



Government Gazette

of the State of

New South Wales

Number 6—Health and Education

Thursday, 7 January 2021

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New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) Amendment (No 3) Order 2021

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 7 January 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020*—

- (a) to prevent entry by certain persons to certain major sporting events, and
- (b) to require fitted face coverings to be worn by spectators and other persons attending major sporting events.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) Amendment (No 3) Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) Amendment (No 3) Order 2021*.

2 Commencement

This Order commences at the beginning of 8 January 2021.

Schedule 1 Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020

[1] Clause 20A Definitions

Omit the definition of *affected area*. Insert in alphabetical order—

affected area means—

(a) each of the following areas—

- (i) Auburn,
- (ii) Belmore,
- (iii) Berala,
- (iv) Birrong,
- (v) Lidcombe,
- (vi) Potts Hill,
- (vii) Regents Park,
- (viii) Rookwood,
- (ix) Wentworthville, and

(b) any other area specified by a COVID-19 concerns notice.

COVID-19 concerns notice means a notice, as in force for the time being, published for the purposes of this Order by the Chief Health Officer on the New South Wales Government website specifying areas, whether or not in New South Wales, that are areas of concern for COVID-19 transmission.

Note. The URL for the NSW Government website is www.nsw.gov.au.

[2] Clause 20B Direction of Minister concerning attendance at New Year's Cricket Test

Omit "Order was made" from the note. Insert instead "clause commenced".

[3] Part 2, Division 4B

Insert after Division 4A—

Division 4B Major sporting events

20E Definitions

In this Division—

affected area means an area specified by a COVID-19 concerns notice.

affected person means—

- (a) a person who is a resident of an affected area, or
- (b) a person who is not a resident of an affected area, but who at any time during the previous 14 days—
 - (i) stayed overnight in an affected area, or
 - (ii) worked in an affected area, or
- (c) a person who, at any time during the previous 14 days, has attended a venue that NSW Health has advised on its website to be a close contacts venue, casual contacts venue or monitor for symptoms venue because the venue has been attended by persons diagnosed with COVID-19, or

Note. For more information concerning these kinds of venues, see www.health.nsw.gov.au/Infectious/covid-19/Pages/case-locations-and-alerts.a.spx.

- (d) a person who, at any time during the previous 14 days, has attended a site advised by the Department of Health and Human Services of Victoria on its website as being a public exposure site because the site has been attended by persons diagnosed with COVID-19.

Note. For more information concerning these kinds of sites, see www.dhhs.vic.gov.au/case-locations-and-outbreaks#case-alerts--public-exposure-sites.

event facility for a major sporting event means the recreation facility (major) at which the event is held.

major sporting event means a match held at a recreation facility (major) any time before 1 February 2021 between teams from clubs in the A-League administered by Football Australia.

20F Direction of Minister concerning attendance at major sporting event

The Minister directs that an affected person must not enter the event facility for a major sporting event for the purpose of attending any part of the major sporting event as a spectator.

Note. At the time this clause commenced, the *Public Health (COVID-19 Northern Beaches) Order 2020* contained a direction of the Minister requiring Northern area residents or former Northern area residents not to be away from their places of residence or temporary accommodation, wherever located, without a reasonable excuse.

20G Directions of Minister concerning use of fitted face coverings

- (1) The Minister directs that a person must wear a fitted face covering at all times when the person is—
- (a) in the event facility for a major sporting event, or
 - (b) lined up to enter the event facility for a major sporting event.
- (2) Subclause (1) does not apply to the following persons—
- (a) a person who is a player or match or team official for the major sporting event,
 - (b) a person aged 12 years or under,
 - (c) a person with a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable including, for example, a skin condition, an intellectual disability, autism or trauma.
- (3) Despite subclause (1), a person may remove a fitted face covering the person is otherwise required to wear in the following circumstances—
- (a) the person is working at the event facility for the major sporting event but not interacting with members of the public at the event facility,
 - (b) the person is eating or drinking,
 - (c) the person is communicating with another person who is deaf or hard of hearing,
 - (d) the person is at work and the nature of the person's work—
 - (i) makes the wearing of a fitted face covering a risk to the person's, or another person's, health and safety, or
 - (ii) means clear enunciation or visibility of the person's mouth is essential,

Example. A person providing commentary on the major sporting event for broadcast.

- (e) the person is asked to remove the fitted face covering to ascertain the person's identity,
- (f) because of an emergency,
- (g) the removal of the fitted face covering is necessary for the proper provision of a good or service to the person.

Example. A person requiring medical treatment.

- (4) The Minister directs that a person who removes the person's fitted face covering under subclause (3) must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

- (5) In this clause—

fitted face covering has the same meaning as in the *Public Health (COVID-19 Mandatory Face Coverings) Order 2021*.

20H Relationship of Division with other directions of Minister

- (1) This Division does not apply in relation to—
 - (a) a community sporting activity, or
 - (b) the New Year's Test to which Part 2, Division 4A applies.
- (2) This Division does not limit the application of clause 5(3) and (4) of the *Public Health (COVID-19 Mandatory Face Coverings) Order 2021* to hospitality venues located in or near an event facility for a major sporting event.