



**Health**

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## **PUBLIC HEALTH DELEGATIONS MANUAL**

### **Secretary and Minister Delegations**

#### **Amendment 114(28/04/20)**

#### **Chapter 12 – COVID-19 Pandemic Response – Public Health Act**

New Secretary Delegation: Direct persons to undergo medical examination

New Minister Delegations:

- Grant an exemption under Public Health (COVID-19 Air Transportation Quarantine) Order 2020 (NSW) and Public Health (COVID-19 Maritime Quarantine) Order 2020 (NSW)
- Grant an exemption under the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (NSW)

<b>NEW and REPLACED PAGE(S)</b>
New Chapter 12 – pages 1 to 4

Attached is a copy of the updated page incorporated into the Public Health Delegations Manual.

**Manuals are available on the Internet at**

<http://www.health.nsw.gov.au/policies/manuals/Pages/default.aspx>

If you require details of any past amendment please email [MOH\\_CGRM@health.nsw.gov.au](mailto:MOH_CGRM@health.nsw.gov.au)

## Direct persons to undergo medical examination

### Power:

- (1) To direct, by notice in writing, a person suspected on reasonable grounds to be suffering from COVID-19, to undergo a medical examination of a kind described in the notice in writing within a specified period;
- (2) If the person fails to comply with such direction, to direct by further notice in writing that the person undergo the specified kind of medical examination.

### Condition:

This Delegation is restricted to:

- a) Screening for COVID-19, including an oropharyngeal and nasopharyngeal swab test for COVID-19
  - b) Persons subject to the Public Health (COVID-19 Air Transport Quarantine) Order 2020 [NSW]
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### Delegates:

A registered health practitioner engaged, employed or assigned to enforce the Public Health (COVID-19 Air Transport Quarantine) Order 2020 [NSW]

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**Refer** section 61 Public Health Act 2010

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

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### Term:

This Delegation is effective on and from 28 March 2020 and remains in effect until the beginning of 25 June 2020, unless otherwise revoked by the Secretary.

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**Grant an exemption under Public Health (COVID-19 Air Transportation Quarantine) Order 2020 (NSW) and Public Health (COVID-19 Maritime Quarantine) Order 2020 (NSW)**

**Power** to in writing, and subject to any conditions:

- i. grant an exemption to clauses 5 and/or 6 of the Public Health (COVID-19 Air Transportation Quarantine) Order 2020 (NSW).
  - ii. grant an exemption to clause 4 of the Public Health (COVID-19 Maritime Quarantine) Order 2020 (NSW).
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**Delegates:**

An authorised medical practitioner within the meaning of section 60 of the Public Health Act 2010 (NSW)

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**Conditions:**

- 1) An exemption to the Public Health (COVID-19 Air Transportation Quarantine) Order 2020 (NSW) and the Public Health (COVID-19 Maritime Quarantine) Order 2020 (NSW) can only be granted in the following cases:

***Medical, health or compassionate reasons***

- a) To a person who has a medical, psychological or other health issue or a developmental, intellectual or physical impairment or a disability.
- b) Where there are compassionate or other exceptional circumstances to justify the exemption.

***Persons immune from COVID-19***

- c) To a person who has had, and recovered from, COVID-19

***Persons transiting out of NSW***

- d) In relation to a person who is transiting out of NSW to an international destination other than a Pacific island country

- 2) The delegate is satisfied that risks in relation to the spread of COVID-19 will be minimised.
  - 3) The delegate must give their exemption in the approved form.
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**Refer** clause 9 Public Health (COVID-19 Air Transportation Quarantine) Order 2020 (NSW)  
clause 7 Public Health (COVID-19 Maritime Quarantine) Order 2020 (NSW)

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

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**Notes**

- 1) The approved form means a form approved by the Minister for Health and Medical Research or the Chief Health Officer.
  
- 2) A Pacific Island country is one of the following: the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Fiji, French Polynesia, Kiribati, the Marshall Islands, Nauru, New Caledonia, Palau, Solomon Islands, Tonga, Tuvalu, Vanuatu, Wallis and Futuna, Kiribati, Samoa, Solomon Islands, Tuvalu and Vanuatu.

**Term:**

This Delegation is effective on and from 31 March 2020 and remains in effect until the beginning of 25 June 2020, unless otherwise revoked by the Minister.

**Grant an exemption under the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (NSW)**

**Power** to, subject to any conditions, grant an exemption to the operation of the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (NSW) or any specified part of that Order.

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**Delegates:**

- Executive Director, Health Protection, NSW
  - Director, Environmental Health, Health Protection NSW
  - Medical Advisor, NSW Ministry of Health
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**Conditions:**

1. An exemption to the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (NSW) can only be granted if the delegate is satisfied that the applicant has demonstrated an understanding of the public health risks and has provided an acceptable description of the measures to be taken to minimise those risks.
2. The delegate must give their exemption in writing, in the approved form.

**Notes**

The approved form means a form approved by either the Minister for Health and Medical Research or the Chief Health Officer.

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**Refer** clause 10 Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 (NSW)

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

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**Term:**

This Delegation is effective on and from 15 April 2020 and remains in effect until the end of 29 June 2020, unless otherwise revoked by the Minister.

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