



Health

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Legal & Regulatory Services Branch

PUBLIC HEALTH DELEGATIONS MANUAL

Secretary Delegation Chief Health Officer Delegations

Amendment 125(08/10/20)

Chapter 12 – COVID-19 Pandemic Response – Public Health

Secretary delegation - Direct persons to undergo medical examination under section 61
Public Health Act 2010 - amended

Chief Health Officer delegations

- Risk of infecting another person with COVID-19 - amended
- Request record relating to contact details - amended

Removed - Temporary delegation to grant exemptions under the Public Health (COVID-19
Lord Howe Island) Order (No. 3) 2020 – the order is no longer current.

NEW and REPLACED PAGE(S)
All pages in Chapter 12 COVID-19 Pandemic Response

Attached is a copy of the updated pages 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

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 who arrive in NSW by aircraft or vessel.
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Delegates:

A medical practitioner or nurse engaged, employed or assigned to enforce a direction made under section 7 of the *Public Health Act 2010* in relation to persons who arrive in NSW by aircraft or vessel.

Refer section 61 Public Health Act 2010

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

Term:

This Delegation is effective on and from 2 October 2020.

Grant an exemption under the Public Health (COVID-19 Air Transportation Quarantine) Order (No. 2) 2020 and Public Health (COVID-19 Maritime Quarantine) Order (No. 2) 2020

Power to in writing, and subject to any conditions:

- i. grant an exemption to the Public Health (COVID-19 Air Transportation Quarantine) Order (No. 2) 2020.
 - ii. grant an exemption to the Public Health (COVID-19 Maritime Quarantine) Order (No. 2) 2020.
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Delegates:

Secretary, Ministry of Health
Chief Health Officer, Ministry of Health
Executive Director, Health Protection NSW
Director, Environmental Health, Health Protection NSW
Medical Advisor, NSW Ministry of Health
Authorised medical practitioner within the meaning of section 60 of the Public Health Act 2010

Refer clause 10 Public Health (COVID-19 Air Transportation Quarantine) Order (No. 2) 2020
clause 8 Public Health (COVID-19 Maritime Quarantine) Order (No. 2) 2020

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

Term:

This Delegation is effective on and from 25 June 2020.

Grant an exemption under the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No. 4) 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 (No. 4) 2020 (NSW) or any specified part of that Order.

Delegates:

- Secretary Ministry of Health
 - Chief Health Officer
 - Executive Director, Health Protection, NSW
 - Director, Environmental Health, Health Protection NSW
 - Medical Advisor, NSW Ministry of Health
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Refer clause 24 Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No. 4) 2020 (NSW)

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

Term:

This Delegation is effective on and from 14 July 2020.

Grant an exemption under the Public Health (COVID-19 Border Control) Order 2020

Power to, subject to any conditions, grant an exemption to the operation of the Public Health (COVID-19 Border Control) Order 2020 [NSW] or any specified part of that Order.

Delegates:

Secretary, NSW Ministry of Health

Chief Health Officer, NSW Ministry of Health

Executive Director, Health Protection NSW

Director, Environmental Health, Health Protection NSW

Medical Advisor, NSW Ministry of Health

Authorised medical practitioner within the meaning of s60 of the *Public Health Act 2010*.

Refer clause 10 Public Health (COVID-19 Border Control) Order 2020

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

Term:

This Delegation is effective on and from 7 July 2020.

Risk of infecting another person with COVID-19

Power to, determine whether a person poses a risk of infecting another person with COVID-19.

Delegates:

- An authorised medical practitioner within the meaning of s60 of the *Public Health Act 2010*.
 - Any medical practitioner or nurse practitioner employed in the NSW Health Service or NSW Public Service whose duties including assisting in the administration of the Public Health Act 2010 in relation to COVID-19.
 - A registered medical practitioner or nurse practitioner engaged under a contract of services by a NSW Health agency, a NSW Public Sector agency or the NSW Government whose duties include providing health services to people in quarantine or isolation under the Public Health Act 2010.
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Refer clause 3 Public Health (COVID-19 Air Transportation Quarantine) Order (No. 3) 2020
clause 6 Public Health (COVID-19 Maritime Quarantine) Order (No. 3) 2020

Authority for this delegation comes from the Chief Health Officer under section 128 of the Public Health Act 2010.

Term:

This Delegation is effective on and from 21 September 2020.

Request record relating to contact details

Power to, request records relating to contact details under clause 28 of the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) 2020.

Delegates:

- An authorised officer within the meaning of the *Public Health Act 2010*
 - An authorised medical practitioner within the meaning of section 60 of the *Public Health Act 2010*.
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Refer clause 28 of the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) 2020

Authority for this delegation comes from the Chief Health Officer under section 128 of the Public Health Act 2010.

Term:

This Delegation is effective on and from 1 October 2020.

Restrict or prohibit access to a premises

Power, by order, to direct that access to the premises be restricted or prohibited.

Condition:

This Delegation is subject to the following condition:

- 1) The delegate must take into account any advice given by a member of staff of the Ministry of Health or Health Protection NSW before exercising the power under s11 of the Public Health Act.

Note: An order under s11 of the Public Health Act must be published in the Gazette as soon as practicable after it is made, but failure to do so does not invalidate the order.

Delegates:

- Secretary, Department of Customer Service
 - Deputy Secretary, Better Regulation Division, Department of Customer Service
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Refer section 11 Public Health Act 2010

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

Term:

This Delegation is effective on and from 16 July 2020.

Approved Condition under the Public Health (COVID-19 Border Control) Order 2020

Power to, determine an “approved condition” for a permit or class of permits.

Delegates:

For conditions on a class of permits:

Secretary, NSW Ministry of Health

Chief Health Officer, NSW Ministry of Health

Deputy Secretary, Patient Experience and System Performance

For condition on an individual permit:

Executive Director, Health Protection NSW

Director, Environmental Health, Health Protection NSW

Medical Advisor, NSW Ministry of Health

Authorised medical practitioner within the meaning of s60 of the *Public Health Act 2010*.

Refer clause 5(2)(c)(ii) Public Health (COVID-19 Border Control) Order 2020

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

Term:

This Delegation is effective on and from 20 July 2020.
