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New South Wales

# Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 8) 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 17 July 2021.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to make various amendments to the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

## **Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 8) Order 2021**

under the

Public Health Act 2010

### **1 Name of Order**

This Order is the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 8) Order 2021*.

### **2 Commencement**

- (1) This Order commences at the beginning of 18 July 2021, except as provided by subclause (2).
- (2) Schedule 1[9] and [11], to the extent that it inserts clause 24AB, commence at the beginning of 19 July 2021.

## Schedule 1 Amendment of Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021

### [1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

**construction site** means a place at which work, including related excavation, is being carried out to erect, demolish, extend or alter a building or structure but not work carried out in relation to a dwelling in which a person is residing.

**correctional centre** has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*, and includes a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

**public transport service** includes a taxi service, rideshare service, passenger service and community transport service

**residential aged care facility** means a facility at which the following services are provided to a person in relation to whom a residential care subsidy or flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth—

- (a) accommodation,
- (b) personal care or nursing care.

### [2] Clause 3(2), note

Insert after clause 3(2)—

**Note.** The Standard Instrument includes the following definitions of certain premises—

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note.** Cellar door premises are a type of **retail premises**.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,

(c) school-based child care.

**educational establishment** means a building or place used for education (including teaching), being—

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

(a) a restaurant or cafe,

(b) take away food and drink premises,

(c) a pub,

(d) a small bar.

**Note.** Food and drink premises are a type of **retail premises**.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

**Note.** Garden centres are a type of **retail premises**.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note.** Hardware and building supplies are a type of **retail premises**.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** Kiosks are a type of **retail premises**.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note.** Landscaping material supplies are a type of **retail premises**.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note.** Markets are a type of **retail premises**.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

**Note.** Neighbourhood shops are a type of **shop**.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note.** Neighbourhood supermarkets are a type of **shop**.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note.** Plant nurseries are a type of **retail premises**.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note.** Pubs are a type of **food and drink premises**.

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

**Note.** Restaurants or cafes are a type of **food and drink premises**.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) cellar door premises,
- (b) food and drink premises,
- (c) garden centres,
- (d) hardware and building supplies,
- (e) kiosks,
- (f) landscaping material supplies,
- (g) markets,
- (h) plant nurseries,
- (i) roadside stalls,
- (j) rural supplies,
- (k) shops,
- (l) specialised retail premises,

(m) timber yards,

(n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note.** Rural supplies are a type of **retail premises**.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**Note.** Schools are a type of **educational establishment**.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

(a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

(b) the cleaning of motor vehicles,

(c) installation of accessories,

(d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),

(e) the ancillary retail selling or hiring of general merchandise or services or both.

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note.** Shops are a type of **retail premises**.

**small bar** means a small bar within the meaning of the *Liquor Act 2007*.

**Note.** Small bars are a type of **food and drink premises**.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note.** Take away food and drink premises are a type of **food and drink premises**.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note.** Timber yards are a type of **retail premises**.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note 1.** Vehicle sales or hire premises are a type of **retail premises**.

**Note 2.** Clause 24(1A) allows vehicle hire premises to be open but vehicle sales premises must be closed.

### [3] Clause 8

Omit the clause. Insert instead—

#### 8 Direction of Minister about working from home

- (1) The Minister directs that an employer must require an employee to work at the employee's place of residence.
- (2) Subclause (1) does not apply if it is not reasonably practicable for the employee to work at the employee's place of residence.

### [4] Clause 17 Direction to wear fitted face coverings

Insert at the end of clause 17(1)(e)—

, and

- (f) in any indoor or outdoor area of a market in Greater Sydney that predominantly sells food, and  
**Example.** Sydney Markets at Flemington and the Sydney Fish Market.
- (g) outdoors next to or near food and drink premises or retail premises in Greater Sydney, and  
**Example.** A person queueing outside a cafe or shop to collect take away food or drink or a person walking on a street near shop fronts.
- (h) working in an outdoor area in Greater Sydney.

**[5] Clause 17(2)**

Omit “Subclause (1) does”. Insert instead “Subclauses (1) and (5A) do”.

**[6] Clause 17(3)(k)**

Omit clause 17(3)(k). Insert instead—

- (k) the person is a student at a school,

**[7] Clause 17(5A)**

Insert after clause 17(5)—

- (5A) The Minister directs that a person in Greater Sydney must carry on their person a fitted face covering at all times when the person is away from the person’s place of residence or temporary accommodation.

**[8] Clause 17(6)**

Omit the definitions of *correctional centre*, *public transport service* and *residential aged care facility*.

**[9] Clause 22A Directions of Minister about visitors to places of residence**

Insert after clause 22A(4)—

- (4A) Despite subclause (4), a person is not authorised to visit a place of residence in Greater Sydney to engage in work that is cleaning or carrying out repairs, maintenance, alterations, additions or other trades at the place of residence.
- (4B) Subclause (4A) does not apply if the work is urgently required—
  - (a) to ensure the health, safety or security of the place of residence or the members of the household, or
  - (b) because of an emergency.

**Example.** Waste disposal work can be carried out on common property of residential premises.

**[10] Clause 24 Directions of Minister concerning closure of certain premises**

Insert after clause 24(1)—

- (1A) The Minister directs that retail premises must not be open to members of the public in Greater Sydney, except for the following retail premises—
  - (a) supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops,
  - (b) shops that predominantly sell food or drinks,  
**Example.** This includes butchers, bakeries, fruit shops and delicatessens, but does not include restaurants or cafes.
  - (c) chemists and pharmacies,



- (d) kiosks,
- (e) shops that predominately sell any of the following—
  - (i) office supplies,
  - (ii) pet supplies,
  - (iii) newspapers, magazines and stationery,
  - (iv) alcohol,
  - (v) maternity and baby supplies,
  - (vi) medical or pharmaceutical supplies,
- (f) food and drink premises, but only as permitted under subclause (1)(a) or (b),
- (g) cellar door premises, but only as permitted under subclause (1)(e),
- (h) hardware and building supplies,
- (i) landscaping material supplies,
- (j) rural supplies,
- (k) timber yards,
- (l) garden centres and plant nurseries,
- (m) vehicle hire premises, not including the premises at which vehicles are sold,
- (n) shops that predominately carry out repairs of mobile phones.

**Note 1.** Service stations, banks, post offices, laundromats and dry cleaners are not retail premises and can remain open.

**Note 2.** See clause 3(2) for definitions of certain retail premises.

- (1B) Subclause (1A) does not prevent retail premises from being open for the purposes of selling goods to the public by—
  - (a) a “click and collect” service, where a person buys, returns or exchanges goods by telephone or online and then attends the retail premises to collect, exchange or return the goods, or
  - (b) delivering goods to a person’s place of residence or other premises after the person has bought the goods by telephone or online.

**[11] Part 4, Division 5**

Insert after clause 24—

**Division 5 Miscellaneous**

**24AA Directions of Minister about use of vehicles**

- (1) The Minister directs that a person must not travel in a vehicle in Greater Sydney with another person who is not from the same household.
- (2) This clause does not apply to a vehicle being used for the following purposes—
  - (a) to engage in work,  
**Example.** Police officers travelling in a police vehicle.
  - (b) to provide a public transport service,
  - (c) to provide care or assistance to a vulnerable person,
  - (d) in an emergency or for compassionate reasons.

- (3) The Minister directs that a person who is at least 18 years of age who is travelling in a vehicle in Greater Sydney with another person must—
- (a) carry evidence showing the address of the person’s place of residence or temporary accommodation, and
  - (b) produce the evidence for inspection if requested to do so by a police officer.

**24AB Directions of Minister concerning closure of construction sites**

- (1) The Minister directs that work is not to be carried out on a construction site in Greater Sydney, unless the work is urgently required for the following purposes—
- (a) to ensure the safety or security of the construction site,
  - (b) to deal with environmental risks,
  - (c) to maintain critical plant or equipment that would otherwise deteriorate,
  - (d) to receive deliveries of supplies that would otherwise deteriorate,
  - (e) to maintain public utilities,
  - (f) to ensure the safe operation of existing transport infrastructure,
  - (g) by or on behalf of NSW Health in response to the COVID-19 pandemic,
  - (h) because of an emergency.
- (2) The Minister directs that an employee or other person is not to enter or remain on a construction site in Greater Sydney, other than to carry out work required under subclause (1).

**[12] Part 4A, heading**

Omit “workers”. Insert instead “areas of Greater Sydney”.

**[13] Clause 24A Meaning of “affected area”**

Insert “for the purposes of this Part or a particular provision of this Part” after “NSW Health” in clause 24A(b).

**[14] Clause 24B Directions—testing of workers from affected areas**

Insert at the end of the clause—

**Note.** Clause 24E prohibits a person residing in the City of Fairfield, or the City of Liverpool and Canterbury-Bankstown, from travelling outside the person’s local government area for the purposes of work. This clause applies to affected workers who are exempt from clause 24E.

**[15] Clause 24E**

Insert after clause 24D—

**24E Exception to clause 20 for affected areas and Liverpool and Canterbury-Bankstown local government areas**

- (1) This clause applies to a person—
- (a) whose principal place of residence is in—
    - (i) an affected area, or
    - (ii) the local government areas of the City of Liverpool or Canterbury-Bankstown, or
  - (b) who is staying in temporary accommodation in—
    - (i) an affected area, or

- (ii) the local government areas of the City of Liverpool or Canterbury-Bankstown.
- (2) Despite clause 20, a person must not, for the purposes of work, travel outside the local government area in which the person resides or is staying.  
**Note 1.** It is not a reasonable excuse for a person to be away from the person's place of residence or temporary accommodation for the purposes of work.  
**Note 2.** A list of workers (**authorised workers**) who are exempt from this clause is published on the NSW government website [www.nsw.gov.au](http://www.nsw.gov.au).

**[16] Schedule 1 Reasonable excuses**

Omit item 2. Insert instead—

- 2** For the purposes of work, if—
  - (a) it is not practicable for the employee to work at the employee's place of residence, and
  - (b) if the person is required to visit another person's place of residence to engage in work—the person is authorised under clause 22A.**Note.** Clause 22A(4A) and (4B) commence at the beginning of 19 July 2021.