



New South Wales

Public Health Amendment (COVID-19 Definitions) Order 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.

Time 5:23pm

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to amend various orders under the *Public Health Act 2010* to—

- (a) provide that certain COVID-19 vaccines administered outside Australia satisfy vaccination requirements for the purposes of the orders, and
- (b) provide that evidence of a medical contraindication to a COVID-19 vaccine from the Australian Immunisation Register is sufficient evidence of the contraindication for the purposes of the orders.

Public Health Amendment (COVID-19 Definitions) Order 2021

under the

Public Health Act 2010

1 Name of Order

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

Schedule 1 Amendments

1.1 Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2021

[1] Clause 31 COVID-19 vaccinations

Omit clause 31(3)(a). Insert instead—

- (a) the person has—
 - (i) a medical contraindication certificate issued to the person, or
 - (ii) a medical contraindication recorded on the Australian Immunisation Register that prevents the person from receiving any approved COVID-19 vaccine available in New South Wales, or

[2] Clause 31(7)

Insert in alphabetical order—

medical contraindication certificate means a certificate issued by a medical practitioner—

- (a) in a form approved by the Chief Health Officer, and
- (b) certifying that because of a specified medical contraindication, the person to whom the certificate has been issued cannot have any approved COVID-19 vaccine available in New South Wales.

[3] Schedule 1 Dictionary

Insert in alphabetical order—

approved COVID-19 vaccine means a vaccine approved by the Therapeutic Goods Administration of the Commonwealth for use in Australia as a vaccine against COVID-19.

[4] Schedule 1, definition of “COVID-19 vaccine”

Omit the definition. Insert instead—

COVID-19 vaccine means—

- (a) an approved COVID-19 vaccine, or
- (b) a vaccine, other than an approved COVID-19 vaccine, recognised by the Therapeutic Goods Administration of the Commonwealth as an appropriate vaccine against COVID-19 for incoming travellers to Australia.

Note. On the making of this Order, the recognised vaccines were specified in the document titled “COVID-19 vaccines not registered in Australia but in current international use – TGA advice on “recognition””, published on the website of the Therapeutic Goods Administration of the Commonwealth and dated 27 September 2021.

1.2 Public Health (COVID-19 Vaccination of Education and Care Workers) Order 2021

[1] Clause 2 Definitions

Insert in alphabetical order in clause 2(1)—

approved COVID-19 vaccine means a vaccine approved by the Therapeutic Goods Administration of the Commonwealth for use in Australia as a vaccine against COVID-19.

[2] Clause 2(1), definition of “COVID-19 vaccine”

Omit the definition. Insert instead—

COVID-19 vaccine means—

- (a) an approved COVID-19 vaccine, or
- (b) a vaccine, other than an approved COVID-19 vaccine, recognised by the Therapeutic Goods Administration of the Commonwealth as an appropriate vaccine against COVID-19 for incoming travellers to Australia.

Note. On the making of this Order, the recognised vaccines were specified in the document titled “COVID-19 vaccines not registered in Australia but in current international use – TGA advice on “recognition””, published on the website of the Therapeutic Goods Administration of the Commonwealth and dated 27 September 2021.

[3] Clause 2(1), definition of “medical contraindication certificate”, paragraph (b)

Omit “a COVID-19 vaccine”. Insert instead “any approved COVID-19 vaccine available in New South Wales”.

[4] Clause 2(1), definition of “vaccination evidence”

Omit the definition. Insert instead—

vaccination evidence for an education and care worker means—

- (a) evidence from the Australian Immunisation Register that the person—
 - (i) has had 2 doses of a COVID-19 vaccine, or
 - (ii) has a medical contraindication that prevents the person from receiving any approved COVID-19 vaccine available in New South Wales, or

Example— An online immunisation history statement, a COVID-19 digital certificate from the Australian Immunisation Register or information displayed on the Service NSW mobile phone application.

- (b) a medical contraindication certificate issued to the person.

[5] Clause 4 Education and care workers must be vaccinated

Insert at the end of clause 4(1)(b)—

, or

- (c) a medical contraindication recorded on the Australian Immunisation Register that prevents the person from receiving any approved COVID-19 vaccine available in New South Wales.

1.3 Public Health (COVID-19 General) Order 2021

[1] Schedule 6 Dictionary

Insert in alphabetical order—

approved COVID-19 vaccine means a vaccine approved by the Therapeutic Goods Administration of the Commonwealth for use in Australia as a vaccine against COVID-19.

COVID-19 vaccine means—

- (a) an approved COVID-19 vaccine, or
- (b) a vaccine, other than an approved COVID-19 vaccine, recognised by the Therapeutic Goods Administration of the Commonwealth as an appropriate vaccine against COVID-19 for incoming travellers to Australia.

Note. On the making of this Order, the recognised vaccines were specified in the document titled “COVID-19 vaccines not registered in Australia but in current international use – TGA advice on “recognition””, published on the website of the Therapeutic Goods Administration of the Commonwealth and dated 27 September 2021.

[2] Schedule 6, definition of “fully vaccinated person”, paragraph (c)

Omit “a COVID-19 vaccine”. Insert instead “any approved COVID-19 vaccine available in New South Wales”.

[3] Schedule 6, definition of “medical contraindication certificate”, paragraph (b)

Omit “a COVID-19 vaccine”. Insert instead “any approved COVID-19 vaccine available in New South Wales”.

[4] Schedule 6, definition of “vaccination evidence”, paragraph (a)(ii)

Omit “a COVID-19 vaccine”. Insert instead “any approved COVID-19 vaccine available in New South Wales”.