as in force for the time being.

**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,
- (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.

**place of high concern** means an area or place outside New South Wales identified by the Chief Health Officer as a place of high concern in a COVID-19 concern notice.

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

**traveller self-declaration** means a declaration approved by the Chief Health Officer for the purposes of Part 2.

**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 there is a risk to public health

The basis for concluding 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, which is a condition caused by the severe acute respiratory coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,

- (c) there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

**5 COVID-19 concerns notice**

- (1) The Chief Health Officer may, by notice published on the NSW Government website, identify—
  - (a) a State or Territory or part of a State or Territory as an affected area, or
  - (b) an area or place outside New South Wales as a place of high concern.

**Note.** The NSW Government website is [www.nsw.gov.au](http://www.nsw.gov.au).

- (2) A COVID-19 concerns notice may specify a time at which somewhere becomes an affected area or place of high concern even if that is before publication of the notice.
- (3) A COVID-19 concerns notice identifying an affected area is also to specify the relevant points of entry to New South Wales for the affected area.

## Part 2 Affected areas

### 6 Definition

In this Part—

*affected person* means a person 16 years of age or over who enters New South Wales from an affected area at a relevant point of entry for the affected area.

### 7 Directions to complete traveller self-declaration

- (1) The Minister directs that an affected person must substantially complete a traveller self-declaration in the form approved by the Chief Health Officer.
- (2) The Minister directs that a person who completes a traveller self-declaration under this clause must ensure the information provided is true and accurate.
- (3) A 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 traveller self-declaration each time the person enters New South Wales at a relevant point of entry identified in the COVID-19 concerns notice identifying the affected area.
- (5) Despite subclause (4), an affected person is not required to complete more than one 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 outside of New South Wales 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 been in a place of high concern during the time specified in the COVID-19 concerns notice identifying the place of high concern,
  - (f) the number of dependent children under the age of 16 years travelling with the person,
  - (g) the person's planned date of arrival in New South Wales,
  - (h) if the person is not ordinarily resident in New South Wales, the person's planned date of departure from New South Wales.

### 8 Directions about providing information

- (1) The Minister directs an affected person must carry evidence of completion of a traveller self-declaration.
- (2) The Minister directs 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) whether the person has completed a 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.

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

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

**10 Direction about providing information to contact tracers**

- (1) This clause applies to an affected person who—
  - (a) enters, or is in, 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 Places of high concern

### 11 Direction to person outside New South Wales who is not a resident

- (1) This clause applies to a person who—
  - (a) is not a resident in New South Wales, and
  - (b) has been in a place of high concern during the time specified in the COVID-19 concerns notice identifying the place of high 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 the public health order about self-isolation.

### 12 Direction to person in New South Wales

- (1) This clause applies to a person who—
  - (a) is in New South Wales, and
  - (b) has been in a place of high concern during the time specified in the COVID-19 concerns notice identifying the place of high 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, if arriving in New South Wales, comply with the Interstate Traveller Guidelines, and
  - (c) must self-isolate as required by the self isolation order as if the person had been directed to do so in writing by or on behalf of an authorised contact tracer.
- (3) In this clause—

***Interstate Traveller Guidelines*** means the Interstate Traveller Guidelines published by the Chief Health Officer on the NSW Government website, as in force from time to time.

**Note.** The NSW Government website is [www.nsw.gov.au](http://www.nsw.gov.au)

***self-isolation order*** means the order made under section 7 of the Act specifying self-isolation requirements for persons who have been in close contact with a person diagnosed with COVID-19.

### 13 Direction to person transiting through New South Wales

This Part does 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

### 14 Relationship of Order to related Public Health Orders

- (1) 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.
- (2) In this clause—  
***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 4) 2020*,
  - (b) the *Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2020*,
  - (c) the *Public Health (COVID-19 Self-Isolation) Order (No 5) 2020*,
  - (d) an order that remakes, replaces or consolidates, whether in whole or in part, an order or orders mentioned above.

### 15 Exemptions

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