

This factsheet is part of a series from Legal Aid NSW about COVID-19 and everyday law. For other factsheets, including how restrictions affect regional NSW and more, visit: www.legalaid.nsw.gov.au/get-legal-help/covid-19

What is a Public Health Order under Section 62 of the Public Health Act?

A Public Health Order under Section 62 of the *Public Health Act* is an order made against a person by a doctor working for NSW Health. These orders are different from the government rules that apply to everyone living in certain parts of NSW like the lockdown orders.

If you want to read about the other orders, see our factsheet [COVID-19: Breaches of the Public Health Orders \(General\)](#).

Public Health Orders under Section 62 are not made by a court and they are not the same thing as bail.

The purpose of the Order is to stop the spread of COVID-19.

When would a doctor make a Public Health Order for COVID-19?

A doctor can make a Public Health Order against you if you:

- have COVID-19 and are behaving in a way that risks infecting other people; or
- have been exposed to COVID-19; and
 - Are at risk of developing COVID-19; and
 - Are behaving in a way that risks infecting other people.

Not all doctors can make a Public Health Order. To make a Public Health Order a doctor needs to have special authorisation.

If a doctor is deciding whether to make a Public Health Order against you, he or she will not assess you at an appointment. Instead, the doctor will look at information about your COVID-19 status and your behaviour. That information might come from the police, mental health workers or hospital staff.

What does a Public Health Order do?

A Public Health Order has rules that you must follow. A Public Health Order can make you:

- have medical treatment
- tell NSW Health the names of all the people you have been in contact with
- make you stay at home
- stop you from going to work
- require that you are supervised

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Detention under a Public Health Order

In some cases, as a last resort, a Public Health Order can also detain you. This means you can be made to stay at a certain place like a hospital or hotel. It might be the hotels used for returned travellers, Police managed hotels, or supported health accommodation for those who need medical treatment.

The police have power to take you to the place where you will be detained under the Public Health Order. While you are detained you will have to have regular COVID-19 tests.

If a Public Health Order is served on you and you are to be detained, you will probably be given a chance to collect some things to take with you into detention.

Prisoners and Public Health Orders

Sometimes a Public Health Order can be made for a person leaving prison. A Public Health Order might be made if the prisoner has COVID-19, or has symptoms of COVID-19, and is either unwilling or unable to keep their distance from the public once they are released.

How will I know I have a Public Health Order?

A Public Health Order cannot start until it is given to you. This means it is served on you.

A Public Health Order must also say:

- why it has been made; and
- when it will end.

How long does a Public Health Order last?

If you have COVID-19, a Public Health Order will last up to 28 days after it has been served on you.

If you have been exposed to COVID-19, a Public Health Order will last up to 14 days after it has been served on you.

What happens if I don't follow a Public Health Order?

If you do not follow the conditions of your Public Health Order, you can be imprisoned for up to six months or fined up to \$11,000. An on the spot fine of \$1,000 can also be issued.

Can I ask to have a Public Health Order removed?

If you have a Public Health Order and do not agree with it, you can ask for it to be cancelled or for the conditions to be changed. You or your lawyer can speak to the doctor who made the order.

You can also ask for the order to be reviewed by the NSW Civil and Administrative Tribunal (NCAT) or the Supreme Court.

You should speak to a lawyer for more information about how to remove or change a Public Health Order against you.

Where can I find more information?

For the most up to date information on what you can and cannot do under the rules go to the [NSW Government website](#).

For COVID-19 health questions or to check symptoms, call the National Coronavirus Helpline on **1800 020 080** (open 24 hours a day, 7 days a week).

How can I get help?

If you have questions about Public Health Orders you can speak to a lawyer from Legal Aid NSW. Legal Aid NSW may also be able to help you with an application to NCAT or the Supreme Court.

For free legal help call **LawAccess NSW** on **1300 888 529** or [call your local Legal Aid NSW office](#).

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.