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New South Wales

Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (No 6) 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 14 December 2021.

Time 8:12pm.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The objects of this Order are—

- (a) to remove provisions that relate to countries of concern in southern Africa, and
- (b) to exempt certain persons arriving in NSW after being in another country from requirements relating to self-isolation and COVID-19 testing if they have undergone these in another State or territory before arriving in NSW, and
- (c) to provide that persons who have a medical contraindication to COVID-19 vaccinations are taken to be fully vaccinated, and
- (d) to require information to be true and accurate if provided—
 - (i) under the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2021*, or
 - (ii) to show whether a person is a fully vaccinated arrival.

Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (No 6) 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (No 6) 2021*.

2 Commencement

This Order commences at 6am on 15 December 2021.

Schedule 1 Amendment of Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) 2021

[1] Clause 20B

Omit clauses 20B and 20C. Insert instead—

20B Exemption for persons who have undergone quarantine and tested negative

- (1) This Part does not apply to a person who, since arriving in Australia—
 - (a) has undergone a period of quarantine in another State or territory for at least 72 hours, and
 - (b) has undergone a test for COVID-19 and has been notified the result of the test is negative.
- (2) In this clause—

quarantine includes mandatory self-isolation, however described.

[2] Clause 20D Persons arriving in NSW from other countries

Omit “, whether or not the person is a fully vaccinated arrival,” from clause 20D(1).

[3] Clause 20D(1)(a1)

Insert before clause 20D(1)(a)—

- (a1) is a fully vaccinated arrival, and

[4] Clause 20D(1)(b)

Omit “, but not a country of concern”.

[5] Clauses 20D(2)(c)(i) and 20E(2)(b)(i)

Omit “3 days” wherever occurring. Insert instead “72 hours”.

[6] Clause 20E Overseas flight crew members

Omit “who has not been in a country of concern within 14 days immediately before arrival in New South Wales” from clause 20E(2).

[7] Clause 20H

Insert after clause 20G—

20H Transitional provision—persons arriving from countries of concern before 6am on 15 December 2021

- (1) Clause 20B, as in force immediately before its substitution by the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 4) Amendment (No 6) 2021* (the *former clause*), continues to apply to a person who arrived in NSW before the substitution.
- (2) For a person who is a fully vaccinated arrival, the former clause and Part 2 cease to apply to the person—
 - (a) 72 hours after the quarantine period for the person starts, or
 - (b) if the person elects to undergo full quarantine—at the end of the quarantine period for the person.

[8] Part 4, heading

Omit “exchange of”.

[9] Clause 22A

Insert after clause 22—

22A Information provided must be true and accurate

- (1) A person must ensure information provided under this Order is true and accurate.
- (2) A person must not provide to another person, information purporting to show the person is a fully vaccinated arrival, unless the information is true and accurate.
- (3) In this clause—
information includes evidence.
provide includes display or produce.

[10] Schedule 1 Dictionary

Omit the definition of *country of concern*.

[11] Schedule 1, definition of “fully vaccinated arrival”

Omit paragraph (b). Insert instead—

- (b) a person who has sufficient evidence to demonstrate the person has a medical contraindication to all COVID-19 vaccines reasonably available, or
- (c) if the person in paragraph (a) or (b) is over 18 years of age—a person under 18 years of age who is accompanying the person, or
- (d) a person under 18 years of age who is not accompanied by a person over 18 years of age.