



# *Government Gazette*

of the State of

New South Wales

**Number 214—Health and Education**  
**Wednesday, 16 September 2020**

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New South Wales

# Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, make the following Order under section 7 of the *Public Health Act 2010*.

Dated 16th September 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to revoke and remake the *Public Health (COVID-19 Aged Care Facilities) Order (No 2) 2020*.

## Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020*.

#### 2 Commencement

This Order commences at the beginning of 18 September 2020.

#### 3 Definitions

In this Order—

***care and support visit***, in relation to a resident of a residential aged care facility, means a visit made to the resident, by no more than 2 persons together, for the purposes of providing care and support to the resident.

***operator***, of a residential aged care facility, means a person who owns, controls or operates the facility.

***residential aged care facility*** means a facility at which the following services are provided to a person in relation to whom a residential care subsidy or flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth—

- (a) accommodation,
- (b) personal care or nursing care.

***the Act*** means the *Public Health Act 2010*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

#### 4 Grounds for concluding that there is a risk to public health

It is noted that the basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring international outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions.

#### 5 Direction—entering and remaining on premises of residential aged care facility

- (1) The Minister directs that a person must not enter or remain on the premises of a residential aged care facility unless—

- (a) the person is an employee or contractor of the operator of the residential aged care facility, or
- (b) the person is a representative of a union to which a person described in paragraph (a) belongs, or
- (c) the person is on the premises of the residential aged care facility for one of the following purposes—
  - (i) providing goods or services that are necessary for the effective operation of the facility, whether for consideration or for free,
  - (ii) providing health, medical or pharmaceutical services to a resident of the facility, whether for consideration or for free,
  - (iii) providing personal care services to a resident of the facility, whether for consideration or for free,
  - (iv) making a care and support visit to a resident of the facility,
  - (v) end-of-life support for a resident of the facility,
  - (vi) emergency management or law enforcement, or
- (d) the person is on the premises in the person's capacity as a prospective resident of the residential aged care facility, or
- (e) the person is on the premises in accordance with an exemption given by the Minister under clause 8.

(2) Subclause (1) is subject to clause 6.

**6 Direction—persons not to enter or remain on premises of residential aged care facility in certain circumstances**

- (1) The Minister directs that a person mentioned in clause 5(1)(a)–(d) must not enter or remain on the premises of a residential aged care facility if—
  - (a) during the 14 days immediately before the proposed entry, the person arrived in Australia from a place outside Australia, or
  - (b) during the 14 days immediately before the proposed entry, the person had known contact with a person who has a confirmed case of COVID-19, or
  - (c) the person has a temperature of 37.5 degrees or higher or symptoms of acute respiratory infection, or
  - (d) the person does not have an up-to-date vaccination against influenza, unless—
    - (i) the vaccination is not available to the person, or
    - (ii) the person presents to the operator of the residential aged care facility a certificate in the approved form, issued by a medical practitioner, certifying that the person has a medical contraindication to the vaccination against influenza.
- (2) If the proposed entry of a person described in clause 5(1)(c)(i) or (vi) is for the purpose of responding to an emergency, subclause (1)(d) does not apply.

**7 Direction—responsibility of operator of residential aged care facility**

The Minister directs that the operator of a residential aged care facility must take all reasonable steps to ensure that a person does not enter or remain on the premises of the facility in contravention of clause 5 or 6.

**8 Exemption**

The Minister may, in writing and subject to conditions the Minister considers appropriate, exempt a person from the operation of this Order if the Minister is

satisfied it is necessary to protect the health and well-being of the residents or staff of a residential aged care facility.

**9 Residents of residential aged care facility**

To remove doubt, nothing in this Order is to be taken to prevent a resident of a residential aged care facility from entering or remaining on the premises of the facility.

**10 Repeal and savings**

- (1) The *Public Health (COVID-19 Aged Care Facilities) Order (No 2) 2020* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Public Health (COVID-19 Aged Care Facilities) Order (No 2) 2020*, had effect under that Order continues to have effect under this Order.

**11 Repeal of Order**

This Order is repealed at the beginning of 17 December 2020.



New South Wales

# Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, make the following Order under section 7 of the *Public Health Act 2010*.

Dated 16th September 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Border Control) Order 2020* in relation to border region residents crossing the Victorian New South Wales border.

## **Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020**

under the

Public Health Act 2010

### **1 Name of Order**

This Order is the *Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020*.

### **2 Commencement**

This Order commences on 17 September 2020 and is required to be published on the NSW legislation website.

## **Schedule 1 Amendment of Public Health (COVID-19 Border Control) Order 2020**

### **[1] Clause 3 Definitions**

Omit “(No 2)” from the definition of *border region* in clause 3(1). Insert instead “(No 3)”.

### **[2] Clause 3(1), definition of “border region”**

Omit “(No 4)”. Insert instead “(No 6)”.

### **[3] Clause 3(1), definition of “border region”, note**

Omit “(No 2)”. Insert instead “(No 3)”.

### **[4] Clause 3(1), definition of “permitted purpose”**

Omit the definition.

### **[5] Part 4, Division 5**

Insert after Division 4—

## **Division 5 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020**

### **21 Definitions**

In this Division—

*amending Order* means the *Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020*.

*commencement* means the commencement of the amending Order.

### **22 Existing entry permits**

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in Schedule 1, item 7 as in force immediately before the commencement.
- (2) From the commencement, the entry permit—
  - (a) is taken to be an entry permit mentioned in Schedule 1, item 7 as substituted by the amending Order, and
  - (b) is subject to the relevant conditions specified in relation to an entry permit mentioned in Schedule 1, item 7 as substituted by the amending Order, and
  - (c) continues in force for the balance of the period (if any) for which it was issued, unless sooner revoked.

### **[6] Schedule 1 Authority to enter New South Wales**

Omit “(a) is authorised to enter and remain in New South Wales only for a permitted purpose, and” from column 3 for item 7.

### **[7] Schedule 1, item 7**

Omit “and (d) must, while in New South Wales, comply with the *Stay at Home Directions (Non-Melbourne) (No 4)* made under the *Public Health and Wellbeing Act 2008* of Victoria, or any directions that remake, replace or consolidate (whether in whole or in part) those directions.” from column 3.

**[8] Schedule 1, item 7**

Omit “and (b) must not enter New South Wales if the resident entered Victoria other than for a permitted purpose.” from column 3.