



# *Government Gazette*

of the State of

New South Wales

**Number 535–Health and Education**

**Wednesday, 20 October 2021**

---

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.



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**

under the

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](http://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*.



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".