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New South Wales

Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 11) 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 20 July 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 11) 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 11) Order 2021*.

2 Commencement

This Order commences at the beginning of 21 July 2021.

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

[1] Clause 3 Definitions

Omit the definition of *affected person* from clause 3(1). Insert instead—

affected person—

- (a) for Part 4—see clause 19, and
- (b) for Part 4B—see clause 24G.

[2] Clause 3(1)

Insert in alphabetical order—

affected region, for clause 17 and Part 4B—see clause 24G.

[3] Clause 17 Direction to wear fitted face coverings

Insert “or the affected region” after “Greater Sydney” wherever occurring in clause 17(1)(a1), (f), (g) and (h) and (5A).

[4] Clause 17(5)

Omit “in Greater Sydney”.

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

Omit clause 22A(4B) and (4C). Insert instead—

(4B) Subclause (4A) does not apply if the work—

- (a) is urgently required—
 - (i) to ensure the health, safety or security of the place of residence or the members of the household, or
 - (ii) because of an emergency, or

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

- (b) is—
 - (i) for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
 - (ii) for fire protection and safety, or
- (c) is the cleaning or carrying out of repairs or maintenance at an unoccupied place of residence where it is necessary for the sale or lease of the place of residence.

[6] Part 4B

Insert after Part 4A—

Part 4B Special directions for regional NSW

Division 1 Introduction

24F Application

If there is an inconsistency between a provision of this Part and a provision of Part 2 or 3, the provision of this Part prevails to the extent of any inconsistency.

24G Meaning of “affected region” and “affected person”

In this Part—

affected person means—

- (a) a person whose place of residence is in the affected region, and
- (b) a person who is staying in temporary accommodation in the affected region, and
- (c) a person who has been in the affected region at any time on or after 17 July 2021.

affected region means the following—

- (a) the local government area of Blayney,
- (b) the local government area of Cabonne,
- (c) the local government area of the City of Orange,
- (d) a local government area specified by the Chief Health Officer by notice published on the website of NSW Health for the purposes of this Part or a particular provision of this Part.

Division 2 Movement

24H 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 3.
- (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 2 or this Part, Division 3.
- (5) Taking a holiday is not a reasonable excuse.
- (6) This clause does not apply to a person who is homeless.

24I Direction of Minister concerning entering affected regions

- (1) The Minister directs that a person outside of the affected region must not, without reasonable excuse, enter the affected region.
- (2) For the purposes of subclause (1), a reasonable excuse includes—
 - (a) entering to go to the person's place of residence in the affected region, or
 - (b) doing an activity specified in Schedule 3, other than items 1 or 5, or
 - (c) obtaining food or other goods or services if—
 - (i) the food, goods or services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
 - (ii) the food, goods or services, or equivalent food, goods or services, are not reasonably available outside the affected region.
- (3) Subclause (2) does not permit a person to participate in a gathering in contravention of Part 2 or this Part, Division 3.
- (4) Taking a holiday in the affected region is not a reasonable excuse.

24J Travelling through affected regions

Clauses 24H and 24I do not apply to a person merely because the person—

- (a) travels through the affected region in a vehicle if the person does not leave the vehicle while in the affected region, or
- (b) enters the affected region by road and then travels through the affected region by the most practicable direct route, or
- (c) enters the affected region by air and does not leave the airport while in the affected region, or
- (d) enters the affected region, by vessel or aircraft, and then travels directly from the port or airport at which the person arrived to leave the affected region by the most practicable direct route, or
- (e) enters the affected region to travel to a port or airport to leave the affected region and then travels to the port or airport by the most practicable direct route.

Division 3 Outdoor public gatherings

24K Direction of Minister concerning outdoor public gatherings

- (1) The Minister directs that a person must not participate in an outdoor public gathering in the affected region of more than 2 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 to provide emergency assistance to a person or persons,
 - (d) a gathering necessary to allow a person to fulfil a legal obligation,

- (e) a gathering to facilitate a move to a new place of residence, including a business moving to new premises,
- (f) a gathering for a wedding service, or a gathering following a wedding service, where the gathering takes place before the beginning of 23 July 2021, or
- (g) a gathering for a funeral or memorial service, or a gathering following a funeral or memorial service—
 - (i) before the beginning of 23 July 2021, or
 - (ii) after the beginning of 23 July 2021—at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service.

Division 4 Closure of certain premises

24L Directions of Minister concerning closure of certain premises

- (1) The Minister directs that the following must not be open to members of the public in the affected region 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 service, or a gathering following a wedding service, before the beginning of 23 July 2021, or
 - (iv) a funeral or memorial service, or a gathering following a funeral or memorial service—
 - (A) before the beginning of 23 July 2021, or
 - (B) after the beginning of 23 July 2021—at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of 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 service, or a gathering following a wedding service, before the beginning of 23 July 2021, or
 - (v) a funeral or memorial service, or a gathering following a funeral or memorial service—
 - (A) before the beginning of 23 July 2021, or

- (B) after the beginning of 23 July 2021—at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
- (c) entertainment facilities, except for—
 - (i) a wedding service, or a gathering following a wedding service, before the beginning of 23 July 2021, or
 - (ii) a funeral or memorial service, or a gathering following a funeral or memorial service—
 - (A) before the beginning of 23 July 2021, or
 - (B) after the beginning of 23 July 2021—at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of 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 service, or a gathering following a wedding service, before the beginning of 23 July 2021, or
 - (iii) a funeral or memorial service, or a gathering following a funeral or memorial service—
 - (A) before the beginning of 23 July 2021, or
 - (B) after the beginning of 23 July 2021—at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
- (g) places of public worship, except for the purposes of—
 - (i) providing educational services or childcare, or
 - (ii) a wedding service, or a gathering following a wedding service, before the beginning of 23 July 2021, or
 - (iii) a funeral or memorial service, or a gathering following a funeral or memorial service—
 - (A) before the beginning of 23 July 2021, or
 - (B) after the beginning of 23 July 2021—at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
- (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, overnight travellers, persons working in the local area 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) nightclubs.
- (2) The Minister directs that the following must be closed to members of the public in the affected region—
- (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 in the affected region—
- (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.

Division 5 Miscellaneous

24M Directions about providing information

- (1) The Minister directs that a person must, if requested to do so by a police officer, provide information, including proof of residence, to allow a decision to be made about—
- (a) whether the person is an affected person, and
 - (b) if the person is an affected person, whether the person has complied with this Part.
- (2) The Minister also directs that a person who provides information in response to a request under this clause must ensure the information is true and accurate.

24N Repeal of Part

This Part is repealed at the beginning of 28 July 2021.

[7] Schedule 3

Insert after Schedule 2—

Schedule 3 Reasonable excuses—affected region

clause 24H(2)

- 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 For the purposes of work if it is not reasonably practicable for the employee to work at the employee's place of residence
- 3 For the purposes of attending childcare, including picking up or dropping another person at childcare
- 4 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 Undertaking exercise or outdoor recreation if the exercise or recreation is undertaken at a place—
 - (a) within the local government area in which the person resides or the person's temporary accommodation is located, or
 - (b) no further than 10 kilometres from the person's place of residence or temporary accommodation, if the place is within another local government area
- 6 Obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including obtaining a COVID-19 vaccination
- 7 Attending a funeral or memorial service, or a gathering following a funeral or memorial service—
 - (a) before the beginning of 23 July 2021, or
 - (b) after the beginning of 23 July 2021—at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service
- 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
- 17** Attending a wedding service, or a gathering following a wedding service, before the beginning of 23 July 2021