

PUBLIC HEALTH DELEGATIONS MANUAL

Amendment 145 (02/05/22)

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

Update of delegations in Chapter 12:

- Page 3 – updated Minister delegation under the Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021 (NSW).
- Page 4 – Chief Health Officer delegation under clause 5 Public Health (COVID-19 Air Transportation Quarantine) Order (No.2) 2021 and clause 3 Public Health (COVID-19 Maritime Quarantine) Order (No.2) 2021 - Risk of infecting another person with COVID-19 - removed no longer current.
- Page 7 - Chief Health Officer delegation under clause 11(5)(a), 12(4)((a) and 13(5)(a) Public Health (COVID-19 Air Transportation Quarantine) Order (No. 2) 2021 - Designated airport worker/transport provider/quarantine facility worker – to provide services even if not tested in accordance with the testing program - removed no longer current.
- Page 8 – Chief Health Officer delegation under clause 11(5)(b), 12(4)((b) and 13(5)(b) Public Health (COVID-19 Air Transportation Quarantine) Order (No. 2) 2021 - Designated airport worker/transport provider/quarantine facility worker poses a risk of infecting others with COVID-19 - removed no longer current.
- Page 10 – Secretary delegation under section 11 Public Health Act 2010 - Restrict or prohibit access to a premises delegation to Commissioner of Police ended 1 May 2022.

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NEW and REPLACED PAGE(S)
Chapter 12 pages 12.3 to 12.10 removed and replaced 12.3 to 12.6

Attached is a copy of the new 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

Grant an exemption under the Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021 (NSW)

Power to, subject to any conditions, grant an exemption to the operation of the Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021 (NSW).

Delegates:

- Secretary Ministry of Health
 - Chief Health Officer and Deputy Secretary, Population and Public Health
 - Executive Director, Health Protection, NSW
 - Medical Advisor, NSW Ministry of Health
 - Authorised medical practitioner within the meaning of s60 of the Public Health Act 2010
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Refer clause 25 Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021 (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 26 June 2021.

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.

Grant an exemption under the Public Health (COVID-19 Care Services) Order 2021

Power to, in writing and subject to any conditions considered appropriate, exempt a person from the operation of the Public Health (COVID-19 Care Services) Order 2021, if satisfied it is necessary to protect the health and well-being of persons.

Delegates:

- Secretary Ministry of Health
 - Chief Health Officer
 - Deputy 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 8(2) of the Public Health (COVID-19 Care Services) Order 2021

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 19 October 2021