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New South Wales

# Public Health (COVID-19 Greater Sydney) 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 6 May 2021.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to respond to a case of community transmission of COVID-19 by placing certain restrictions on gathering in the Greater Sydney area. Those restrictions include the following—

- (a) restrictions on singing in non-residential premises,
- (b) restrictions on consuming alcohol while standing in non-residential premises,
- (c) a limit on the number of visitors to residential premises, holiday homes and short-term lettings,
- (d) a requirement to wear face coverings in a range of religious, retail and commercial premises and on public transport.

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## Public Health (COVID-19 Greater Sydney) Order 2021

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Greater Sydney) Order 2021*.

#### 2 Commencement

This order commences on 6 May 2021 at 5pm.

#### 3 Definitions

(1) In this Order—

**Greater Sydney** means—

- (a) the Greater Sydney Region within the meaning of the *Greater Sydney Commission Act 2015*, and
- (b) the local government areas of the Central Coast and Wollongong.

**hospitality venue** means the following—

- (a) a casino,
- (b) food and drink premises,
- (c) micro-breweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises,
- (d) pubs,
- (e) registered clubs,
- (f) small bars.

**indoor area** includes an area in a building or other structure, whether or not temporary, which has a roof, ceiling or other top covering, but does not include an area with at least 2 sides open to the weather.

**nightclub** means premises that are the subject of an on-premises licence in force under the *Liquor Act 2007* that relates to a public entertainment venue, other than a cinema or theatre.

**occupier of premises** includes the operator of a vehicle or vessel.

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

**short-term rental** means premises to which a short-term rental accommodation arrangement, as defined in the *Fair Trading Act 1987*, section 54A applies.

**the Act** means the *Public Health Act 2010*.

**work** includes work done as a volunteer or for a charitable organisation.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

- (2) A reference to a type of premises in this Order has the same meaning as it has in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.
- (3) Notes included in this Order do not form part of this Order.

#### **4 Grounds for concluding that there is a risk to public health**

The basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and responding to outbreaks of COVID-19, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have recently been confirmed in New South Wales and other Australian jurisdictions, including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in New South Wales.

#### **5 Application of Order**

- (1) This Order applies in Greater Sydney.
- (2) If there is an inconsistency between this Order and the *Public Health (COVID-19 Gathering Restrictions) Order 2021*, this Order prevails to the extent of the inconsistency.

## Part 2 Restrictions on gatherings and use of premises

### 6 Direction of Minister about singing on non-residential premises

- (1) The Minister directs that the occupier of non-residential premises must ensure that persons in an indoor area of the premises do not sing.
- (2) Subclause (1) does not apply if—
  - (a) the persons singing are performers engaged in a performance or rehearsing for a performance, or
  - (b) the premises are an educational establishment, or
  - (c) the persons are singing for the purpose of instruction in singing, or

### 7 Direction of Minister about consuming alcohol on non-residential premises

The Minister directs that the occupier of a hospitality venue or a nightclub must ensure that persons in an indoor area of the premises do not consume alcohol unless seated.

### 8 Direction of Minister about dancing

- (1) The Minister directs that the occupier of a hospitality venue or a nightclub must ensure that persons on the premises do not dance.
- (2) Subclause (1) does not apply to the following—
  - (a) dancing at a wedding,
  - (b) performers engaged in a performance or rehearsing for a performance.

### 9 Directions of Minister about number of visitors to a place of residence

- (1) The Minister directs that each adult member of a household must not allow more than 20 visitors to be at the place of residence of the household at any one time.
- (2) The Minister directs that a visitor to a place of residence must not participate in a gathering at the residence consisting of more than 20 visitors.
- (3) For the purposes of this clause, a person is not a visitor to a place of residence if—
  - (a) the person is a member of the household of the place of residence, or
  - (b) the person is at the place of residence for any of the following purposes—
    - (i) to engage in work,
    - (ii) for childcare,
    - (iii) to fulfil carers' responsibilities,
    - (iv) to provide care or assistance, including personal care, to a vulnerable person,
    - (v) to give effect to new or existing arrangements for spending time with, and providing contact between, parents and children under the age of 18 or between siblings,
    - (vi) to assist a person moving to or from the place of residence,
    - (vii) to avoid an injury or illness or to escape a risk of harm,
    - (viii) because of an emergency or for compassionate reasons,
    - (ix) to view or inspect real property for sale or lease or participate in an auction of real property.

**10 Directions of Minister about holiday homes and short-term rentals**

- (1) The Minister directs that the occupier of premises may not allow the premises to be used for the purpose of a holiday home or a short-term rental for more than 20 persons unless all of those persons are from the same household.
- (2) The Minister directs that a visitor to premises that are being used as a holiday home or short-term rental must not participate in a gathering at the premises consisting of more than 20 visitors.
- (3) Subclause (1) does not apply to a holiday home or short-term rental if—
  - (a) more than 20 persons were staying in the premises immediately before the commencement of this Order, and
  - (b) no additional person moves into the premises after the commencement of this Order.

## Part 3 Miscellaneous

### 11 Exemptions

The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.

### 12 Amendment of Public Health (COVID-19 Mandatory Face Coverings) Order (No 2) 2021

#### (1) Clause 5 Direction of Minister to wear fitted face coverings

Insert at the end of clause 5(1)(b)(ii)—

, and

- (c) a person must wear a fitted face covering at all times when the person is in an indoor area of retail premises, or business premises, that provides goods or services to members of the public who attend the premises, including the following—
  - (i) supermarkets,
  - (ii) shopping centres, but not a recreation facility (indoor) in a shopping centre,
  - (iii) bank branches,
  - (iv) post offices,
  - (v) hairdressing salons,
  - (vi) nail salons,
  - (vii) beauty salons,
  - (viii) tanning salons,
  - (ix) waxing salons,
  - (x) spas,
  - (xi) tattoo parlours,
  - (xii) massage parlours,
  - (xiii) betting agencies, and

**Note.** Premises that are used for the purpose of providing health services are not retail premises or business premises.
- (d) a person must wear a fitted face covering at all times when the person is in a part of premises licensed under the *Liquor Act 2007* that is used primarily for the purposes of gaming, including a gaming lounge, and  
**Note.** Licensed premises include pubs, registered clubs and casinos.
- (e) a person must wear a fitted face covering at all times when the person is in an entertainment facility, and
- (f) a person must wear a fitted face covering at all times when the person is in premises, including a place of public worship, being used for public worship or religious services, and
- (g) a person must wear a fitted face covering at all times when the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, including a taxi service or a rideshare service, and
- (h) a person working at a hospitality venue whose functions require the person to deal directly with members of the public must wear a fitted face covering at all times while carrying out the functions, and



- (i) the operator of a hospitality venue must ensure all persons working at the venue comply with paragraph (h).
  - (1A) Subclause (1)(c)–(i) apply only in premises in Greater Sydney.
  - (1B) Subclause (1)(c) does not apply to a hospitality venue or a kiosk.
  - (1C) Subclause (1)(c)–(g) do not apply to a person who is engaged in work on the premises if the person does not interact with members of the public.
  - (1D) In this clause—
    - Greater Sydney* has the same meaning as it has in the *Public Health (COVID-19 Greater Sydney) Order 2021*.
    - hospitality venue* has the same meaning as it has in the *Public Health (COVID-19 Greater Sydney) Order 2021*.
    - public transport service* includes a taxi service, rideshare service and community transport service.
    - public transport waiting area* means the following—
      - (a) a station, including the platform, of a passenger railway or light rail,
      - (b) a ferry wharf,
      - (c) a bus stop or light rail stop, including any area where persons queue or gather when waiting at the stop,
      - (d) a taxi rank, including any area where persons queue or gather when waiting at a taxi rank.
- (2) **Repeal**
- The provisions inserted by subclause (1) are repealed at the beginning of 10 May 2021.

### 13 Repeal

This Order is repealed at the beginning of 10 May 2021.