

Covid-19 Border Closures and School Holidays



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With the current border restrictions, it is possible that the Queensland border will not open to “hotspots” until after Christmas. The current declared Hotspots are Victoria and parts of New South Wales. Parents that are due to spend time with their children or facilitate a child/ren’s time with another parent under a Family Court of Australia or Federal Circuit Court Order will need to consider what impact these border closures have on any upcoming arrangements for school holidays and Christmas.

CURRENT RESTRICTIONS



On 7 August 2020, the Chief Health Officer made a Public Health Direction (Border Restrictions Direction (No. 11)), advising that the border between Queensland and various “hotspots” (New South Wales, ACT and Victoria) would be closed to all people not carrying out an essential activity. An essential activity is defined as transport workers, emergency health workers and other specialist workers.

In the event that any person is to travel between Queensland and one of the hotspot locations, they must do so only by air (that means, no crossing the border by car or train).

TRAVEL FROM THE HOTSPOTS

If a person is to enter Queensland from one of the “hotspots”, then they must quarantine for 14 days at their own expense at a government appointed hotel. The cost of that quarantine is \$2,800 for 1 adult, \$3,710 for 2 adults, and \$4,620 for 2 adults and 2 children. At the end of your quarantine, you will get an invoice to pay within 30 days (unless you enter into a payment plan).

To enter Queensland from another State, you must have a Queensland Border Declaration Pass. Only certain people can

make an application for a Queensland Border Declaration Pass.

Those people are essential workers and a number of other people who fall into a category specified in Schedule 2 of the Health Direction. That includes persons entering Queensland for child contact or shared parenting arrangements and persons entering Queensland to attend Court or a Tribunal.

Queensland Police are stationed at all roads between Queensland and New South Wales and are actively checking passes of motorists. If you do have a relevant pass, you should also carry a certified copy of your Court Order.

BORDER ZONE RESIDENTS



If you, or the other parent, is classed as a Border Zone resident, you may be able to travel to Queensland from New South Wales to spend time with your children in Queensland. A Border Zone resident is anyone that lives within the boundaries determined by the Queensland Government (see below for a map of the Border Zone)

https://www.health.qld.gov.au/_data/assets/pdf_file/0026/998000/map-border-zones-qld-border-restriction-direction.pdf

If you are travelling to Queensland from a non-Border Zone region, you must:

- Travel by air (i.e. you cannot drive across the Border); and
- Quarantine for 14 days.

WHAT IF I HAVE AN ORDER?



The Chief Justice of the Family Court of Australia, the Honourable William Alstergren, has said it is imperative that parents and carers act in the best interests of their children and to be consistent with

their responsibilities.

Court Orders must be complied with, unless a “reasonable excuse” can be established. A “reasonable excuse” may be established if the parent believed that, on reasonable grounds, that the actions constituting the contravention (i.e. not delivering the children at an agreed changeover location) was necessary to protect the health and safety of a person. This can be difficult to establish, particularly if the parent contravening the Order has not made a genuine attempt to develop a child-focussed alternative that protects the child’s relationships with both parents.

WANT TO KNOW MORE?

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If you would like advice as to how could the border restrictions impact your current situation, please contact our office on (07) 5458 9000 for a free chat with one of our solicitors.



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