Christmas Island (Coronavirus Emergency—Entry and Quarantine) Direction (No. 2)

Christmas Island Emergency Management Ordinance 2012

I, Kylie Lawson, Territory Controller,

REVOKE the Christmas Island (Coronavirus Emergency—Entry and Quarantine) Direction; and

MAKE the direction set out in Schedule 1 under subsection 22(1) of the Ordinance.

Dated 19 June 2020

Kylie Lawson
AFP Officer-in-charge
Territory Controller
Schedule 1 – Directions

1. Definitions

For the purposes of these directions:

centre direction means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation “Centre Direction”, together with any other direction given to the person.

close contact with a COVID-19 case occurs when a person:
(a) has more than 15 minutes of face-to-face contact in any setting; or
(b) shares a closed space for more than two hours;
with another person who has tested positive or otherwise been diagnosed with COVID-19 in the period extending from 24 hours before the onset of symptoms in the other person to when the other person is informed they no longer have to self-isolate.

enter the Territory means disembark from an aircraft onto land anywhere in the Territory or cross the border into the Territory by any other means.

essential services direction means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation “Essential Services Direction”, together with any other direction given to the person.

IOTs means the Territories of Christmas Island and Cocos (Keeling) Islands.

Ordinance means the Christmas Island Emergency Management Ordinance 2012.

parent includes a guardian or person with parental responsibility.

self-quarantine (unaccompanied child) direction means a direction containing the requirements set out in the form of direction scheduled to these directions and bearing the citation “Self-Quarantine (Unaccompanied Child) Direction”, together with any other direction given to the person.

suitable premises means a quarantine centre, or premises that:
(a) are suitable for the person to reside in for a period ending fourteen (14) days after the day on which the person is given a self-quarantine (unaccompanied child) direction or an essential services direction; and
(b) are not being used by anyone else to self-quarantine at the time when the person is given the self-quarantine (unaccompanied child) direction or essential services direction.

symptoms means any one or more of:
(a) a fever of 38 degrees or above; or
(b) symptoms of acute respiratory infection (including, but without limitation, shortness of breath, a cough or sore throat).

Territory means the Territory of Christmas Island.

unaccompanied child means a person under 18 years of age who is travelling without the supervision of a parent.
2. Commencement

This direction commences at 12:01am on 30 June 2020.

3. Authority

(1) I am the Territory Controller for the purposes of the Ordinance.

(2) I am authorised by section 13 of the Ordinance, during a state of emergency for the purpose of emergency management, to exercise a power of an authorised officer in accordance with Division 2 of Part 3 of the Ordinance.

(3) I am satisfied that this direction is reasonably required during a state of emergency for the purposes of emergency management, namely reducing the risk to the community that persons who arrive from outside the Territory may cause or contribute to the possible spread of COVID-19. This is a significant risk because there are no tertiary hospitals in the Territory and because of the remoteness of the Territory.

(4) Further, the Commonwealth Deputy Chief Medical Officer was consulted on and supports this direction.

(5) Accordingly, I make this direction under subsection 22(1) of the Ordinance.

4. Travel ban

A person must not enter the Territory unless the person has the approval in writing of the Administrator.

Note: A person (including an airline crew member) who does not disembark from an aircraft does not enter the Territory for the purposes of this direction.

5. Quarantine

(1) This clause applies to a person who enters the Territory, other than:
(a) a person whose point of departure was in the IOTs; or
(b) a person whose point of departure was in Western Australia, provided that the person has not, in the 14 days before entry:
   (i) been on land besides in Western Australia or the IOTs; or
   (ii) tested positive for COVID-19; or
   (iii) been tested for COVID-19 and at the time of entry is awaiting the test result; or
   (iv) had close contact with a COVID-19 case.

(2) The person must be given a centre direction, unless the person is given a direction under subclauses (3) or (4).

(3) The person may be given a self-quarantine (unaccompanied child) direction if the Territory Controller or an authorised officer is satisfied that the person:
(a) is an unaccompanied child; and
(b) is not displaying any symptoms; and
(c) will be released directly into the custody of their parent after being given the direction; and
(d) will travel with the person’s parent to the nearest suitable premises to which the person’s parent has access as soon as possible, by the most direct route available and without stopping except as required by law or necessary for fuel or rest; and
(e) will take all reasonable steps to maintain a distance of at least 1.5 metres from any other person; and
(f) will immediately self-quarantine at those premises after arriving for a period of 14 days after the day on which the person is given the direction.

(4) Subject to subclause (5), the person may be given an essential services direction if the Territory Controller or an authorised officer is satisfied that the person is one of the following, and that the person needs to carry out essential services involving their duties as one of the following:
(a) a senior Government official or Australian Federal Police officer who in carrying out his or her duties is responsible (alone or with others) for the safety or security of Australia or a state/territory and is required to be present in the Territory in connection with those duties;
(b) an active military serviceperson required to be on duty in the Territory while in the Territory;
(c) a person carrying out functions under a law of the Commonwealth;
(d) a person carrying out functions under a contract with the Commonwealth;
(e) a person performing duties in connection with the provision of health services in the Territory;
(f) a person who in the course of their duties is responsible for the provision of transport or freight logistics services into and out of the Territory, provided the person remains in the Territory only for so long as is reasonably required to perform his or her duties;
(g) a specialist required for industry or business continuity and maintenance of competitive operations where the appropriate skills are not available in the Territory, where the service is time critical and where the provision of the service requires the person to be physically present in the Territory;
(h) a person who, in the course of his or her duties, is responsible while in the Territory for critical maintenance or repair of infrastructure critical to the Territory;
(i) a person travelling to the Territory in their capacity as an emergency services worker;
(j) a judicial officer or staff member of a court, tribunal or commission who enters the Territory for the purposes of that court, tribunal or commission.

(5) Despite subclause (4), the person must not be given an essential services direction if the person:
(a) shows symptoms associated with COVID-19; or
(b) has tested positive for COVID-19 or has been tested and is awaiting a test result; or
(c) has had close contact with a COVID-19 case any time in the 14 days before entry.

6. Exemptions

The Territory Controller or an authorised officer may, in writing and subject to conditions, grant an exemption to specified provisions of this direction.

Note 1: If a person does not comply with a direction, an authorised officer may do all things reasonably necessary to ensure compliance with the direction, using force as is reasonable in the circumstances (subsection 22(3) of the Ordinance).

Note 2: A person commits an offence if the person fails to comply with a direction or obstructs or hinders the Territory Controller or an authorised officer in the exercise of a power under the Ordinance, punishable by a significant monetary fine (sections 30 and 31 of the Ordinance).