

Public Health Act 1997

ORDER UNDER SECTION 53

(Management of Close Contacts – No.2)

I, MARK VEITCH, the Director of Public Health,

- (a) in pursuance of section 53 of the *Public Health Act 1997* (“the Act”) and with reference to section 22 of the *Acts Interpretation Act 1931*, revoke the order, made by me on 30 June 2022, entitled “*Management of Close Contacts*”; and
- (b) make this order under section 53 of the Act, in order to stop, limit or prevent the spread of the notifiable disease known as COVID-19 (“the disease”).



Director of Public Health

Dated: 20 July 2022

2. Commencement

This order takes effect at 6.00pm on 20 July 2022.

3. Interpretation

(a) In this order –

case means a person who is –

- (i) a confirmed case, in respect of the disease, within the meaning of the *Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units*; or
- (ii) a probable case, in respect of the disease, within the meaning of the *Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units*; and

close contact means a person who –

- (i) other than in the course of the person's employment, has –
 - a. stayed overnight on the same premises as a case within the infectious period of the case; or
 - b. spent more than 4 hours, in total, with a case in the primary residence of the person, case or another person within the infectious period of the case; or
- (ii) has been notified by the Director of Public Health, or his or her delegate, that he or she is a close contact; and

close contact period means Day zero for the close contact and the 7-day period that commences on the day immediately after that Day zero.

Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units means the national guidelines, published on 3 June 2022 by the Communicable Diseases Network Australia and endorsed by the Australian Health Protection Principle Committee, as amended or substituted from time to time; and

Day zero means such part of the calendar day that remains of the day –

- (i) the close contact last had contact with the case that has resulted in the person being a close contact; or
- (ii) if the close contact shares a residence with the case that has resulted in the person being a close contact, the case received a positive result from a test for the disease; or
- (iii) the close contact was notified by the Director of Public Health, or his or her delegate, that he or she is a close contact; and

Department means the Department of Health; and

fitted face covering means a covering, other than a shield, that fits securely around the face and is designed, or made, to be worn over the nose and mouth to provide protection against infection; and

high-risk facility includes the following facilities -

- (i) a public hospital, or private hospital, within the meaning of the *Health Services Establishment Act 2006*;
- (ii) a residential aged care facility;
- (iii) a residential facility operated by a disability services provider within the meaning of the *Disability Services Act 2011* or a registered provider of supports within the meaning of the *National Disability Insurance Scheme Act 2013*;
- (iv) a prison, correctional facility, detention centre or other place where persons are lawfully detained in custody; and

infectious period in relation to a case means the period commencing 48-hours prior to taking a sample for a test for the disease which resulted in the person becoming a case and ending when the case is released from isolation under *Management of Cases*.

Management of Cases means the order entitled *Management of Cases* made by the Director of Public Health under section 53 of the Act on 30 June 2022, as amended or substituted from time to time.

PCR test means a nucleic acid detection test, for the genetic material of SARS-CoV-2, conducted by a laboratory with the relevant accreditation, for such a test, by the National Association of Testing Authorities; and

person in authority means an authorised officer within the meaning of the Act or an authorised officer within the meaning of the *Emergency Management Act 2006*; and

Rapid Antigen Test means a test, to detect the presence of viral protein from SARS Cov-2, that –

- (i) is intended for use primarily outside a laboratory; and
- (ii) is not based on nucleic acid detection methods such as a polymerase chain reaction; and
- (iii) is approved by the Therapeutic Goods Administration for use in Australia; and

residential aged care facility means a facility at which accommodation, and personal care or nursing care or both, are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth; and

residential care subsidy has the same meaning as in the *Aged Care Act 1997* of the Commonwealth; and

symptoms of the disease means the acute respiratory symptoms within the meaning of the *Coronavirus Disease 2019 (COVID-19) CDNA National Guidelines for Public Health Units*; and

test for the disease means a PCR test or a Rapid Antigen Test carried out in accordance with the manufacturer's instructions; and

workplace means has the same meaning as in the *Work Health and Safety Act 2012*.

- (b) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were regulations made under the Act.

3. Persons who are close contacts

- (a) Each person who is a close contact in respect of the disease must –
 - (i) undergo a test for the disease –

- (I) as soon as practicable after becoming aware that the person is a close contact; and
 - (II) on the sixth day after Day zero for the close contact; and
- (ii) during the close contact period for the person, not enter or remain on the premises of a high-risk facility, unless –
 - (I) the person is present on those premises as part of his or her employment or engagement; or
 - (II) the person is seeking or receiving medical treatment at the high-risk facility, if the high-risk facility is a reasonable place to provide the treatment; or
 - (III) the person is a permanent, or temporary, resident of the high-risk facility; or
 - (IV) the person is present on the premises of the high-risk facility for the purposes of providing emergency medical treatment (including transport), emergency management or law enforcement services; or
 - (V) the person –
 - (A) has been notified by the Director of Public Health, or his or her delegate, that the person may enter and remain on the premises of a high-risk facility, subject to such conditions as may be specified in the notification; and
 - (B) complied with each relevant condition specified in the notification; and
- (iii) not leave his or her primary residence on any day during the close contact period for the close contact if –
 - (I) he or she displays one or more clinical symptoms of the disease; or

- (II) he or she has not received a negative result from a test for the disease that was performed in the immediately preceding 24-hour period; and
- (iv) wear a fitted face covering at all times while he or she is in an indoor space, other than in his or her primary residence, during the close contact period; and
- (v) before attending his or her workplace for the first time after becoming aware that he or she is a close contact, notify each workplace that the person is a close contact in respect of the disease if the person intends to attend the workplace as part of his or her employment or engagement during the close contact period.

4. Circumstances in which a person is not a close contact

- (a) Unless otherwise directed by the Director of Public Health or his or her delegate, 3 does not apply to a person in respect of a case if –
 - (i) the person -
 - (I) is already a close contact in respect of another case; and
 - (II) complies with 3 in respect of that other case; or
 - (ii) the person has been released from isolation, in respect of the disease, within the immediately preceding 28-day period.

5. When a close contact may leave his or her primary residence despite paragraph 3(iii)

- (a) Despite paragraph 3(iii), a close contact may leave his or her primary residence if –

- (i) the close contact has an exemption from the Director of Public Health or his or her delegate to leave the primary residence of the person; or
- (ii) there is an emergency that requires the close contact to leave his or her primary residence to protect his or her safety, or the safety of another, and the close contact immediately returns to his or her primary residence as soon as the emergency has passed; or
- (iii) the person –
 - (I) requires urgent medical treatment that cannot be provided at his or her primary residence; and
 - (II) only attends another premises for the purposes of receiving that medical treatment; and
 - (III) immediately returns to his or her primary residence as soon as he or she has received that treatment; or
- (iv) the person –
 - (I) must undertake a test for the disease that cannot be reasonably be undertaken at his or her primary residence; and
 - (II) only attends another premises for the purposes of undertaking that test for the disease; and
 - (III) immediately returns to his or her primary residence as soon as he or she has undertaken that test for the disease.

6. Persons who are not required to wear a fitted face covering

- (a) A person is not required to wear a fitted face covering under this order if the person is –

- (i) a child who has not attained the age of 12 years and it is not practicable, due to age or otherwise, for the child to wear a fitted face covering; or
- (ii) a person who –
 - (I) holds a medical certificate, or other documentation by a medical practitioner, within the meaning of the *Acts Interpretation Act 1931*, that certifies that the person has a physical, or mental health, illness, condition or disability that makes the wearing of a fitted face covering unsuitable; and
 - (II) produces a legible copy of the medical certificate, or other documentation, if requested to do so by a person in authority; or
- (iii) a person who –
 - (I) holds an exemption, from the requirement to wear a fitted face covering, that is given by the Director of Public Health or his or her delegate; and
 - (II) produces a legible copy of the exemption if requested to do so by a person in authority.

7. When a person can temporarily remove a fitted face covering

- (a) A person is not required to wear a fitted face covering under this order in the following circumstances, if the person wears a fitted face covering as soon as is practicable after the relevant circumstances end:
 - (i) the person removes the fitted face covering to communicate with a person who is deaf, or has impaired hearing, and visibility of the mouth is essential for the communication;

- (ii) the wearing of the fitted face covering would create a risk to the health or safety of the person;
 - (iii) the person removes the fitted face covering to enable clear enunciation, or visibility of the mouth, as part of his or her employment or training;
 - (iv) the person is orally consuming food, drink or medicine;
 - (v) the person is undergoing medical care, or treatment, that is unable to be provided while the person wears a fitted face covering;
 - (vi) the person is requested to remove the fitted face covering, by a person in authority, to ascertain or confirm the identity of the person;
 - (vii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;
 - (viii) an emergency where it is not practicable or safe to wear the fitted face covering;
 - (ix) such other circumstances that are specified in an exemption, from the requirement to wear a fitted face covering, that is given by the Director of Public Health or his or her delegate; and
- (b) a person who is required to wear a fitted face covering under this order, other than a person to whom 6 applies, must carry a fitted face covering while he or she is away from his or her primary residence.

