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New South Wales

Public Health (COVID-19 Border Control) Amendment Order (No 7) 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 23 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 agricultural industry activities and agricultural workers.

Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020*.

2 Commencement

This Order commences at the beginning of 25 September 2020.

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

[1] Clause 3 Definitions

Omit the definitions of *critical agricultural service* and *critical service (agriculture) worker* from clause 3(1).

[2] Clause 3(1)

Insert the following definitions—

agricultural industry activity means the following—

- (a) forestry activity,
- (b) farming activities and other activities related to agriculture including, for example, horticulture, viticulture, irrigation and aquaculture,
- (c) intensive agricultural production, including the operation of greenhouses and animal production,
- (d) fibre manufacturing,
- (e) producing, transporting or distributing agricultural or veterinary chemicals or vaccines,
- (f) operating an animal sale yard, knackery or an animal transportation service including livestock and pets,
- (g) producing, packaging, transporting or selling animal feed or feeding livestock or pets,
- (h) operating a veterinary clinic or providing related services,
- (i) teaching, or operating a scientific facility, that requires the keeping or use of animals,
- (j) laboratory or diagnostic services relating to an activity mentioned in another paragraph of this definition,
- (k) the supply, management or transport of water to support agricultural production,
- (l) an activity relating to the supply chain for export of agricultural products, livestock, food or beverages,
- (m) food and beverage manufacturing and production, including associated services and the production of packaging for food and beverages,
- (n) a service or function that supports an activity mentioned in paragraphs (a) to (m) including, for example—
 - (i) providing on-farm consultancies, livestock agency services, agronomy services, shearing contracting and trade services, and
 - (ii) providing food safety and verification services, laboratory services, access to markets for agricultural products, biosecurity and animal welfare services and national disaster response recovery and relief services.

agricultural worker means a person who performs an agricultural industry activity and includes a seasonal worker performing an agricultural industry activity.

[3] Clause 3(1), definition of “critical services”

Omit “, agriculture” from paragraph (f).

[4] Clause 3(1), definition of “critical services”

Omit “but does not include services provided by a seasonal worker”.

[5] Clause 3(1), definition of “relevant COVID-19 Safety Plan”

Omit “a critical service (agriculture) worker” from paragraph (c).

Insert instead “an agricultural worker”.

[6] Clause 3(1), definition of “relevant COVID-19 Safety Plan”

Omit “for agriculture workers approved by the Chief Health Officer on 2 September 2020” from paragraph (c).

Insert instead “for agricultural workers approved by the Chief Health Officer on 22 September 2020”.

[7] Clause 8 Directions of Minister for unauthorised persons

Omit “(No 2)” wherever occurring in clause 8(1)(b) and (2) and the note.

Insert instead “(No 3)”.

[8] Clause 8A Directions of Minister for persons transiting through New South Wales

Omit “(No 2)” from clause 8A(3). Insert instead “(No 3)”.

[9] Clause 8D

Omit the clause. Insert instead—

8D Direction of Minister about COVID-19 Safety Plans for agricultural workers

The Minister directs that a person who prepares a COVID-19 Safety Plan for an agricultural worker must comply with the Plan other than a provision of the plan that imposes obligations only on the worker.

[10] Clause 9 Relationship of Order with related Public Health Orders

Omit paragraphs (a)—(d) in the definition of *related Public Health Order* in clause 9(2).

Insert instead—

- (a) the *Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020*,
- (b) the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020*,
- (c) the *Public Health (COVID-19 Maritime Quarantine) Order (No 3) 2020*,
- (d) the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2020*,

[11] Part 4 Repeal, savings and transitional provisions

Insert after clause 22—

Division 6 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020

23 Definitions

In this Division—

amending Order means the *Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020*.

commencement means the commencement of the amending Order.

24 Existing entry permits

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in Schedule 1, item 2C.
- (2) From the commencement, the entry permit—
 - (a) is taken to be an entry permit mentioned in Schedule 1, item 2C as substituted by the amending Order, and
 - (b) is subject to the relevant conditions for an entry permit mentioned in Schedule 1, item 2C 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.

[12] Schedule 1 Authority to enter New South Wales

Insert at the end of the note at the beginning of the Schedule—

Also, under the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2020*, a person who enters New South Wales from Victoria and is diagnosed with COVID-19, or is a close contact of a person diagnosed with COVID-19, may be required to return to Victoria.

[13] Schedule 1, items 1 and 8

Omit “(No 2)” wherever occurring in the notes. Insert “(No 3)”.

[14] Schedule 1, item 2C

Omit the item. Insert instead—

2C	A person who is an agricultural worker performing an agricultural industry activity that is not able to be performed by the person remotely.	Required	<p>The person must not enter New South Wales if the person has, within the previous 14 days—</p> <ul style="list-style-type: none">(a) been in a restricted area within the meaning of an Area Direction made under the <i>Public Health and Wellbeing Act 2008</i> of Victoria, or(b) been in an area that is a COVID-19 area of concern. <p>The person must travel by the most practicable direct route—</p> <ul style="list-style-type: none">(a) to the place where the activity is being performed, and(b) from the place where the activity is performed to the person's residence or accommodation. <p>The person must have documentary evidence that demonstrates the person and activity meet the criteria specified in Column 1 signed by—</p> <ul style="list-style-type: none">(a) the head of the organisation that employs the person, or(b) if the person is self-employed—the person for whom the activity is being performed. <p>If the person is a Victorian resident, the person must self-isolate for the 14 days after entering NSW, except when performing the agricultural industry activity.</p> <p>If the person is a NSW resident, the person must self-isolate for 14 days after returning to NSW, except when providing an agricultural industry activity in NSW, unless the NSW resident self-isolated for the whole time the person was in Victoria except when performing the agricultural industry activity.</p> <p>The person must comply with the relevant COVID-19 Safety Plan.</p>
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New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order 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 23 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 Self-Isolation) Order (No 3) 2020* to provide for particular arrangements for self-isolation for persons from another State or Territory.

Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order (No 3) Amendment Order 2020*.

2 Commencement

This Order commences at the beginning of 25 September 2020.

Schedule 1 Amendment of Public Health (COVID-19 Self-Isolation) Order (No 3) 2020

[1] Clause 4 Direction—persons diagnosed with COVID-19 must self-isolate

Omit “practitioner.” from clause 4(1)(b). Insert instead—

practitioner, or

- (c) if the person is from another State or a Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.

[2] Clause 4(4)

Omit “place under a direction under this Order”. Insert instead “place under a direction under subclause (1)(a) or (2)”.

[3] Clause 5 Direction—close contacts of persons diagnosed with COVID-19 must self-isolate

Omit clause 5(1). Insert instead—

- (1) The Minister directs that a close contact must, if directed in writing to do so by an authorised contact tracer, immediately travel directly to—
 - (a) a residence or place that has been determined by the authorised contact tracer to be suitable for the close contact to reside in, or
 - (b) if the person is from another State or a Territory and a designated health practitioner considers it appropriate for the person to return to that State or Territory—a residence, hospital or other place in that State or Territory that has been determined by the designated health practitioner to be suitable for the person.

[4] Clause 5(2) and (3)

Omit “subclause (1)” wherever occurring. Insert instead “subclause (1)(a)”.

[5] Clause 5(4)

Omit “place under a direction under this Order”.

Insert instead “place under a direction under subclause (1)(a)”.