Direction from Deputy Chief Health Officer (Communicable Disease) in accordance with emergency powers arising from declared state of emergency

Diagnosed Persons and Close Contacts Directions

Public Health and Wellbeing Act 2008 (Vic)
Section 200

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to section 200(1)(b) and (d) of the Public Health and Wellbeing Act 2008 (Vic) (PHW Act):

1 Preamble
   (1) The purpose of these directions is to require persons:
       (a) diagnosed with Novel Coronavirus 2019 (2019-nCoV) to self-isolate;
       (b) who are living with a diagnosed person, or who have been in close contact with a diagnosed person, to self-quarantine;

       in order to limit the spread of 2019-nCoV.

   (2) These directions replace the Isolation (Diagnosis) Direction (No 2) given on 13 April 2020, and add the requirement that persons living at the same premises as a diagnosed person, and close contacts of a diagnosed person, must self-quarantine.

2 Citation
   These directions may be referred to as the Diagnosed Persons and Close Contacts Directions.

3 Commencement
   These directions commence at midnight on 11 May 2020.

4 Self-isolation for diagnosed persons
   Who is a diagnosed person?
   (1) A person is a diagnosed person if the person:
       (a) at any time between midnight on 25 March 2020 and 11:59:00pm on 31 May 2020 has been informed that they have been diagnosed with 2019-nCoV; and
       (b) has not been given clearance from self-isolation under clause 5.
Requirement to self-isolate

(2) A diagnosed person must self-isolate under these directions:
   (a) if the diagnosis is communicated to the person after the commencement of these directions; or
   (b) if the diagnosis was communicated to the person before the commencement of these directions.

   Note: The requirements of self-isolation are specified in clause 9. A diagnosed person can still leave the premises at which they are self-isolating to obtain medical care.

Location of self-isolation

(3) A diagnosed person must self-isolate:
   (a) if subclause (2)(a) applies, at the premises chosen by the person under subclause (4); or
   (b) if subclause (2)(b) applies, at the premises at which the person was required to reside under clause 4(1) of a Revoked Isolation Direction

(4) For the purposes of subclause (3)(a), the diagnosed person may choose to self-isolate at:
   (a) a premises at which they ordinarily reside; or
   (b) another premises that is suitable for the person to reside in for the purpose of self-isolation.

   Note: a person can decide to self-isolate at a hotel or other suitable location, instead of self-isolating at their ordinary place of residence.

Self-isolation period

(5) The period of self-isolation begins:
   (a) if subclause (2)(a) applies, when the diagnosis is communicated to the person; or
   (b) if subclause (2)(b) applies, upon the commencement of these directions.

(6) For the purposes of subclause (2), the period of self-isolation ends when the person is given clearance from self-isolation under clause 5.

Notifications by the diagnosed person

(7) Immediately after choosing a premises under subclause (4), the diagnosed person must:
   (a) if any other person is residing at the premises chosen by the diagnosed person, notify the other person that:
       (i) the diagnosed person has been diagnosed with 2019-nCoV; and
       (ii) the diagnosed person has chosen to self-isolate at the premises; and
(b) notify the Department of:
   (i) the address of the premises chosen by the diagnosed person; and
   (ii) the name of any other person who is residing at the premises chosen by the diagnosed person.

(8) If, during the period that a diagnosed person is self-isolating at a premises for the purposes of clause 4, another person informs the diagnosed person that they intend to commence residing at the premises chosen by the diagnosed person, the diagnosed person must inform the other person of their diagnosis.

5 Clearance from self-isolation

(1) A diagnosed person is given clearance from self-isolation if:
   (a) an officer of the Department makes a determination under subclause (2) in relation to the person; and
   (b) the person is given notice of the determination in accordance with subclause (3).

(2) For the purposes of subclause (1)(a), an officer of the Department may make a determination in relation to a person if the officer is satisfied that the person meets the criteria for discharge from self-isolation under the National Guidelines.

(3) For the purposes of subclause (1)(b), the notice must be in writing but is not required to be in a particular form.

(4) A person who has been given clearance from isolation (self-isolation) under clause 4(2) of a Revoked Isolation Direction is taken to have been given clearance from self-isolation under this clause.

6 Self-quarantine for persons residing with diagnosed person

Existing residents

(1) If:
   (a) at the time these directions commence; or
   (b) following the commencement of these directions and before 11:59:00pm on 31 May 2020;

a diagnosed person begins self-isolating at a premises for the purposes of clause 4, any other person residing at the premises at that time must self-quarantine at that premises.

Note 1: The requirements of self-quarantine are specified in clause 9.

Note 2: If a diagnosed person was diagnosed before the commencement of these directions, they begin self-isolating for the purpose of clause 4 of these directions at the time these directions commence: clause 4(2)(b) and (5)(b). A person residing with that diagnosed person at the time these directions commence must begin to self-quarantine at that time: clause 6(1)(a).
New place of residence

(2) If, between the commencement of these directions and 11:59:00pm on 31 May 2020, a person begins to reside at a premises at which a diagnosed person is self-isolating for the purpose of clause 4, the person must self-quarantine at that premises.

Example: a person may begin to reside at a new premises because they move to a new ordinary place of residence, including for the purpose of providing care and support to a diagnosed person.

Self-quarantine period

(3) The period of self-quarantine begins:

(a) for the purposes of subclause (1), when the diagnosed person commences self-isolating at the premises for the purposes of clause 4; or

(b) for the purposes of subclause (2), when the person commences residing at the premises at which the diagnosed person is self-isolating for the purposes of clause 4.

(4) For the purposes of this clause, the period of self-quarantine ends:

(a) if one diagnosed person is self-isolating at the premises—14 days after clearance from self-isolation is given to the diagnosed person under clause 5; or

(b) if more than one diagnosed person is self-isolating at the premises—14 days after clearance from self-isolation is given to the last remaining diagnosed person at the premises under clause 5; or

(c) if a diagnosed person who is self-isolating at the premises is admitted to hospital or other facility for the purposes of receiving medical care—14 days from the admission, except if during that 14 day period:

(i) the diagnosed person returns to the premises; or

(ii) there is another diagnosed person residing at the premises; or

(d) if the person becomes a diagnosed person following a test for 2019-nCoV—when the diagnosis is communicated to the person.

Note: A person who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

Exception — previous clearance

(5) A person is not required to self-quarantine under this clause if, before the time specified in subclause (3), the person has been given clearance from self-isolation under clause 5.
7 Self-quarantine for close contacts

Who is a close contact?

(1) For the purposes of this clause, a person is a close contact if:
   (a) an officer of the Department has made a determination under subclause (2) in relation to the person; and
   (b) between the commencement of these directions and 11:59:00pm on 31 May 2020, the person has been given notice of the determination in accordance with subclause (3).

(2) For the purposes of subclause (1)(a), an officer of the Department may make a determination in relation to a person if the officer is satisfied, having regard to the National Guidelines, that the person has had close contact with another person who:
   (a) since the time of last contact, has become a diagnosed person; or
   (b) at the time of last contact, was a diagnosed person.

Note: under the National Guidelines, a person is generally considered to have had close contact if, in the period extending from 48 hours before onset of symptoms in the diagnosed person:
   • they have had face-to-face contact in any setting with the diagnosed person for more than a total of 15 minutes over the course of a week; or
   • they have shared of a closed space with a diagnosed person for a prolonged period (eg, more than 2 hours).

(3) For the purposes of subclause (1)(b), the notice:
   (a) must specify the time at which the person will no longer be required to self-quarantine, having regard to the National Guidelines;
   (b) may be given orally or in writing, and, if given orally, must be confirmed in writing as soon as reasonably practicable; and
   (c) is not required to be in a particular form.

Requirement to self-quarantine

(4) A close contact must self-quarantine at the premises at which they ordinarily reside.

Note: The requirements of self-quarantine are specified in clause 9.

Self-quarantine period

(5) For the purposes of this clause, the period of self-quarantine:
   (a) begins when the person is given notice under subclause (1)(b); and
   (b) ends:
      (i) subject to paragraph (ii), at the time specified in the notice given under subclause (1)(b); or
(ii) if the person becomes a diagnosed person following a test for 2019-nCoV—when the diagnosis is communicated to the person.

Note: A close contact who becomes a diagnosed person will then be required to self-isolate under clause 4, for a period ending when the person is given clearance from self-isolation under clause 5.

Exception — persons residing with diagnosed person

(6) A person is not required to self-quarantine under this clause if the person is required to self-quarantine under clause 6.

Exception — previous clearance

(7) A person is not required to self-quarantine under this clause if, before the time that notice is given under subclause (1)(b), the person has been given clearance from self-isolation under clause 5.

8 Testing of persons in self-quarantine

(1) If a person is required to self-quarantine under clause 6 or 7 and, during the period of self-quarantine, the person:

(a) is tested for 2019-nCoV; and

(b) the period for which the person is required to self-quarantine under clause 6 or 7, as the case requires, expires during the period in which the person is awaiting the result of that test;

the period of self-quarantine is extended until the result of the test is communicated to the person.

Note: persons who are in self-quarantine and experience a temperature higher than 37.5 degrees or symptoms of acute respiratory infection are encouraged to get tested. In certain circumstances, a person may be required to comply with an order that they undergo a medical test: PHW Act, s 113(3).

(2) If a person is required to self-quarantine under clause 6 or 7 and, during the period of self-quarantine, the person receives a communication that they have been diagnosed with 2019-nCoV, the person becomes a diagnosed person and must self-isolate under clause 4.

(3) If a person is required to self-quarantine under clause 6 or 7 and, during the period of self-quarantine, the person receives a communication that they have not been diagnosed with 2019-nCoV:

(a) if the period for which the person is required to self-quarantine under clause 6 or 7, as the case requires, has not expired—must continue to self-quarantine under that clause for the remainder of that period; or

(b) if the period of self-quarantine was extended under subclause (1)—may cease self-quarantining.
9 Requirements of self-isolation and self-quarantine

(1) This clause applies to a person who is required to:
   (a) self-isolate at a premises under clause 4; or
   (b) self-quarantine at a premises under clause 6 or 7.

(2) The person identified in subclause (1):
   (a) if the period of self-isolation or self-quarantine, as the case requires, begins at a time when the person is not at the premises, must immediately and directly travel to that premises, unless the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
   (b) must reside at that premises for the entirety of the period of self-isolation or self-quarantine, as the case requires, except for any period that the person is admitted to a hospital or other facility for the purposes of receiving medical care; and
   (c) must not leave the premises, except:
      (i) for the purposes of obtaining medical care or medical supplies; or
      (ii) in any emergency situation; or
      (iii) for the purposes of exercise, but only if the person:
         (A) takes reasonable steps to maintain a distance of 1.5 metres from any other person, unless the other person is required to self-isolate or self-quarantine at the same premises; and
         (B) does not enter any other building; or
      (iv) if required to do so by law; and
   (d) must not permit any other person to enter the premises unless:
      (i) that other person:
         (A) ordinarily resides at the premises; or
         (B) is required to self-isolate or self-quarantine at the premises under these directions; or
      (ii) it is necessary for the other person to enter for medical or emergency purposes; or
      (iii) the other person is a disability worker, and it is necessary for the disability worker to enter for the purpose of providing a disability service to a person with a disability; or
         Example: a disability worker may enter to support a person with a disability to manage the person’s limitations in undertaking self-care (such as assistance with eating, showering, toileting, etc).
      (iv) the entry is otherwise required or authorised by law.
10 Definitions
In these directions:

(1) **Department** means the Victorian Department of Health and Human Services;

(2) **hospital** has the same meaning as in the Hospital Visitors Directions (No 3);

(3) **National Guidelines** means the document titled “Coronavirus Disease 2019 (COVID-19) — CDNA National Guidelines for Public Health Units”, as amended from time to time;


(4) **premises** means:
   
   (a) a building, or part of a building; and
   
   (b) any land on which the building is located, other than land that is available for communal use;

(5) **Revoked Isolation Direction** means the:
   
   (a) **Isolation (Diagnosis) Direction**, given on 25 March 2020; or
   
   (b) **Isolation (Diagnosis) Direction (No 2)**, given on 13 April 2020;

(6) The following expressions have the same meaning that they have in the Disability Service Safeguards Act 2018:
   
   (a) **disability**;
   
   (b) **disability service**;
   
   (c) **disability worker**.

11 Penalties
Section 203 of the PHW Act provides:

**Compliance with direction or other requirement**

(1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

  Penalty: In the case of a natural person, 120 penalty units.

  In the case of a body corporate, 600 penalty units.

(2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement
Dr Annaliese van Diemen

Deputy Chief Health Officer (Communicable Disease), as authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the PHW Act.

11 May 2020