



New South Wales

Public Health (COVID-19 Lord Howe Island) Order 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, under section 7(3) of the *Public Health Act*, make the following Order.

Dated 20 March 2020.

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 on Lord Howe Island by giving a Ministerial direction that restricts access to and from the Island.

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.

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Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Lord Howe Island) Order 2020*.

2 Commencement

This Order commences at 5am on 22 March 2020.

3 Definitions

(1) In this Order—

Coordinator-General means the person who is the Coordinator-General Environment, Energy and Science within the Department of Planning, Industry and Environment.

Lord Howe Island means the Island within the meaning of the *Lord Howe Island Act 1953*.

resident, of Lord Howe Island, means a person who resides on the Island, within the meaning of the *Lord Howe Island Act 1953*.

the Act means the *Public Health Act*.

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 Declaration of Lord Howe Island as a public health risk area

(1) Lord Howe Island is declared to be a public health risk area.

(2) It is noted that the basis for concluding Lord Howe Island is a public health risk area is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring international 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) Lord Howe Island has limited capacity to provide critical medical care to patients with severe COVID-19 infections.

5 Direction of the Minister—access

(1) The Minister directs that access to and from Lord Howe Island is restricted to the following persons—

- (a) residents of Lord Howe Island,
 - (b) non-residents of Lord Howe Island but only to leave the Island,
 - (c) persons required to provide, or support, health services and other essential services to persons on the Island,
 - (d) persons who are part of the crew of an airplane or ship referred to subclause (2),
 - (e) a person approved under subclause (3).
- (2) A person must not land an airplane on Lord Howe Island or dock a ship at Lord Howe Island other than.
- (a) for the purposes of providing supplies to persons on the Island, or
 - (b) for a purpose related to providing, or supporting, health services and other essential services to persons on the Island,
 - (c) for a reason approved under subclause (3).
- (3) The Coordinator-General may approve, in writing, the following subject to any conditions the Coordinator-General considers appropriate—
- (a) a person having access to or from Lord Howe Island,
 - (b) a person landing an aircraft on the Island or docking a ship at the Island.

6 Direction of the Minister—quarantine

- (1) The Minister directs that a person who arrives on Lord Howe Island must do the following—
- (a) travel from the point of arrival on the Island to premises suitable for the person to reside in during the quarantine period,
 - (b) except in exceptional circumstances, reside in the premises during the quarantine period,
 - (c) not leave the premises during the quarantine period except—
 - (i) for the purposes of obtaining medical care or medical supplies, or
 - (ii) because of an emergency, or
 - (iii) in circumstances where the person is able to avoid close contact with other persons,
 - (d) not permit any other person to enter the premises during the quarantine period unless the other person—
 - (i) usually resides at the premises, or
 - (ii) is also complying with this direction for the same quarantine period, or
 - (iii) enters the premises for medical purposes or because of an emergency,
 - (e) otherwise comply with the *NSW Health Self Isolation Guidelines* during the quarantine period.
- (2) The direction under subclause (1) does not apply to—
- (a) a person mentioned in clause 5(1)(c), or
 - (b) a person who arrives on Lord Howe Island in the person's capacity as a member of the crew of an aircraft or ship
- (3) In this clause—
- NSW Health Self Isolation Guidelines*** means the *NSW Health Self Isolation Guidelines*—
- (a) issued by the Chief Health Officer and approved by the Minister, and

(b) published on the website of NSW Health.

Note. www.health.nsw.gov.au

quarantine period means the period—

- (a) starting when the person arrives on Lord Howe Island, and
- (b) ending at midnight on the 14th day after that arrival.

7 Repeal of Order

This Order is repealed at the beginning of 18 June 2020.