



New South Wales

# Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021

under the

Public Health Act 2010

I, the Minister for Health and Medical Research, make the following Order under section 7 of the *Public Health Act 2010*.

Dated 1 June 2021 (original order).  
As amended on 7 July 2021 and 10 July 2021.

Minister for Health and Medical Research

## Explanatory note

The object of this Order is to repeal and remake, with minor changes, the *Public Health (COVID-19 Gathering Restrictions) Order 2021*.

## Editorial note

This is the order as amended by the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) Amendment Order 2021* and the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) Amendment Order (No 2) 2021*.

## Contents

	Page
<b>Part 1 Preliminary</b>	
<b>Division 1 Introduction</b>	
1 Name of Order	4
2 Commencement	4
<b>Division 2 Interpretation</b>	
3 Definitions and notes	4
4 References to directions	4
5 Meaning of “approved COVID-19 safety checklist”	4
6 Calculation of spaces available for persons	5
<b>Division 3 Grounds for Order</b>	
7 Grounds for concluding risk to public health	5
<b>Part 2 Residential premises</b>	
8 Directions about number of persons allowed on residential premises	6
9 Direction about residential aged care facilities	6
<b>Part 3 Non-residential premises</b>	
10 Direction about COVID-19 Safety Plans	7
11 Direction about number of persons allowed on premises	7
12 Directions about entertainment facilities and recreation facilities (major)	7
<b>Part 4 Events and activities</b>	
<b>Division 1 Significant events</b>	
13 Direction about COVID-19 Safety Plans for significant events	8
<b>Division 2 Agricultural shows and agricultural field days</b>	
14 Definitions	8
15 Direction about COVID-19 Safety Plans	8
16 Direction about maximum number of participants	9
17 Agricultural shows and agricultural field days to which this Division does not apply	9
<b>Division 3 Outdoor public gatherings</b>	
18 Definition	9
19 Directions about non-controlled outdoor public gatherings	9
20 Directions about controlled outdoor public gatherings	9
<b>Division 4 Use of premises for specific activities</b>	
21 Direction about auctions, open houses or other inspections or viewings	10
22 Direction about religious services held on premises other than place of public worship	10

	Page
<b>Part 5 Lord Howe Island</b>	
23 Directions about Lord Howe Island	11
<b>Part 6 Records and exchange of information</b>	
<b>Division 1 Contact details</b>	
24 Interpretation	12
25 Directions about persons providing contact details	12
26 Direction about record keeping by occupiers concerning contact details	13
27 Direction about use and disclosure of contact details	13
<b>Division 2 Exchange of information</b>	
28 Direction about information exchange	13
<b>Part 7 Miscellaneous</b>	
29 Exemptions	14
30 Repeal	14
31 Savings	14
<b>Schedule 1 Premises and events requiring COVID-19 Safety Plan</b>	<b>15</b>
<b>Schedule 2 Exempted gatherings</b>	<b>17</b>
<b>Schedule 3 Premises requiring electronic entry records</b>	<b>18</b>
<b>Schedule 4 Dictionary</b>	<b>21</b>

## Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021

under the

Public Health Act 2010

### Part 1 Preliminary

#### Division 1 Introduction

##### 1 Name of Order

This Order is the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021*.

##### 2 Commencement

This Order commences at the beginning of 2 June 2021.

#### Division 2 Interpretation

##### 3 Definitions and notes

- (1) The Dictionary in Schedule 4 defines words used in this Order.

**Note—**

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

- (2) A type of premises defined by the Standard Instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006* has the same meaning in this Order except to the extent that the contrary intention appears.

**Note—**

The note at the end of the Dictionary in Schedule 4 sets out relevant definitions from the Standard Instrument.

- (3) Notes included in this Order do not form part of this Order.

##### 4 References to directions

A provision of this Order expressed to be a direction operates as a direction given by the Minister under section 7 of the Act.

##### 5 Meaning of “approved COVID-19 safety checklist”

- (1) An *approved COVID-19 safety checklist* for a type of premises or event in this Order means a COVID-19 safety checklist approved by the Chief Health Officer and published on the New South Wales Government website.
- (2) A reference in this Order to an approved COVID-19 safety checklist is a reference to the checklist as in force for the time being.

## **6 Calculation of spaces available for persons**

- (1) When calculating both the space available for each person on premises and the number of persons on the premises, the following persons are not to be included in the calculations—
  - (a) a person engaged in work on the premises for the occupier of the premises,
  - (b) a person on the premises because of an emergency,
  - (c) if the premises are food and drink premises, a person ordering or collecting food or drink to consume off the premises.
- (2) When calculating the space available for each person on premises, only the areas that are open to the public are to be included in the calculations.

## **Division 3 Grounds for Order**

### **7 Grounds for concluding 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) there is an ongoing risk of—
  - (i) continuing introduction of COVID-19 into the New South Wales community, or
  - (ii) transmission of COVID-19 in the New South Wales community.

## Part 2 Residential premises

### 8 Directions about number of persons allowed on residential premises

- (1) A responsible person is directed not to allow more than 100 visitors to be at a place of residence, or more than 100 persons to use premises for the purpose of a holiday home or a short-term rental, at the one time unless—
  - (a) each visitor or person provides their contact details by electronically registering them by means of a mobile phone or other device at the time the person enters the premises with—
    - (i) Service NSW, or
    - (ii) a responsible person, and
  - (b) a responsible person—
    - (i) has and complies with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of premises in Schedule 1, Column 3, and
    - (ii) keeps a copy of the COVID-19 Safety Plan while the gathering occurs at the premises and makes it available for inspection by an authorised officer or a police officer as requested.
- (2) A person is directed not to participate in a gathering that contravenes subclause (1).
- (3) A person is not a visitor to a place of residence if the person is a member of the household of the place of residence.
- (4) Clauses 25(2) and 26 apply to contact details provided for this clause as if—
  - (a) for a reference to a person providing contact details—the reference included a person providing contact details for this clause, and
  - (b) for a reference to the occupier of the premises—the reference included a responsible person to whom contact details are provided for this clause.
- (5) In this clause—

**responsible person** means—

  - (a) for a place of residence—each adult member of the household, or
  - (b) for premises being used for the purpose of a holiday home or a short-term rental—the occupier of the premises.

### 9 Direction about residential aged care facilities

- (1) The operator of a residential aged care facility is directed to consider the advice of the Chief Health Officer in relation to the following matters—
  - (a) the management of visitors to the premises of the facility,
  - (b) the screening of staff and visitors before entering the premises of the facility,
  - (c) the conduct of group recreational or other activities for residents of the facility,
  - (d) the wearing of face masks by staff and visitors,
  - (e) vaccinations against influenza or COVID-19 for staff, visitors and residents.
- (2) In this clause—

**operator** of a residential aged care facility means the person who owns, controls or operates the facility.

**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.

## **Part 3 Non-residential premises**

### **10 Direction about COVID-19 Safety Plans**

The occupiers of premises listed in Schedule 1, Column 2 are directed—

- (a) to develop and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of premises in Schedule 1, Column 3, and
- (b) to keep a copy of the COVID-19 Safety Plan on the premises and make it available for inspection by an authorised officer or police officer as requested.

### **11 Direction about number of persons allowed on premises**

- (1) An occupier of premises is directed not to allow more persons on the premises than the greater of—
  - (a) the number of persons that is equivalent to 1 person per 2 square metres of space in the premises, or
  - (b) 25 persons.
- (2) This clause does not apply to the following—
  - (a) a place of residence,
  - (b) an entertainment facility,
  - (c) a recreation facility (major),
  - (d) a vessel used for commercial tours for scuba diving, snorkelling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel,
  - (e) caravan parks and camping grounds,
  - (f) holiday homes and short-term rentals,
  - (g) an exempted gathering.

### **12 Directions about entertainment facilities and recreation facilities (major)**

- (1) The occupier of an entertainment facility or indoor recreation facility (major) is directed to ensure the maximum number of persons on the premises does not exceed the greater of—
  - (a) the number of persons equal to 100% of the fixed seating capacity of the facility, or
  - (b) the number of persons equivalent to 1 person per 2 square metres of space in the facility.
- (2) The occupier of an outdoor recreation facility (major) is directed to ensure the maximum number of persons on the premises does not exceed the greater of
  - (a) the total of—
    - (i) 100% of the fixed seating capacity of the facility, and
    - (ii) the number of persons equal to 1 person per 2 square metres of space of any unfixed seating areas of the facility,
  - (b) the number of persons equivalent to 1 person per 2 square metres of space in the facility.
- (3) If the occupier of an entertainment facility or recreation facility (major) calculates the maximum number of persons allowed to be on the premises based on the percentage of the fixed seating capacity of the facility, the occupier is directed to ensure—
  - (a) admission to the premises is by way of a ticket, and
  - (b) all persons, other than persons engaged in work, are assigned to specific seats.

## Part 4 Events and activities

### Division 1 Significant events

#### 13 Direction about COVID-19 Safety Plans for significant events

- (1) The responsible person for a significant event is directed—
- (a) to have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, Column 3, and

**Note—**

If a person is a responsible person for more than 1 significant event, the person may not need to develop a specific COVID-19 Safety Plan for each event. For example, if wedding services are regularly held in an indoor space on premises, the occupier of the premises may have one COVID-19 Safety Plan that applies to all wedding services held on the premises.

- (b) to keep a copy of the COVID-19 Safety Plan on the premises while the significant event is being held and make it available for inspection by an authorised officer or a police officer as requested.
- (2) In this clause—

**responsible person** means—

- (a) for a significant event held in a public park, a reserve or a public garden—the person organising the event or conducting the service, and
- (b) for another significant event—the occupier of the premises.

### Division 2 Agricultural shows and agricultural field days

#### 14 Definitions

In this Division—

**organiser**, in relation to an agricultural show or an agricultural field day, means—

- (a) for a show or field day conducted by or on behalf of an entity that is registered under the *Associations Incorporation Act 2009*—the public officer of the entity, or
- (b) for a show or field day conducted by or on behalf of an entity other than an entity referred to in paragraph (a)—the chief executive officer of the entity, however described, or
- (c) for a show or field day to which neither paragraph (a) or (b) applies—the person who made the arrangements for the agricultural show or agricultural field day.

**participant**, in relation to an agricultural show or agricultural field day, includes—

- (a) a person participating in the agricultural show or agricultural field day, and
- (b) a spectator of the agricultural show or agricultural field day.

#### 15 Direction about COVID-19 Safety Plans

The organiser of an agricultural show or agricultural field day that involves more than 200 participants is directed—

- (a) to have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, Column 3, and
- (b) to keep a copy of the COVID-19 Safety Plan and make it available for inspection by an authorised officer or a police officer as requested.



#### 16 Direction about maximum number of participants

The organiser of an agricultural show or agricultural field day is directed to ensure the maximum number of participants in the agricultural show or agricultural field day is the number of participants equivalent to 1 person per 2 square metres of space of the premises at which the agricultural show or agricultural field day is conducted.

#### 17 Agricultural shows and agricultural field days to which this Division does not apply

This Division does not apply to—

- (a) a gathering on premises for which a person is directed by clause 10 to develop and keep a COVID-19 Safety Plan, or
- (b) an exempted gathering.

### Division 3 Outdoor public gatherings

#### 18 Definition

In this Division—

**organiser** of a controlled outdoor public gathering or other outdoor public gathering means the person principally responsible for organising the gathering.

#### 19 Directions about non-controlled outdoor public gatherings

- (1) A person is directed not to participate in an outdoor public gathering of more than 200 persons unless it is a COVID-19 safe outdoor gathering.
- (2) An outdoor public gathering is a **COVID-19 safe outdoor gathering** for this Order if the organiser of the gathering—
  - (a) has and complies with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, Column 3, and
  - (b) keeps a copy of the COVID-19 Safety Plan and makes it available for inspection by an authorised officer or a police officer as requested.
- (3) The organiser of a COVID-19 safe outdoor gathering is directed to ensure that the number of participants in the gathering is the lesser of—
  - (a) the number of persons equivalent to 1 person per 2 square metres of space of the premises in which the activity is conducted, or
  - (b) 5,000 persons.
- (4) This clause does not apply to the following—
  - (a) a gathering on premises for which a person is directed by clause 10 to develop and keep a COVID-19 Safety Plan,
  - (b) an exempted gathering,
  - (c) a gathering to provide emergency assistance to a person or persons,
  - (d) an agricultural show or agricultural field day,
  - (e) a controlled outdoor public gathering.

#### 20 Directions about controlled outdoor public gatherings

- (1) The organiser of a controlled outdoor public gathering is directed—
  - (a) to have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, Column 3, and
  - (b) to keep a copy of the COVID-19 Safety Plan and make it available for inspection by an authorised officer or a police officer as requested.

- (2) The organiser of a controlled outdoor public gathering is directed to ensure all persons participating in the gathering, other than persons engaged in work, are assigned to specific seats or to a seating area.
- (3) The organiser of a controlled outdoor public gathering is directed to ensure the maximum number of persons participating in the gathering is the lesser of—
  - (a) the number of persons equivalent to 1 person per 2 square metres of space of the premises in which the activity is conducted, or
  - (b) 10,000 persons.
- (4) This clause does not apply to the following—
  - (a) a gathering on premises for which a person is directed by clause 10 to develop and keep a COVID-19 Safety Plan,
  - (b) an exempted gathering.

#### **Division 4 Use of premises for specific activities**

##### **21 Direction about auctions, open houses or other inspections or viewings**

- (1) A real estate agent engaged to sell or lease real property is directed to ensure an auction, open house or other inspection or viewing of the property is conducted in compliance with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, Column 3.
- (2) In this clause—  
*real estate agent* has the same meaning as in the *Property and Stock Agents Act 2002*.

##### **22 Direction about religious services held on premises other than place of public worship**

The person principally responsible for organising a religious service on premises other than a place of public worship is directed—

- (a) to have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, Column 3, and
- (b) to keep a copy of the COVID-19 Safety Plan on the premises and make it available for inspection by an authorised officer or a police officer as requested.

## **Part 5 Lord Howe Island**

### **23 Directions about Lord Howe Island**

An owner or operator of a short-term rental, or of tourist and visitor accommodation, on Lord Howe Island is directed—

- (a) to develop and comply with a COVID-19 Safety Plan that addresses the matters required by the “Hotels and accommodation on Lord Howe Island” approved COVID-19 safety checklist, and
- (b) to keep a copy of the COVID-19 Safety Plan and make it available for inspection by an authorised officer or police officer as requested.

## Part 6 Records and exchange of information

### Division 1 Contact details

**Note—**

Clause 8 provides for certain provisions of this Division to apply to contact details provided by visitors to places of residence and premises that are being used for the purpose of a holiday home or short-term rental.

#### 24 Interpretation

- (1) The person organising, conducting or otherwise officiating at a significant event or religious service held or conducted at an outdoor public place, other than a place specified in Schedule 3, Part 1, is taken to be the occupier of the premises for the purposes of this Division.
- (2) The organiser, as defined in Part 4, Division 2, of an agricultural show or agricultural field day conducted at an outdoor public place, other than a place specified in Schedule 3, Part 1, is taken to be the occupier of the premises for the purposes of this Division.

#### 25 Directions about persons providing contact details

- (1) This clause applies to a person who enters premises specified in Schedule 3, subject to the exceptions in the Schedule.
- (2) The person must ensure the person's contact details are registered electronically when the person enters the premises—
  - (a) by using the person's phone to register the details with Service NSW, or
  - (b) by having another person use a phone to register the details with Service NSW on the person's behalf if the person is not able to use the person's phone to register the details with Service NSW, or
  - (c) by providing the details to the occupier of the premises if—
    - (i) it is not possible to register the person's details under paragraph (a) or (b), or
    - (ii) it would be unsafe to use a phone on the premises because of the nature of the premises.

**Example.** If using a phone would be inconsistent with the work health and safety requirements at the premises.
- Note.** The occupier of premises may refuse entry to a person who fails to comply with this direction.
- (3) The occupier of the premises must take reasonable steps to ensure a person complies with this clause when entering the premises.
- (4) If the premises are a vehicle, the registered operator of the vehicle must ensure that the vehicle is not used as a taxi or hire car unless—
  - (a) the vehicle is registered with Service NSW, and
  - (b) provision is made to enable passengers, when entering the vehicle, to register contact details using a phone in accordance with this clause.
- (5) A person is not required to register the person's contact details when entering premises contained within and only accessible through other premises (the *main premises*) unless—
  - (a) the premises being entered are—
    - (i) a gym, or
    - (ii) an entertainment facility, or
    - (iii) a hospitality venue, or
    - (iv) a nightclub, or

- (v) retail premises, or
  - (b) the person was not required to register the person's contact details in accordance with this clause when entering the main premises.
- (6) In this clause—  
**phone** includes a device.  
**registered operator** has the same meaning as in the *Road Transport Act 2013*.

## 26 Direction about record keeping by occupiers concerning contact details

- (1) This clause applies to the occupier of premises if a person's contact details are provided to the occupier under clause 25(2) rather than Service NSW.
- (2) The occupier is directed—
- (a) to keep, for at least 4 weeks, a record of the contact details in a way that ensures the record is readily accessible and in an appropriate form to provide to the Chief Health Officer under paragraph (b), and
  - (b) on request, to provide the record, in electronic form, to the Chief Health Officer as soon as practicable, but no later than 4 hours, after the request is made, and
  - (c) to ensure that a person is—
    - (i) responsible for requiring contact details to be provided in accordance with this clause, and
    - (ii) authorised to provide records to the Chief Health Officer under paragraph (b).

## 27 Direction about use and disclosure of contact details

To avoid any doubt, it is directed that contact details provided under clause 25 are to be used or disclosed only for the purposes of contact tracing during the COVID-19 pandemic.

## Division 2 Exchange of information

### 28 Direction about information exchange

- (1) It is directed that a government sector agency or a NSW Minister (the **first agency**) is authorised to collect information from, or use or disclose information to, a related agency if the first agency considers it necessary to do so for the purposes of protecting the health or welfare of members of the public during the COVID-19 pandemic.
- (2) In this clause—  
**government sector agency** has the same meaning as in the *Government Sector Employment Act 2013*.  
**information** includes personal information or health information.  
**NSW Minister** means a Minister of the State.  
**related agency** means—
- (a) a government sector agency or NSW Minister, or
  - (b) an agency or Minister of the Commonwealth or another State or Territory.

## Part 7 Miscellaneous

### 29 Exemptions

- (1) 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.
- (2) However, the Minister may not grant an exemption under subclause (1) in relation to clause 27.

### 30 Repeal

The *Public Health (COVID-19 Gathering Restrictions) Order 2021* is repealed on the commencement of this Order.

### 31 Savings

- (1) An act, matter or thing that, immediately before the repeal of the repealed Order, had effect under that Order continues to have effect under this Order.
- (2) Without limiting subclause (1)—
  - (a) a requirement under the repealed Order immediately before the commencement of this Order for a person to keep a record of a person's name and contact details continues under this Order as if the repealed Order remained in force, and
  - (b) an exemption granted by the Minister under the repealed Order in force immediately before the commencement of this Order continues as if it were granted under this Order, and
  - (c) a delegation in force immediately before commencement of this Order given for a provision of the repealed Order continues to have effect for the corresponding provision of this Order.
- (3) In this clause—  
**repealed Order** means the *Public Health (COVID-19 Gathering Restrictions) Order 2021*.

## Schedule 1 Premises and events requiring COVID-19 Safety Plan

clause 5

Column 1	Column 2	Column 3
Item	Premises or event	Approved COVID-19 safety checklist
1	Agricultural shows or agricultural field days	Major recreation facilities
2	Amusement centres	Entertainment facilities
3	Aquariums	Information and education facilities
4	Auctions, open houses or other inspections or viewings of real property for sale or lease	Retail and auctions
5	Business premises that are used for auction houses, other than clearing houses	Retail and auctions
6	Business premises that are used for betting agencies	Retail and auctions
7	Business premises that are used for nail salons, beauty salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours	Beauty and other services
8	Caravan parks and camping grounds	Accommodation
9	Casinos	Hospitality
10	Community centres	Gyms and indoor recreation
11	COVID-19 safe outdoor public gatherings	Outdoor events
12	Controlled outdoor public gatherings	Outdoor events
13	Crematoria	General
14	Drive-in cinemas	Entertainment facilities
15	Entertainment facilities	Entertainment facilities
16	Food and drink premises	Hospitality
17	Food courts	Hospitality
18	Function centres	Hospitality
19	Funeral homes	General
20	Funerals and memorial services and gatherings after funerals and memorial services	Significant events
21	Information and education facilities	Information and education facilities
22	Markets	Retail and auctions
23	Micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> or cellar door premises	Hospitality
24	Nightclubs	Hospitality
25	Party buses	Hospitality

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Premises or event</b>	<b>Approved COVID-19 safety checklist</b>
26	Places of public worship and religious services on other premises	Places of worship
27	Places of residence, holiday homes and short-term rentals with more than 100 visitors	Significant events
28	Properties operated by the National Trust or the Historic Houses Trust	Information and education facilities
29	Public swimming pools (other than natural swimming pools)	Gyms and indoor recreation
30	Pubs, small bars and registered clubs	Hospitality
31	Recreation facilities (indoor)	Gyms and indoor recreation
32	Recreation facilities (major)	Major recreation facilities
33	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises	Beauty and other services
34	Sex services premises	Beauty and other services
35	Strip clubs	Hospitality
36	Vessels used for hosting functions or for commercial tours	Hospitality
37	Wedding services and gatherings after wedding services	Significant events
38	Zoological parks and reptile parks	Information and education facilities

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## Schedule 2 Exempted gatherings

Schedule 4, definition of “exempted gathering”

- 1 Gathering at an airport that is necessary for the normal business of the airport
- 2 Gathering for the purposes of or related to transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities but not a gathering on a vehicle being used as a party bus
- 3 Gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility
- 4 Gathering for the purposes of emergency services, including the provision of training by an emergency service
- 5 Gathering at a prison, correctional facility, youth justice centre or other place of custody
- 6 Gathering at a disability or aged care facility that is necessary for the normal business of the facility
- 7 Gathering at a court or tribunal
- 8 Gathering at Parliament for the purpose of its normal operations
- 9 Gathering at a supermarket, market that predominately sells food, grocery store or shopping centre (but not a retail store in a shopping centre other than a supermarket, market that predominately sells food or grocery store) that is necessary for the normal business of the supermarket, market, store or centre
- 10 Gathering at an office building, farm, factory, warehouse, commercial fishing operation or mining or construction site or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the building, farm, factory, warehouse, commercial fishing operation or site or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or child care facility that is necessary for the normal business of the school, university, institution or facility but does not include a school event that involves members of the community in addition to staff and students
- 12 Gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services at that hotel, motel or other facility
- 13 Gathering at an outdoor space for the purposes of transiting through the place  
**Example.** Pitt St Mall
- 14 Gathering to provide a service to assist vulnerable members of the public, including, for example, a food bank or a service providing for the needs of homeless persons
- 15 Gathering at premises that is necessary to provide the services of an early education and care facility

## Schedule 3 Premises requiring electronic entry records

### Part 1

### Premises

- 1 Amusement centres
- 2 Aquariums
- 3 Business premises, being premises at which—
  - (a) an occupation, profession or trade 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
- 4 Construction sites
- 5 Crematoria
- 6 Drive-in cinemas
- 6A Early education and care facilities, but not a child entering a facility for the purposes of being cared for at the facility
- 7 Entertainment facilities
- 8 Function centres
- 9 Hospitality venues
- 10 Hospitals, but not a hospital that has an electronic entry recording system that records sufficient information about persons entering the hospital to enable contact tracing to occur
- 11 Hotels or motels or other accommodation facilities, but not for a person who—
  - (a) has checked in and is staying overnight, or
  - (b) is a resident
- 12 Industrial premises, being premises used for the—
  - (a) manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with the activity, or
  - (b) handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes
- 13 Information and education facilities
- 14 Nightclubs
- 15 Office premises, being premises used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis
- 16 Parliament House

- 17 Party buses
- 18 Places of public worship
- 19 Properties operated by the National Trust or the Historic Houses Trust
- 20 Public swimming pools, other than a natural swimming pool
- 21 Recreation facilities (indoor)
- 22 Recreation facilities (major)
- 23 Residential care facilities or hostels, but not residents
- 24 Retail premises, being premises 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
- 25 School, university or other educational institution, but not a student of a school entering the school
- 26 Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
- 27 Sex services premises
- 28 Shopping centres
- 29 Storage premises
- 30 Strip clubs
- 31 Vehicles being used as taxis or hire vehicles
- 32 Vessels used for hosting functions or for commercial tours
- 33 Warehouse or distribution centres
- 34 Zoological parks and reptile parks

**Part 2 Premises at which the following events are being held**

- 35 COVID-19 safe outdoor public gatherings
- 36 Controlled outdoor public gatherings
- 37 Agricultural shows or agricultural field days
- 38 Funerals and memorial services and gatherings after funerals and memorial services
- 39 Religious services and gatherings after religious services
- 40 Wedding services and gatherings after wedding services

**Part 3 General exceptions**

- 41 The following persons are not required to provide contact details when entering premises specified in this Schedule—
  - (a) a person entering the premises in response to an emergency

- (b) a person entering premises in a vehicle if the person does not exit the vehicle while on the premises
- (c) a person entering the premises who is under the age of 18 years if it is not possible to register the person's details under clause 25(2)(a) or (b) of this Order
- (d) a person exercising law enforcement, intelligence or national security functions on behalf of a government agency of New South Wales or the Commonwealth
- (e) a person entering any health or medical facility, other than a pharmacy, as a patient

**42** Despite the other provisions of this Schedule, the following premises are not premises specified in this Schedule—

- (a) mines
- (b) premises used by a government agency of New South Wales or the Commonwealth having law enforcement, intelligence or national security functions
- (c) farms

## Schedule 4 Dictionary

clause 3

**agricultural field day** means an agricultural field day conducted by a member of the Association of Agricultural Field Days of Australasia.

**agricultural show** means an agricultural show or show parade conducted by a society or association that is a member of the Agricultural Societies Council of NSW Ltd.

**approved COVID-19 safety checklist** for a type of premises or event is defined by clause 5.

**cinema** means a cinema that is an entertainment facility open to members of the public.

**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.

**contact details**, for a person visiting or entering premises, means—

- (a) the person's name, and
- (b) the person's telephone number or email address, and
- (c) the time at which the person entered the premises.

**controlled outdoor public gathering** means an outdoor public gathering in an area—

- (a) that is enclosed or bounded by fencing or another form of barrier, and
- (b) access to which is controlled by way of a ticket, and
- (c) in relation to which all persons, other than persons engaged in work, are assigned to specific seats or to a seating area.

**COVID-19 safe outdoor public gathering** is defined by clause 19.

**event** includes a function.

**exempted gathering** means a gathering referred to in Schedule 2.

**gymnasium** means a gymnasium that is a recreation facility (indoor) and that is open to members of the public, but does not include a dance, yoga, pilates, gymnastics or martial arts studio.

**hire vehicle** has the same meaning as in the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

**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.

**household** means persons living together in the same place of residence.

**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.

**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** has the meaning given by the Act and includes—

- (a) for a vehicle or vessel—the operator of the vehicle or vessel, or
- (b) for a construction site—the person who has the management or control of the site.

**organiser**—

- (a) for Part 4, Division 2—see clause 14, or

(b) for Part 4, Division 3—see clause 18.

**participant**, in relation to an agricultural show or an agricultural field day, for Part 4, Division 2—see clause 14.

**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.

**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.

**public entertainment venue** has the same meaning as in section 4 of the *Liquor Act 2007*.

**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*.

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

**significant event** means the following—

- (a) a funeral or memorial service,
- (b) a wedding service,
- (c) a gathering following a funeral or memorial service or wedding service.

**taxi** has the same meaning as in the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

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

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

## Terms defined by Standard Instrument

### Note—

Clause 3(2) of this Order also provides for a type of premises defined by the Standard Instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006* to have the same meaning in this Order. The Standard Instrument includes the following definitions—

**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.

**early education and care facility** means a building or place used for the education and care of children, and includes a centre-based child care facility, home-based child care and school-based child care.

**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.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**hostel** means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**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.

**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.

**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.

**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.

**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.

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

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**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.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.