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New South Wales

Public Health (COVID-19 Interstate Travellers) Amendment 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 12 February 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to enable the Chief Health Officer to identify places outside New South Wales as places of concern. A person who has been in a place of concern within the previous 14 days is required to remain in the person's place of residence or other suitable accommodation and not leave without a reasonable excuse.

Public Health (COVID-19 Interstate Travellers) Amendment Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Interstate Travellers) Amendment Order 2021*.

2 Commencement

This Order commences at the beginning of 13 February 2021.

Schedule 1 Amendment of Public Health (COVID-19 Interstate Travellers) Order 2021

[1] Clause 3 Definitions

Insert in alphabetical order in section 3(1)—

place of concern means an area or place outside New South Wales identified by the Chief Health Officer as a place of concern in a COVID-19 concerns notice.

place of residence includes the premises where a person lives, together with any garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

Note. The Act defines premises to include any land, temporary structure, vehicle or vessel.

temporary accommodation includes hotel or motel accommodation or a short-term holiday rental.

[2] Clause 5 COVID-19 concerns notice

Insert “place of concern or” after “as a” in clause 5(1)(b).

[3] Clause 5(2)

Insert “, place of concern” after “affected area”.

[4] Clause 6 Definition

Omit the definition of *affected person*. Insert instead—

affected person means a person 16 years of age or over who, within the previous 14 days, has been in an affected area during the time specified in the COVID-19 concerns notice identifying the affected area.

[5] Clause 7 Directions to complete traveller self-declaration

Omit clause 7(6)(e). Insert instead—

- (e) whether the person has been in—
 - (i) a place of concern during the time specified in the COVID-19 concerns notice identifying the place as a place of concern, or
 - (ii) a place of high concern during the time specified in the COVID-19 concerns notice identifying the place as a place of high concern,

[6] Part 2A

Insert after Part 2—

Part 2A Places of concern

10A Definition

In this Part—

relevant person means a person who has been in a place of concern in the previous 14 days.

10B Directions of Minister concerning relevant persons

- (1) The Minister directs that a relevant person who enters New South Wales must, immediately after entering, travel directly to—

- (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (2) If a relevant person is already in New South Wales, the Minister directs that the relevant person must, immediately, travel directly to—
- (a) the person's place of residence, or
 - (b) another place that is suitable for the person to reside in.
- (3) The Minister directs that a relevant person must not, without reasonable excuse, be away from the place at which the person is staying.
- (4) This clause does not apply to a person who is homeless.

10C Reasonable excuses

- (1) For the purposes of clause 10B, a reasonable excuse includes doing an activity specified in Schedule 1.
- (2) In addition, if a person is staying in temporary accommodation, it is a reasonable excuse to leave the temporary accommodation if—
- (a) the period of the booking of the temporary accommodation expires, and
 - (b) the person—
 - (i) goes directly to the person's place of residence or other temporary accommodation, or
 - (ii) travels immediately by the most practicable direct route to a place outside New South Wales, and
 - (c) if subparagraph (b)(i) applies—the person continues to comply with clause 10B.
- (3) Taking a holiday is not a reasonable excuse.

10D Directions about providing information

- (1) The Minister directs a person must, if required to do so by an enforcement officer, provide information, including photo identification, to allow a decision to be made about whether the person is a relevant person.
- (2) An enforcement officer may require information under subclause (1) only if the enforcement officer suspects on reasonable grounds that the person may be a relevant person.
- (3) The Minister directs that a person who provides information in response to a requirement under this clause must ensure that the information is true and accurate.
- (4) A person provides sufficient information in response to a requirement under this clause about whether the person is a relevant person if the person produces photographic identification to verify the person's name and address.

10E Application of directions to persons transiting through New South Wales

This Part does not apply to a person who enters, or has entered, New South Wales for immediate travel by the most direct practicable route to a place outside New South Wales.

[7] Schedule 1

Insert after clause 15—

Schedule 1 Reasonable excuses

- 1** obtaining food or other goods or services for the personal needs of the household or other household purposes, including for pets, and for vulnerable persons
- 2** travelling for the purposes of work if the person cannot work from the person's place of residence
- 3** travelling for the purposes of attending childcare, including picking up or dropping another person at childcare
- 4** exercising outdoors
- 5** obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities
- 6** moving to a new place of residence, including a business moving to new premises
- 7** providing care or assistance, including personal care, to a vulnerable person or providing emergency assistance, but not including visiting a residential aged care facility within the meaning of the *Public Health (COVID-19 Aged Care Facilities) Order (No 4) 2020*
- 8** undertaking any legal obligations
- 9** accessing public services, whether provided by Government, a private provider or a non-Government organisation, including—
 - (a) social services, and
 - (b) employment services, and
 - (c) domestic violence services, and
 - (d) mental health services, and
 - (e) services provided to victims, including as victims of crime
- 10** for children who do not live in the same household as their parents or siblings or one of their parents or siblings—continuing existing arrangements for access to, and contact between, parents and children or siblings
- 11** avoiding injury or illness or to escape a risk of harm
- 12** for emergencies or compassionate reasons including where 2 persons are in a relationship but do not necessarily live together.