



New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order (No 4) 2021

under the

Public Health Act 2010

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

Dated 20 October 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021* in relation to self-isolation periods for fully vaccinated persons, notifications to be given after diagnoses of COVID-19 and the application of certain orders to persons medically cleared of COVID-19.

Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order (No 4) 2021

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Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order (No 4) 2021*.

2 Commencement

This Order commences at 8am on 21 October 2021.

Schedule 1 Amendment of Public Health (COVID-19 Self-Isolation) Order (No 3) 2021

[1] Clause 6A

Insert after clause 6—

6A Persons diagnosed with COVID-19 must notify employers, close contacts and education providers

- (1) A diagnosed person must, immediately after receiving the diagnosis of COVID-19, take reasonable steps to notify the following persons of the diagnosis, but only if it is reasonably practicable to do so—
 - (a) the diagnosed person’s employer or a person who engages the diagnosed person as a contractor for services,
 - (b) any person who resides with the diagnosed person,
 - (c) any person who has in contact with the diagnosed person in a way that might result in the person being at risk of developing COVID-19 as identified in the Confirmed Case Factsheet,
 - (d) if the diagnosed person is a student—the head of the diagnosed person’s educational institution or a staff member identified by the institution for receiving notifications of COVID-19 cases.

- (2) A notification under this clause must comply with the Confirmed Case Factsheet.

- (3) In this clause—

Confirmed Case Factsheet means the document entitled *Factsheet: Confirmed Case of COVID-19* issued by the Chief Health Officer from time to time and published on the website of NSW Health.

Note— See www.health.nsw.gov.au

educational institution means a school, college, university or other institution at which education or training is provided.

[2] Clause 7 Close contacts of persons diagnosed with COVID-19 must self-isolate

Omit clause 7(2). Insert instead—

- (2) A close contact referred to in subclause (1)(a) or (b) or (1A)(a) must reside at the residence or other suitable place for the period of time, not exceeding the following period, determined by an authorised contact tracer and notified in writing to the close contact—
 - (a) for a close contact who was a fully vaccinated person at the identified time of contact—7 days,
 - (b) for other close contacts—14 days.

[3] Clause 7(5)(b)

Omit “10 days”. Insert instead “14 days”.

[4] Clause 7(6)

Omit clause 7(6) and (7). Insert instead—

- (6) In this clause—

COVID-19 vaccine has the same meaning as in the *Public Health (COVID-19 General) Order 2021*.

fully vaccinated person, at a time, means a person who has had 2 doses of a COVID-19 vaccine at least 14 days before the time.

[5] Clause 18A

Insert after clause 18—

18A Employers to notify SafeWork NSW of COVID-19 diagnoses

- (1) A person conducting a business or undertaking must notify SafeWork NSW if the person becomes aware that a worker of the business or undertaking is diagnosed with COVID-19.
- (2) Despite subclause (1), the person conducting a business or undertaking is required to make a notification under this clause only if the person is aware that the worker—
 - (a) contracted COVID-19, or is likely to have contracted COVID-19, at the person's workplace, or
 - (b) attended a workplace of the person while infected with COVID-19.
- (3) For the purposes of subclause (2)(b), a worker's home is not a workplace of a person conducting a business or undertaking.
- (4) The person conducting a business or undertaking must make the notification within 24 hours of becoming aware of that fact.
- (5) In this clause—

person conducting a business or undertaking means a person who is—

 - (a) a person conducting a business or undertaking within the meaning of the *Work Health and Safety Act 2011*, or
 - (b) a person conducting a business or undertaking within the meaning of the *Work Health and Safety Act 2011* of the Commonwealth.

Safework NSW means SafeWork NSW as referred to in the *Work Health and Safety Act 2011*, Schedule 2, clause 1.

worker has the same meaning as in the *Work Health and Safety Act 2011*.

[6] Clause 19A Medical clearance and other COVID-19 orders

Omit clause 19A(2). Insert instead—

- (2) A person who has been given a medical clearance notice is, during the period of 6 weeks beginning on the date on which the person was medically cleared, taken for the purposes of an order under the Act, section 7 to be a fully vaccinated person for COVID-19.

[7] Clause 19B

Insert after clause 19A—

19B Savings—persons medically cleared of COVID-19 between 22 September 2021 and 21 October 2021

- (1) This clause sets out directions of the Minister about persons who were medically cleared of COVID-19 and given a medical clearance notice on or after 22 September 2021 but before 8am on 21 October 2021.
- (2) A person referred to in subclause (1) is, during the period of 6 months beginning on the date on which the person was medically cleared—
 - (a) taken to have complied with a direction in an order under the Act, section 7 relating to testing for COVID-19, and

- (b) taken for the purposes of an order under the Act, section 7 to be a fully vaccinated person for COVID-19.
- (3) Clause 7 does not apply to a close contact who is a person referred to in subclause (1) during the period of 6 months beginning on the date on which the person was medically cleared.
- (4) A person referred to in subclause (1) must—
 - (a) carry evidence of the medical clearance notice, and
 - (b) produce the evidence for inspection, if requested to do so—
 - (i) for a person referred to in subclause (2)—by a person authorised by an order under the Act, section 7 to request evidence of having been tested or vaccinated, or
 - (ii) for a person referred to in subclause (3)— by a police officer.
- (5) In subclause (2)(b)—
fully vaccinated person has the same meaning as in the *Public Health (COVID-19 General) Order 2021*.

[8] Dictionary

Omit the definition of *recovery period*.

Schedule 2 Amendment of Public Health (COVID-19 General) Order 2021

- [1] Clause 6.3 Carrying and producing vaccination and household evidence**
Omit the note to clause 6.3(1).

- [2] Schedule 6 Dictionary**
Omit the note to the definition of *fully vaccinated person*.