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New South Wales

# Public Health (COVID-19 Greater Sydney) Order (No 2) Amendment Order (No 2) 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 25 June 2021.

BRAD HAZZARD  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Greater Sydney) Order (No 2) 2021*—

- (a) to impose additional restrictions on persons in certain local government areas to contain the spread of COVID-19, and
- (b) to make other amendments in the nature of law revision.

## **Public Health (COVID-19 Greater Sydney) Order (No 2) Amendment Order (No 2) 2021**

under the

Public Health Act 2010

### **1 Name of Order**

This Order is the *Public Health (COVID-19 Greater Sydney) Order (No 2) Amendment Order (No 2) 2021*.

### **2 Commencement**

This Order commences at the beginning of 26 June 2021.

## Schedule 1 Amendment of Public Health (COVID-19 Greater Sydney) Order (No 2) 2021

### [1] Clause 2 Definitions

Omit the definition of *work* from clause 2(1).

Insert in alphabetical order—

*affected area*, for Part 4A—see clause 15A(1).

*affected person*, for Part 4A—see clause 15B.

*area of residence* of a person means the local government area in which the person currently resides.

*natural swimming pool* means a swimming pool that only contains untreated water that is supplied directly to the pool from the ocean or other natural water source and that does not have a circulation system.

*parent*, in relation to a child, includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child.

*party bus* means a vehicle being used on a commercial basis for the purposes of a party, whether or not the party takes place during transportation between locations.

*public gathering* means a meeting or assembly of persons for a common purpose, including an organised or planned event, in a public place, whether ticketed or not.

*public place* has the same meaning as in the *Summary Offences Act 1988*.

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

*work* includes—

- (a) work done as a volunteer or for a charitable organisation, and
- (b) attending university or other tertiary education.

### [2] Clause 11 Directions of Minister about gymnasiums and recreation facilities (indoor)

Omit “individual” wherever occurring. Insert instead “group”.

### [3] Part 4A

Insert after Part 4—

## Part 4A Special directions of Minister for part of Greater Sydney

### Division 1 Introduction

#### 15A Application

- (1) This Part applies to each of the following local government areas (an *affected area*)—
  - (a) City of Sydney,
  - (b) Randwick,
  - (c) Waverley,

- (d) Woollahra,
  - (e) any other local government area in Greater Sydney specified by the Chief Health Officer in a notice published in the Gazette as an area of concern for the purposes of this clause.
- (2) A local government area mentioned in subclause (1)(e) is covered by this Part only on and from the date and time specified in the notice.
  - (3) If there is an inconsistency between a provision of this Part and a provision of Part 2, 3 or 4, the provision of this Part prevails to the extent of any inconsistency.

#### **15B Meaning of “affected person”**

- (1) In this Part, *affected person* means—
  - (a) a person whose place of residence or usual place of work is in an affected area, and
  - (b) a person who is staying in temporary accommodation in an affected area.
- (2) However, *affected person* does not include a person who has not been in any affected area during the previous 14 days.

### **Division 2 Movement**

#### **15C Direction of Minister concerning staying at home**

- (1) The Minister directs that an affected person must not without reasonable excuse—
  - (a) be away from the person’s place of residence, wherever located, or
  - (b) if the person is staying in temporary accommodation, wherever located—be away from the temporary accommodation.
- (2) For the purposes of subclause (1), a reasonable excuse includes doing an activity specified by Schedule 1A.  
**Note.** Examples of a reasonable excuse in Schedule 1A include leave for reasons involving—
  - (a) obtaining food or other goods and services, or
  - (b) travelling for the purposes of work or education if it is not possible to do it at home, or
  - (c) exercise, or
  - (d) medical or caring reasons, including obtaining a COVID-19 vaccination.
- (3) For the purposes of subclause (1)(b), 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 goes directly to the person’s place of residence or other temporary accommodation, and
  - (c) the person continues to comply with this clause.
- (4) Subclause (2) does not permit a person to participate in a gathering in contravention of Part 3 or this Part, Division 2.
- (5) Taking a holiday is not a reasonable excuse.
- (6) The Minister directs that an affected person must not leave the person’s area of residence to obtain food or other goods or services unless the food, goods

or services, or equivalent food, goods or services, are not reasonably available in the person's area of residence.

- (7) This clause does not apply to a person who is homeless.

**15D Direction of Minister concerning entering affected area**

- (1) The Minister directs that a person outside the affected areas must not, without reasonable excuse, enter an affected area.
- (2) For the purposes of subclause (1), a reasonable excuse includes—
- (a) entering to go to the person's place of residence in an affected area, or
  - (b) travelling through an affected area if the person does not leave the vehicle while in the area, or
  - (c) doing an activity specified in Schedule 1A except for exercising or outdoor recreation, or
  - (d) attending a wedding or funeral that complies with this Order.
- (3) Subclause (2) does not permit a person to participate in a gathering in contravention of Part 3 or this Part, Division 2.
- (4) Taking a holiday in an affected area is not a reasonable excuse.
- (5) The Minister directs that a person must not enter an affected area to obtain food or other goods or services unless the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the area.

**Division 3 Gatherings of more than 10 persons**

**15E Direction of Minister concerning gatherings of more than 10 persons**

- (1) The Minister directs that a person must not participate in an outdoor public gathering of more than 10 persons.
- (2) This clause does not apply to a person who is—
- (a) engaged in work, or
  - (b) providing care or assistance to vulnerable persons.
- (3) This clause does not apply to the following—
- (a) an exempted gathering,
  - (b) a gathering of persons all of whom are members of the same household,
  - (c) a gathering for a wedding where the gathering takes place before the end of 27 June 2021,
  - (d) a gathering for a funeral service at which there are no more than 100 persons, including the person conducting the service,
  - (e) a gathering to provide emergency assistance to a person or persons,
  - (f) a gathering necessary to allow a person to fulfil a legal obligation,
  - (g) a gathering to facilitate a move to a new place of residence, including a business moving to new premises,
  - (h) a gathering for a community sporting activity if it is a COVID-19 safe outdoor gathering for the purposes of the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021*.
- (4) In this clause—

*community sporting activity* includes a training session for a community sporting activity.

#### **Division 4 Closure of certain premises**

##### **15F Directions of Minister concerning closure of certain premises**

- (1) The Minister directs that the following must not be open to members of the public except as provided in this clause—
  - (a) pubs and registered clubs, except for the purposes of—
    - (i) selling food or beverages for persons to consume off the premises, or
    - (ii) if the premises include hotel or motel accommodation—providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms, or
    - (iii) a wedding where the gathering takes place before the end of 27 June 2021, or
    - (iv) a funeral service at which there are no more than 100 persons, including the person conducting the service,
  - (b) food and drink premises, other than pubs or cafeterias in workplaces, except for the purposes of—
    - (i) selling food or beverages for persons to consume off the premises, or
    - (ii) if the premises are part of hotel or motel accommodation—providing food or beverages to persons using that accommodation to consume in their rooms, or
    - (iii) if the premises are part of a shopping centre, selling food or beverages for persons to consume outside of the shopping centre, or
    - (iv) a wedding where the gathering takes place before the end of 27 June 2021, or
    - (v) a funeral service at which there are no more than 100 persons, including the person conducting the service,
  - (c) entertainment facilities, except for—
    - (i) a wedding where the gathering takes place before the end of 27 June 2021, or
    - (ii) a funeral service at which there are no more than 100 persons, including the person conducting the service,

**Note.** The streaming of a live performance would not be prohibited as the venue is not open to the public.
  - (d) amusement centres,
  - (e) micro-breweries or small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* or cellar door premises, except for the purposes of selling food or beverages for persons to consume off the premises,
  - (f) recreation facilities (indoor), except for the purposes of—
    - (i) providing educational services or childcare, or
    - (ii) a wedding where the gathering takes place before the end of 27 June 2021, or

- (iii) a funeral service at which there are no more than 100 persons, including the person conducting the service,
  - (g) places of public worship, except for the purposes of—
    - (i) conducting a wedding service occurring before the end of 27 June 2021,
    - (ii) conducting a funeral service at which there are no more than 100 persons, including the person conducting the service,
    - (iii) providing educational services or childcare,
  - (h) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
  - (i) business premises that are auction houses or betting agencies,
  - (j) markets, but not markets that predominantly sell food,
  - (k) information and education facilities, except for the purposes of providing educational services or childcare,
  - (l) caravan parks and camping grounds, except for the purposes of—
    - (i) accommodating permanent residents of the caravan park or camping ground or other persons who have no other place of permanent residence, and
    - (ii) allowing visitors to visit persons referred to in subparagraph (i),
  - (m) sex services premises,
  - (n) sex on premises venues,
  - (o) casinos, except for the purposes of—
    - (i) if the premises include hotel or motel accommodation—providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms, or
    - (ii) selling food or beverages for persons to consume off the premises,
  - (p) nightclubs.
- (2) The Minister directs that the following must be closed to members of the public—
  - (a) a public swimming pool, but not a natural swimming pool,
  - (b) a property, other than a retail shop, operated by the National Trust or the Historic Houses Trust,
  - (c) a gaming lounge,
  - (d) a strip club.
- (3) The Minister directs that a person must not do the following—
  - (a) conduct an open inspection of premises for the purposes of the sale or lease of the premises, but a person may show a single person the premises after the person has made an appointment for that purpose,
  - (b) conduct an auction at which persons attend in person.
- (4) Nothing in this clause prevents the use of premises—
  - (a) to provide a service to assist vulnerable members of the public, for example a food bank or a service providing for the needs of homeless persons, or
  - (b) as an early education and care facility.



- (5) Subclause (1)(l) does not apply to a person who was staying at a caravan park or camping ground immediately before the commencement of this clause and who is continuing to stay at the caravan park or camping ground under a booking—
- (a) that was made before that date, and
  - (b) that has not been extended after that date.

**[4] Clause 17 Repeal**

Omit “1 July 2021”. Insert instead “3 July 2021”.

**[5] Schedule 1, heading**

Insert “for clause 6” after “excuses”.

**[6] Schedule 1A**

Insert after Schedule 1—

**Schedule 1A Reasonable excuses for Part 4A**

- 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 Travelling for the purposes of facilitating attendance at a school or other educational institution if the person attending the school or institution cannot learn from the person’s place of residence
- 5 Exercising or outdoor recreation in the person’s area of residence
- 6 Obtaining medical care or supplies or health supplies or fulfilling carer’s responsibilities, including obtaining a COVID-19 vaccination
- 7 Attending a wedding or a funeral that complies with clause 15E or 15F, even if the wedding or funeral is outside an affected area
- 8 Moving to a new place of residence including a business moving to new premises, or between different places of residence of the person, or inspecting a potential new place of residence
- 9 Providing care or assistance, including personal care, to a vulnerable person or providing emergency assistance
- 10 Donating blood
- 11 Undertaking any legal obligations
- 12 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

- 13** For children who do not live in the same household as their parents or siblings or one of their parents or siblings—giving effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- 14** For a person who is a priest, minister of religion or member of a religious order—going to the person’s place of worship or providing pastoral care to another person
- 15** Avoiding injury or illness or to escape a risk of harm
- 16** For emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together

**[7] Schedule 2 Exempted gatherings**

Omit “business” wherever occurring in clauses 3, 6, 9 and 11. Insert instead “operation”.