



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 (original order).
As amended on 13 February 2021.

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.

Editorial note

This is the order as amended by the *Public Health (COVID-19 Interstate Travellers) Amendment Order 2021*.

Contents

	Page
Part 1 Preliminary	
1 Name of Order	3
2 Commencement	3
3 Definitions	3
4 Grounds for concluding there is a risk to public health	4
5 COVID-19 concerns notice	4
Part 2 Affected areas	
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
Part 2A Places of concern	
10A Definition	7
10B Directions of Minister concerning relevant persons	7
10C Reasonable excuses	7
10D Directions about providing information	7
10E Application of directions to persons transiting through New South Wales	8
Part 3 Places of high concern	
11 Direction to person outside New South Wales who is not a resident	9
12 Direction to person in New South Wales	9
13 Direction to person transiting through New South Wales	9
Part 4 Miscellaneous	
14 Relationship of Order to related Public Health Orders	10
15 Exemptions	10
Schedule 1 Reasonable excuses	11

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

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.

place of residence includes the premises where a person lives, together with any garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

Note. The Act defines premises to include any land, temporary structure, vehicle or vessel.

temporary accommodation includes hotel or motel accommodation or a short-term holiday rental.

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 concern or place of high concern.

Note. The NSW Government website is www.nsw.gov.au.

- (2) A COVID-19 concerns notice may specify a time at which somewhere becomes an affected area, place of concern 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, within the previous 14 days, has been in an affected area during the time specified in the COVID-19 concerns notice identifying 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 the person has been in—
 - (i) a place of concern during the time specified in the COVID-19 concerns notice identifying the place as a place of concern, or
 - (ii) a place of high concern during the time specified in the COVID-19 concerns notice identifying the place as a 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 2A Places of concern

10A Definition

In this Part—

relevant person means a person who has been in a place of concern in the previous 14 days.

10B Directions of Minister concerning relevant persons

- (1) The Minister directs that a relevant person who enters New South Wales must, immediately after entering, travel directly to—
 - (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (2) If a relevant person is already in New South Wales, the Minister directs that the relevant person must, immediately, travel directly to—
 - (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (3) The Minister directs that a relevant person must not, without reasonable excuse, be away from the place at which the person is staying.
- (4) This clause does not apply to a person who is homeless.

10C Reasonable excuses

- (1) For the purposes of clause 10B, a reasonable excuse includes doing an activity specified in Schedule 1.
- (2) In addition, if a person is staying in temporary accommodation, it is a reasonable excuse to leave the temporary accommodation if—
 - (a) the period of the booking of the temporary accommodation expires, and
 - (b) the person—
 - (i) goes directly to the person's place of residence or other temporary accommodation, or
 - (ii) travels immediately by the most practicable direct route to a place outside New South Wales, and
 - (c) if subparagraph (b)(i) applies—the person continues to comply with clause 10B.
- (3) Taking a holiday is not a reasonable excuse.

10D Directions about providing information

- (1) 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 whether the person is a relevant person.
- (2) An enforcement officer may require information under subclause (1) only if the enforcement officer suspects on reasonable grounds that the person may be a relevant person.
- (3) 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.
- (4) A person provides sufficient information in response to a requirement under this clause about whether the person is a relevant person if the person produces photographic identification to verify the person's name and address.

10E Application of directions to persons transiting through New South Wales

This Part does not apply to a person who enters, or has entered, New South Wales for immediate travel by the most direct practicable route to a place outside New South Wales.

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

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.

Schedule 1 Reasonable excuses

- 1** obtaining food or other goods or services for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- 2** travelling for the purposes of work if the person cannot work from the person's place of residence
- 3** travelling for the purposes of attending childcare, including picking up or dropping another person at childcare
- 4** exercising outdoors
- 5** obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities
- 6** moving to a new place of residence, including a business moving to new premises
- 7** providing care or assistance, including personal care, to a vulnerable person or providing emergency assistance, but not including visiting a residential aged care facility within the meaning of the *Public Health (COVID-19 Aged Care Facilities) Order (No 4) 2020*
- 8** undertaking any legal obligations
- 9** accessing public services, whether provided by Government, a private provider or a non-Government organisation, including—
 - (a) social services, and
 - (b) employment services, and
 - (c) domestic violence services, and
 - (d) mental health services, and
 - (e) services provided to victims, including as victims of crime
- 10** for children who do not live in the same household as their parents or siblings or one of their parents or siblings—continuing existing arrangements for access to, and contact between, parents and children or siblings
- 11** avoiding injury or illness or to escape a risk of harm
- 12** for emergencies or compassionate reasons including where 2 persons are in a relationship but do not necessarily live together.