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New South Wales

# Public Health (COVID-19 General) Amendment Order (No 8) 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 5 November 2021.

Time 2:42pm.

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* to give effect to the roadmap for easing certain restrictions from 8 November 2021.

## **Public Health (COVID-19 General) Amendment Order (No 8) 2021**

under the

Public Health Act 2010

### **1 Name of Order**

This Order is the *Public Health (COVID-19 General) Amendment Order (No 8) 2021*.

### **2 Commencement**

- (1) This Order commences at the beginning of 8 November 2021, except as provided by subclause (1).
- (2) Schedule 1[14], [18], [23], [27] and [28] commence when the Minister signs this Order.

## **Schedule 1      Amendment of Public Health (COVID-19 General) Order 2021**

**[1] Part 2, Division 2**

Omit the Division. Insert instead—

### **Division 2      Prohibited events**

#### **2.2 Music festivals**

- (1) An occupier of premises in the general area must not allow the premises to be used for the purposes of a music festival.
- (2) A person must not be on premises in the general area at which a music festival is being held.
- (3) In this clause—  
*music festival* has the same meaning as in the *Music Festivals Act 2019*.

**[2] Clause 2.3 Maximum number of persons—generally**

Omit clause 2.3(1). Insert instead—

- (1) An occupier of premises in the general area must not allow more persons on the premises than the number of persons equal to 1 person per 2 square metres of space.

**[3] Clause 2.4 Maximum number of persons—places of residence**

Omit clause 2.4(1). Insert instead—

- (1) If the place of residence of a household is in the general area and no member of the household is an unvaccinated adult, each member of the household who is over 18 years of age must not allow a visitor who is an unvaccinated adult to be at the place of residence.

**[4] Clause 2.4(3)(d)**

Omit the paragraph.

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

Omit clause 2.5(b). Insert instead—

- (b) if the persons staying at the premises are not from the same household—  
none of the persons is an unvaccinated adult.

**[6] Clause 2.7 Maximum number of persons—entertainment facilities or recreation facilities (major)**

Omit clause 2.7(1) and (2). Insert instead—

- (1) The occupier of premises in the general area that is an entertainment facility or indoor recreation facility (major) must ensure the maximum number of persons on the premises does not exceed the greater of—
  - (a) the number of persons equal to 100% of the fixed seating capacity of the facility, or
  - (b) the number of persons equivalent to 1 person per 2 square metres of space in the facility

- (2) The occupier of premises in the general area that is an outdoor recreation facility (major) must ensure the maximum number of persons on the premises does not exceed the greater of—
- (a) the total of—
    - (i) 100% of the fixed seating capacity of the facility, and
    - (ii) the number of persons equal to 1 person per 2 square metres of space of any unfixed seating areas of the facility,
  - (b) the number of persons equivalent to 1 person per 2 square metres of space in the facility.

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

Omit clause 2.12(1). Insert instead—

- (1) The maximum number of persons permitted at an outdoor public gathering that is not a COVID-19 safe outdoor public gathering is 1,000 persons.

**[8] Clause 2.12(2)**

Omit the example at the end of the subclause.

**[9] Clause 2.12(3)**

Omit “controlled outdoor public gathering or”.

**[10] Clause 2.12(4)**

Omit the subclause. Insert instead—

- (4) A person must not attend an outdoor public gathering at which there are more than the maximum number of persons permitted by this Part.

**[11] Clause 2.12(5)(h)**

Omit the paragraph.

**[12] Clause 2.14 Maximum number of persons—vehicles and vessels**

Transfer the clause to after clause 2.20A and renumber as clause 2.22A.

**[13] Clause 2.18 Premises closed to unvaccinated adults**

Insert after clause 2.18(1)(k)—

- (l) nightclubs,
- (m) sex on premises venues,
- (n) sex services premises,
- (o) strip clubs.

**[14] Clause 2.18(4)**

Insert after clause 2.18(4)(f)—

- (g) for premises that are a polling place or voting centre—to vote at, or participate in the conduct of, an election,
- (h) to attend a Higher School Certificate or International Baccalaureate examination.

**[15] Clause 2.18(5)(d)–(d2)**

Omit the paragraphs.

**[16] Clause 2.20A**

Omit the clause. Insert instead—

**2.21 Singing or dancing indoors**

- (1) The occupier of premises in the general area must not allow an unvaccinated adult to sing or dance in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—
  - (a) a place of residence,
  - (b) an educational establishment,
  - (c) a performer who is performing or rehearsing,
  - (d) a person who is instructing, or being instructed, in singing or dancing,
  - (e) a small funeral or memorial service or a small wedding service.

**2.22 Must not participate in outdoor public gathering**

- (1) An unvaccinated adult must not participate in an outdoor public gathering of more than 2 persons.
- (2) This clause does not apply to the following—
  - (a) a person who is carrying out work,
  - (b) a gathering to carry out work,
  - (c) a gathering referred to in Schedule 3 or a gathering at the following that is part of its normal operation—
    - (i) an office building,
    - (ii) a factory,
    - (iii) a warehouse,
    - (iv) a construction site,
  - (d) a gathering on premises for which the occupier of the premises is directed to develop a COVID-19 Safety Plan,
  - (e) a gathering because of an emergency,
  - (f) a gathering of persons from the same household,
  - (g) a gathering for a significant event,
  - (h) a person who is voting at, or participating in the conduct of, an election.

**[17] Part 2, Division 6, clauses 2.21 and 2.22**

Omit the clauses.

**[18] Clause 3.4 Premises that must not be open except in limited circumstances**

Insert after clause 3.4(2)(d)—

- (e) if the premises are a polling place or voting centre—to provide for voting in an election.

**[19] Clause 4.5 Events**

Omit clause 4.5(1)(b) and (f).

**[20] Clause 4.6 Responsible person for an event**

Omit clause 4.6(b) and (f).

**[21] Clause 5.2 Certain events taking place in outdoor public place or residential premises**

Omit clause 5.2(2).

**[22] Clause 6.4, heading**

Omit “under Order”.

**[23] Schedule 2 Reasonable excuses for stay at home areas**

Insert at the end of the Schedule, with appropriate clause numbering—

**Elections**

A person may be away from the person’s residence to attend a polling place or voting centre to vote at, or participate in the conduct of, an election.

**[24] Schedule 4 COVID-19 Safety Plans**

Omit the matter relating to items 13 and 23.

**[25] Schedule 5 COVID-19 Safe Check-ins**

Omit the matter relating to items 37 and 40.

**[26] Schedule 6 Dictionary**

Omit the definitions of *controlled outdoor public gathering* and *large residential gathering*.

**[27] Schedule 6, definition of “fully vaccinated person”**

Insert after paragraph (a)—

- (a1) has had 1 dose of a COVID-19 vaccine for which a single dose is a complete course, or

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

Insert after subparagraph (a)(i)—

- (ia) has had 1 dose of a COVID-19 vaccine for which a single dose is a complete course, or