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New South Wales

Public Health (COVID-19 General) Amendment (No 1) Order 2021

under the

Public Health Act 2010

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

Dated 8 October 2021.

Time 12.52pm

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 General) Order 2021*, which commences on 11 October 2021—

- (a) to prevent persons from entering or leaving Greater Sydney without a reasonable excuse, and
- (b) to prevent—
 - (i) unvaccinated adults from undertaking recreation outside the local government areas in which they reside, and
 - (ii) persons residing in Greater Sydney from undertaking recreation outside Greater Sydney, and
 - (iii) persons residing outside Greater Sydney from undertaking recreation in Greater Sydney,
- (c) to enable the Chief Health Officer to identify stay at home areas by a notice published on the NSW Health website, and
- (d) to allow certain employees and other workers who reside outside Greater Sydney to work on premises outside Greater Sydney if they have had 1 dose of a COVID-19 vaccine, and
- (e) to allow indoor swimming pools to be used in the general area for certain purposes, and
- (f) to allow up to 10 persons to visit places of residence and holiday homes in the general area, and
- (g) to include additional premises in the general area in which unvaccinated adults must not be present, and
- (h) to enable up to 100 persons to attend significant events in the general area, and
- (i) to enable up to 30 persons to attend certain outdoor public gatherings in the general area, and
- (j) to enable choirs of no more than 10 fully vaccinated persons to perform at places of worship or in religious services in the general area, and

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- (k) to remove the exemption from the requirement to wear fitted face coverings in the general area while working at a school, and
- (l) to make further provision for the circumstances in which a person under 16 years of age who is not fully vaccinated may be present in higher risk premises in the general area, and
- (m) to make it clear the term **vehicle** does not include an aircraft and make other amendments in the nature of law revision.

The Order also updates a reference in the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2021*.

Public Health (COVID-19 General) Amendment (No 1) Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 General) Amendment (No 1) Order 2021*.

Schedule 1 Amendments

1.1 Public Health (COVID-19 General) Order 2021

[1] Part 1, Division 3

Insert after Part 1, Division 2—

Division 3 Stay at home notices

1.8 Stay at home notices published by Chief Health Officer

- (1) The Chief Health Officer may, by notice published on the website of NSW Health (a *stay at home notice*), identify an area of the State as a stay at home area.
- (2) A stay at home notice may specify dates in relation to an identified area for the purposes of clause 3.2(9), definition of *relevant date*, paragraph (a)(ii) and (b)(ii).
- (3) Dates mentioned in subclause (2) may be altered by the Chief Health Officer by a subsequent stay at home notice.

[2] Clause 2.1 Introduction

Omit “in Schedule 1” from 2.1(1).

[3] Clause 2.1(2)

Omit the subclause.

[4] Clause 2.2 Premises that must not be open

Insert “, except to conduct swimming classes, lap swimming, squad training or rehabilitation activities” after “indoor areas” in clause 2.2(g).

[5] Clause 2.4 Maximum number of persons—places of residence

Omit “5 visitors” from clause 2.4(1)(b). Insert instead “10 visitors”.

[6] Clause 2.4(3)(d)

Omit “4 other visitors”. Insert instead “9 other visitors”.

[7] Clause 2.5 Maximum number of persons—holiday homes or short-term rentals

Omit “5 persons” from clause 2.5(b)(i). Insert instead “10 persons”.

[8] Clause 2.11 Maximum number of persons—significant events

Omit “50 persons” from clause 2.11(1). Insert instead “100 persons”.

[9] Clause 2.12 Maximum number of persons—certain outdoor events

Omit “20 persons” from clause 2.12(1)(c). Insert instead “30 persons”.

[10] Clause 2.17 Other exceptions

Omit clause 2.17(1)(d)(iv).

[11] Clause 2.18 Premises closed to unvaccinated adults

Insert after clause 2.18(1)(f)—

- (g) business premises that are auction houses,

- (h) business premises that are betting agencies,
- (i) gaming lounges,
- (j) markets that do not predominantly sell food,
- (k) properties operated by—
 - (i) the National Trust, or
 - (ii) the Historic Houses Trust.

[12] Clause 2.18(3)

Omit the subclause. Insert instead—

- (3) The occupier of higher risk premises in the general area must ensure that a person who is under 16 years of age and who is not a fully vaccinated person is not on the premises unless the person is—
 - (a) on the premises to carry out work, or
 - (b) accompanied by a person who is—
 - (i) a member of the person's household, and
 - (ii) a fully vaccinated person.

[13] Clause 2.18(4A) and (4B)

Insert after clause 2.18(4)—

- (4A) This clause also does not apply to a person who is on the premises if—
 - (a) the premises are outside Greater Sydney, and
 - (b) the person resides outside Greater Sydney, and
 - (c) the person has had only 1 dose of a COVID-19 vaccine, and
 - (d) the person is on the premises for the purposes of work.
- (4B) Subclause (4A) and this subclause are repealed at the beginning of 1 November 2021.

[14] Clause 2.21 Singing or dancing indoors

Omit clause 2.21(2)(c). Insert instead—

- (c) subject to paragraph (c1), a performer who is performing or rehearsing,
- (c1) a performer who is part of a choir at a place of worship or in a religious service, but only if—
 - (i) the performer is a fully vaccinated person, and
 - (ii) the choir consists of no more than 10 persons, and
 - (iii) all other members of the choir are fully vaccinated persons.

[15] Clause 2.23 Working from home

Insert after clause 23(1)—

- (1A) An employer must allow an employee who resides outside Greater Sydney and has had only 1 dose of a COVID-19 vaccine to work at the employee's place of residence if it is reasonably practicable to do so.

[16] Clause 2.23(4)

Insert at the end of clause 2.23(4)—

Note—This clause has effect subject to requirements imposed by clause 2.18 concerning vaccinations. For example, an unvaccinated adult who cannot reasonably

work from home, but whose place of work is an entertainment facility, is not permitted to attend that place of work.

[17] Clause 2.23(5) and (6)

Insert after clause 2.23(4)—

- (5) Subclauses (2) and (3) do not apply to an employee if—
 - (a) the person resides outside Greater Sydney, and
 - (b) the person has had only 1 dose of a COVID-19 vaccine.
- (6) Subclauses (1A) and (5) and this subclause are repealed at the beginning of 1 November 2021.

[18] Clause 3.1 Introduction

Omit “in Schedule 1” from 3.1(1).

[19] Clause 3.1(2)

Omit the subclause.

[20] Clause 3.2 Staying at home

Omit “Schedule 1” wherever occurring in clause 3.2(9), definition of *relevant date*, paragraphs (a)(ii) and (b)(ii).

Insert instead “a stay at home notice”.

[21] Clause 6.5A

Insert before clause 6.6—

6.5A Entering or leaving Greater Sydney

- (1) A person must not enter or leave Greater Sydney without a reasonable excuse.
Note— See clause 6.6 concerning taking holidays or undertaking recreation in Greater Sydney or outside Greater Sydney.
- (2) A reasonable excuse includes the following—
 - (a) entering or leaving to go to the person’s place of residence, or
 - (b) doing an activity specified in Schedule 2, other than clauses 9, 10, 20 and 21,
 - (c) obtaining goods or services if the goods or services—
 - (i) are for the personal needs of the person’s household or for other household purposes, including for vulnerable persons or pets, and
 - (ii) for a person entering Greater Sydney—the goods or services, or equivalent goods or services, are not reasonably available outside Greater Sydney, and
 - (iii) for a person leaving Greater Sydney—the goods or services, or equivalent goods or services, are not reasonably available in Greater Sydney.

[22] Clause 6.6, heading

Insert “or undertaking recreation”.

[23] Clause 6.6 (1)–(3)

Insert “or undertake recreation” after “holiday” wherever occurring.

[24] Schedule 1 Categories of area

Omit the Schedule.

[25] Schedule 6 Dictionary

Insert at the end of the definition of *fully vaccinated person*, paragraph (b)—

, or

- (c) has a medical contraindication recorded on the Australian Immunisation Register that prevents the person from receiving a COVID-19 vaccine.

[26] Schedule 6, definition of “general area”

Omit the definition. Insert instead—

general area means the area of the State excluding all stay at home areas.

[27] Schedule 6

Omit the definition of *stay at home area*. Insert instead—

stay at home area means an area of the State identified as a stay at home area by a stay at home notice.

stay at home notice means a notice under clause 1.8 as in force from time to time.

[28] Schedule 6, definition of “vaccination evidence”

Omit paragraph (a) but not the example. Insert instead—

- (a) evidence from the Australian Immunisation Register that the person—
 - (i) has had 2 doses of a COVID-19 vaccine, or
 - (ii) has a medical contraindication that prevents the person from receiving a COVID-19 vaccine, or

[29] Schedule 6

Insert in alphabetical order—

vehicle does not include an aircraft.

1.2 Public Health (COVID-19 Self-Isolation) Order (No 3) 2021

[1] Clause 19A Medical clearance and other COVID-19 orders

Omit “*Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021*” from clause 19A(4), definition of *fully vaccinated person*.

Insert instead “*Public Health (COVID-19 General) Order 2021*”.