



New South Wales

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) 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 the *Public Health Act 2010*, section 7.

Dated 20 August 2021 (original order).

As amended on 21 August 2021, 25 August 2021 at 4.53pm, 27 August 2021, 28 August 2021, 1 September 2021, 2 September 2021, 5 September 2021 at 4pm, 10 September 2021 and 13 September 2021.

Minister for Health and Medical Research

Explanatory note

The object of this Order is to repeal and remake the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* which imposed a number of additional restrictions to address the outbreak of COVID-19 caused by the Delta variant of the virus.

Editorial note

This is the order as amended by the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment Order 2021*, the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 2) Order 2021*, the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 3) Order 2021*, the *Public Health (COVID-19 Safety) Order 2021*, the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 4) Order 2021*, the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 5) Order 2021*, the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 6) Order 2021*, the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 7) Order 2021* and the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 8) Order 2021*.

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Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021

under the

Public Health Act 2010

Part 1 Preliminary

Division 1 Introduction

1.1 Name of Order

This Order is the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021*.

1.2 Commencement

This Order commences at the beginning of 21 August 2021.

Division 2 Interpretation

1.3 Definitions

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

1.4 Meaning of references to types of premises

A reference to a type of premises in this Order has the same meaning as it has in the instrument (the *standard instrument*) set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

1.5 Coastal waters taken to be part of local government areas

For the purposes of this Order, the coastal waters of the State are taken to form part of the local government area to which the particular waters are closest.

1.6 Calculation of spaces available for persons

- (1) An excluded person is not to be counted for the purposes of calculating—
- (a) the space available for persons on the premises, or
 - (b) the number of persons on the premises.
- (2) An area that is not open to the public is not to be counted for the purposes of calculating the space available for persons on premises.
- (3) This clause does not apply to the following premises—
- (a) a construction site,
 - (b) industrial premises,

- (c) office premises,
 - (d) a warehouse or distribution centre.
- (4) In this clause—
- excluded person*** means—
- (a) a person engaged in work on the premises for the occupier of the premises, or
 - (b) a person on the premises because of an emergency, or
 - (c) for food and drink premises—a person ordering or collecting food or drink to consume off the premises.
- industrial activity*** has the same meaning as in the standard instrument but does not include storage or transportation associated with an industrial activity.
- industrial premises*** means premises used for—
- (a) an industrial activity, or
 - (b) the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes.
- office premises*** means 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.

Division 3 Relationship with other Orders

1.7 Order prevails over certain other Orders

If there is an inconsistency between this Order and any of the following Orders, this Order prevails to the extent of the inconsistency—

- (a) the *Public Health (COVID-19 Safety) Order 2021*,
- (b) the *Public Health (COVID 19 Mandatory Face Coverings) Order (No 3) 2021*,
- (c) an order that remakes, replaces or consolidates, whether in whole or in part, an order referred to in paragraph (a) or (b).

Division 4 Grounds for Order

1.8 Grounds for concluding that there is a risk to public health

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

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

Part 2 Directions applying to general area

Editorial note— On the making of this Order, this Part does not apply to any areas.

Division 1 Preliminary

2.1 Introduction

- (1) This Part sets out directions of the Minister that apply to the area identified as the general area in Schedule 1.
- (2) This Part applies to the area subject to any exclusions or additions specified in Schedule 1 for the area.

Division 1A Closure of premises

2.1A Premises that must not be open

The following premises in the general area must not be open to the public—

- (a) amusement centres,
- (b) nightclubs,
- (c) sex services premises,
- (d) sex on premises venues,
- (e) strip clubs.

Division 2 Maximum number of persons permitted on premises

2.2 Maximum number of persons—generally

- (1) An occupier of premises in the general area must not allow more persons on the premises than the number of persons equal to—
 - (a) for the parts of the premises that are indoor areas—1 person per 4 square metres of space, and
 - (b) for the parts of the premises that are outdoor areas—1 person per 2 square metres of space.
- (2) This clause does not apply to the following—
 - (a) a place of residence, holiday home or a short-term rental,
Note— See clauses 2.3 and 2.4.
 - (b) an entertainment facility or a recreation facility (major),
Note— See clause 2.5.
 - (c) a group class at a gym or a group dance class at a recreation facility (indoor),
Note— see clause 2.6.
 - (c1) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
Note— See clause 2.6A.
 - (c2) premises at which a significant event is being held,
Note— See clause 2.6B.
 - (d) a vessel with less than 50 persons on board being used commercially for scuba diving, snorkelling or marine animal watching,
 - (e) a caravan park or camping ground,
 - (f) a gathering referred to in Schedule 3,

- (g) a construction site in Greater Sydney.

Note— See clause 5.7.

2.3 Maximum number of persons—holiday homes or short-term rentals

The occupier of premises in the general area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for more than 5 persons unless all of those persons are from the same household.

Note— For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence and the person must comply with clause 2.4.

2.4 Maximum number of persons—places of residence

- (1) If the place of residence of a household is in the general area, each member of the household who is an adult must not allow more than 5 visitors to be at the place of residence at any 1 time.
- (2) A visitor to a place of residence in the general area must not participate in a gathering at the residence consisting of more than 5 visitors.
- (3) A member of the household is not a visitor.
- (3A) A person who is 12 years of age or under is not to be counted as a visitor.
- (4) This clause does not apply to a person at the place of residence for the following purposes and the person is not to be counted as a visitor—
 - (a) to carry out work, including to assist a person moving to or from the place of residence,
 - (b) for childcare, carer's responsibilities, to provide care or assistance to a vulnerable person or for compassionate reasons,
 - (c) for family contact arrangements,
 - (d) because of an emergency or to avoid an injury, illness or risk of harm,
 - (e) to attend a significant event,
 - (f) to inspect the place of residence for sale or lease or to participate in an auction of the place of residence.

2.5 Maximum number of persons—entertainment facilities or recreation facilities (major)

- (1) The occupier of premises in the general area that is an entertainment facility must not allow more persons on the premises than the number of persons equal to—
 - (a) 75% of the fixed seating capacity of the premises, or
 - (b) 1 person per 4 square metres of space in the premises.
- (2) The occupier of premises in the general area that is a recreation facility (major) must not allow more persons on the premises than the number of persons equal to the lesser of the following—
 - (a) 1 person per 4 square metres of space in the premises,
 - (b) 5,000 persons.
- (3) Subclause (1)(a) may be relied on by an occupier only at times when—
 - (a) admission to the premises is by way of a ticket, and
 - (b) all persons on the premises, other than persons engaged in work, are assigned to specific seats.
- (4) In this clause—

recreation facility (major) includes premises that is a zoo or an aquarium.

2.6 Maximum number of persons—classes at gyms and recreation facilities (indoor)

- (1) The occupier of a gym in the general area must not allow more than 20 persons to attend a group class at the gym.
- (2) The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

2.6A Maximum number of persons—business premises for personal services

The occupier of business premises in the general area that is a hairdressers, spa, nail salon, beauty salon, waxing salon, tanning salon, tattoo parlour or massage parlour must not allow more persons on the premises than the number of persons equal to the lesser of—

- (a) 1 person per 4 square metres of space in the premises,
- (b) 5 persons.

2.6B Maximum number of persons—significant events

- (1) The occupier of premises in the general area at which a significant event is being held must not allow more persons on the premises than the number of persons equal to the lesser of—
 - (a) 1 person per 4 square metres of space in the premises,
 - (b) 50 persons.
- (2) A person must not attend a significant event at which there are more persons on the premises than the number permitted by subclause (1).

2.6C Maximum number of persons—certain outdoor events

- (1) The maximum number of persons permitted at the following outdoor events are as follows—
 - (a) for a controlled outdoor public gathering—500 persons,
 - (b) for a COVID-19 safe outdoor public gathering—50 persons,
 - (c) for another outdoor public gathering—20 persons.
- (2) This clause applies in addition to the restrictions imposed in relation to the premises at which the event is held by the other provisions of this Part.

Example— A controlled outdoor public gathering at premises is still subject to the requirement that the number of persons should not be more than the number of persons equal to 1 person per 4 square metres of space in the premises.
- (3) The person principally responsible for organising the event must not allow more persons at the event than the maximum number of persons permitted by this Division.
- (4) A person must not attend the event if there are more persons at the event than the maximum number of persons permitted by this Division.
- (5) This clause does not apply to the following—
 - (a) a gathering referred to in Schedule 3,
 - (b) a gathering on premises for which the occupier of the premises is directed to develop a COVID-19 Safety Plan,
 - (c) a gathering to provide emergency assistance to a person.

Division 3 Fitted face coverings

2.7 Fitted face coverings

- (1) A person in the general area who is over the age of 12 years of age must wear a fitted face covering while the person is—
 - (a) in an indoor area of premises other than a place of residence, or
 - (b) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, or
 - (c), (d) (Repealed)
 - (e) working at a hospitality venue and dealing directly with members of the public, or
 - (f) on a domestic commercial aircraft, including when the aircraft is flying above the general area.

Note— The same requirement applies in stay at home areas and areas of concern, so a person must wear a fitted face covering whenever the person is on a domestic commercial aircraft in or above New South Wales.
- (2) The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with subclause (1)(e).
- (2A) The following persons must ensure that a worker who carries out work at an airport in the general area complies with this Division when working at the airport—
 - (a) a person who employs the worker to carry out the work,
 - (b) a person who engages the worker to carry out the work as a contractor or subcontractor.
- (3) The fitted face covering must be worn so that it covers the person's nose and mouth.

2.8 Exception for certain persons having illness, condition or disability

- (1) A person is not required to carry or wear a fitted face covering if the person—
 - (a) has a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable, and
 - (b) carries evidence showing—
 - (i) that the person has the illness, condition or disability, and
 - (ii) the illness, condition or disability makes wearing a fitted face covering unsuitable, and
 - (iii) the person's name and place of residence, and
 - (c) produces the evidence for inspection by a police officer if requested by the officer.
- (2) Evidence for the purposes of subclause (1)(b)(i) and (ii) must be in the form of—
 - (a) a medical certificate or other written evidence signed by a registered health practitioner or a registered NDIS provider, or
 - (b) a statutory declaration by the person.

2.9 Other exceptions

- (1) A person may remove a fitted face covering the person is otherwise required to wear if the person is—
 - (a) eating or drinking, or
 - (b) engaging in strenuous physical exercise except in an indoor area as part of a gym class or dance class, or

- (c) communicating with a person who is deaf or hard of hearing, or
 - (d) engaging in work if—
 - (i) wearing the covering is a risk to the person's, or another person's, health and safety, or
 - (ii) enunciation or visibility of the person's mouth is essential, or
 - (iii) the work is in an indoor area and no other person is in the area, or
 - (iv) the work is at a school, or
 - (e) requested to remove the covering as part of an identity check,
 - (f) required to remove the covering—
 - (i) because of an emergency, or
 - (ii) for the proper provision of goods or a service, or
 - (g) in a vehicle and no other person is in the vehicle other than—
 - (i) a member of the person's household, or
 - (ii) the person's nominated visitor, or
 - (h) in a hotel, motel or other accommodation facility as a guest and is in the person's own room, or
 - (i) in a school as a student, or
 - (j) in a public hospital or private health facility as a patient, or
 - (k) in a residential aged care facility as a resident, or
 - (l) in a correctional centre or other place of custody, or
 - (m) in the process of getting married.
- (2) A person who removes the person's fitted face covering under this clause must resume wearing it as soon as practicable after the circumstance ends.

Division 4 Miscellaneous

2.10 Working from home

- (1) An employer must allow an employee to work at the employee's place of residence if it is reasonably practicable to do so.
- (2) This clause does not apply to an employee to whom clause 3.18 or 4.19 applies.

2.11 Singing or dancing indoors

- (1) The occupier of premises in the general area must not allow a person to sing or dance in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—
 - (a) a place of residence,
 - (b) an educational establishment,
 - (c) a performer who is performing or rehearsing,
 - (d) a person who is engaged in instruction in singing or dancing.
 - (e) a wedding service or a gathering after a wedding service,
 - (f) a group class at a gym or a recreation facility (indoor).

2.12 Must be seated when at entertainment facility

The occupier of premises in the general area that is an entertainment facility must ensure all persons on the premises, other than persons engaged in work—

- (a) are assigned to specific seats, and
- (b) as far as is reasonably practicable, remain in the assigned seats at all times when on the premises.

2.13 Must be seated when consuming alcohol

- (1) The occupier of premises in the general area must not allow a person to consume alcohol in a part of the premises that is an indoor area unless the person is seated.
- (2) This clause does not apply to a place of residence.

2.14 Must be seated when consuming food or drink at significant event

The occupier of premises in the general area must not allow a person to consume food or drink at a significant event held on the premises unless the person is seated.

Part 3 Directions applying to stay at home areas

Division 1 Preliminary

3.1 Introduction

- (1) This Part sets out directions of the Minister that apply to an area identified as a stay at home area in Schedule 1.
- (2) This Part applies to the area subject to any exclusions or additions specified in Schedule 1 for the area.

Division 2 Staying at home

3.2 Staying at home

- (1) A person who has been in a stay at home area since the relevant date must not be away from the person's place of residence, wherever located, without a reasonable excuse.
- (2) A reasonable excuse includes an activity specified for a stay at home area in Schedule 2.
- (3) Taking a holiday is not a reasonable excuse.
- (3A) A person to whom this clause applies must, if requested to do so by a police officer, return to the person's place of residence as soon as is reasonably practicable.
- (3B) A police officer may make the request under this clause if the police officer has a reasonable suspicion that the person is not complying with this clause.
- (4) This clause does not apply to—
 - (a) a person who has not been in the stay at home area during the previous 14 days, or
 - (b) a person who is homeless.
- (5) In this clause—

relevant date for a stay at home area means—

 - (a) the date on which the area became a stay at home area, or
 - (b) if Schedule 1 specifies an earlier date for the stay at home area—the earlier date.

Division 3 Closure of premises

3.3 Premises that must not be open

The following premises in a stay at home area must not be open to the public—

- (a) amusement centres,
- (b) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
- (c) business premises that are auction houses,
- (d) business premises that are betting agencies,
- (e) gaming lounges,
- (f) markets that do not predominantly sell food,
- (g) nightclubs,
- (h) public swimming pools, other than natural swimming pools,

- (i) properties operated by—
 - (i) the National Trust, or
 - (ii) the Historic Houses Trust,
- (j) sex services premises,
- (k) sex on premises venues,
- (l) strip clubs.

3.4 Premises that must not be open except in limited circumstances

- (1) The following premises in a stay at home area must not be open to the public except for a purpose specified in subclause (2)—
 - (a) entertainment facilities,
 - (b) food and drink premises, other than cafeterias in workplaces,
 - (c) information and education facilities,
 - (d) micro-breweries or small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* or cellar door premises,
 - (e) places of public worship,
 - (f) pubs, registered clubs and casinos,
 - (g) recreation facilities (indoor).
- (2) The premises may be open to the public for the following purposes only—
 - (a) to sell food or beverages for persons to consume—
 - (i) for premises that are part of a shopping centre—outside of the shopping centre, or
 - (ii) otherwise—off the premises,
 - (b) if the premises are part of hotel or motel accommodation—to provide accommodation, including by providing food or beverages to persons using the accommodation to consume in their rooms,
 - (c) to hold a small funeral or memorial service or small wedding service,
 - (d) to provide educational services or childcare.

3.5 Retail premises

- (1) Retail premises in a stay at home area must not be open to members of the public except the following premises—
 - (a) chemists and pharmacies,
 - (b) garden centres and plant nurseries,
 - (c) hardware and building supplies,
 - (d) kiosks,
 - (e) landscaping material supplies,
 - (f) rural supplies,
 - (g) supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops,
 - (h) shops referred to in subclause (2),
 - (i) timber yards,
 - (j) vehicle hire premises but not the premises at which vehicles are sold.

Note— Service stations, banks, post offices, laundromats and dry cleaners are not retail premises and can remain open. See Schedule 4, Dictionary.

- (2) The following shops may be open to members of the public—
- (a) shops that predominantly sell food or drinks,
Example— This includes butchers, bakeries, fruit shops and delicatessens, but does not include restaurants or cafes.
 - (b) shops that predominantly carry out repairs of mobile phones,
 - (c) shops that predominantly sell any of the following in the course of the normal operation of the shop—
 - (i) office supplies,
 - (ii) pet supplies,
 - (iii) newspapers, magazines or stationery,
 - (iv) alcohol,
 - (v) maternity or baby supplies,
 - (vi) medical or pharmaceutical supplies.
- (3) This clause does not prevent premises to be open to—
- (a) provide a “click and collect” service for collecting goods purchased online or by phone, including to provide a similar service for returning or exchanging goods, or
 - (b) deliver goods purchased online or by phone.

3.6 Caravan parks and camping grounds

- (1) Premises in a stay at home area that are caravan parks or camping grounds must not be open to the public except to—
- (a) provide accommodation to the following—
 - (i) permanent residents of the premises,
 - (ii) overnight travellers,
 - (iii) persons working in the local area,
 - (iv) persons who have no permanent place of residence, and
 - (b) allow persons to visit a person who is staying in accommodation on the premises.
- (2) This clause does not apply to prevent a person staying in accommodation on the premises if the person—
- (a) was staying on the premises before the relevant date, and
 - (b) is still staying there under a booking made before the relevant date that has not been extended after that date.
- (3) In this clause—
relevant date for premises means the date on which the stay at home area in which the premises are located became a stay at home area.

3.7 Exception—services for vulnerable persons and early education and care

Nothing in this Division prevents premises in a stay at home area to be open—

- (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.

Division 4 Maximum number of persons permitted on premises

Subdivision 1 Premises generally

3.8 Maximum number of persons—generally

- (1) An occupier of premises in a stay at home area must not allow more persons on the premises than the number of persons equal to 1 person per 4 square metres of space in the premises.
- (2) This clause does not apply to the following—
 - (a) a place of residence, holiday home or a short-term rental,
Note— See Subdivision 2.
 - (b) a vessel with less than 50 persons on board being used commercially for scuba diving, snorkelling or marine animal watching,
 - (c) a caravan park or camping ground,
 - (d) a gathering referred to in Schedule 3,
 - (e) a construction site in Greater Sydney.
Note— See clause 5.7.

Subdivision 2 Places of residence

3.9 Maximum number of persons—holiday homes or short-term rentals

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

Note— For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence and the person must comply with clause 3.10.

3.10 Maximum number of persons—places of residence

- (1) If the place of residence of a household is in a stay at home area, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is authorised by this Subdivision.
- (2) A person must not visit a place of residence in a stay at home area unless the person is authorised by this Subdivision.
- (3) A member of the household does not visit the place of residence.

3.11 Workers authorised to visit place of residence

- (1) A worker is authorised to visit a place of residence in a stay at home area to carry out work other than prescribed work.
- (2) A worker is authorised to visit a place of residence in a stay at home area to carry out prescribed work if—
 - (a) the prescribed work is necessary, or
 - (b) for prescribed work carried out in an outdoor area of the place of residence, other than necessary work—no more than 5 workers are in the outdoor area at any 1 time, or
 - (c) for prescribed work carried out in an indoor area of the place of residence, other than necessary work—
 - (i) no more than 2 workers are in an indoor area in the place of residence at any 1 time, and

- (ii) no person, other than another worker, is in the same room as the worker when the worker is carrying out the prescribed work.
- (3) Prescribed work is *necessary* if—
 - (a) the work is urgently required to be carried out—
 - (i) to ensure the health, safety or security of the place of residence or persons residing at the place of residence, or
 - (ii) because of an emergency, or
 - (b) the work is for—
 - (i) the installation, maintenance or repair of an essential utility, or
 - (ii) fire protection and safety, or
 - (c) for prescribed work that is cleaning or repairs and maintenance—the work is carried out—
 - (i) at a place of residence that is unoccupied when the work is being carried out, and
 - (ii) because it is necessary for the sale or lease of the place of residence.

3.12 Other persons authorised to visit place of residence

- (1) A person is authorised to visit a place of residence in a stay at home area for any of the following purposes—
 - (a) to assist a person moving to or from the place of residence,
 - (b) for childcare,
 - (c) for family contact arrangements,
 - (d) because of an emergency or to avoid an injury, illness or risk of harm,
 - (e) to inspect the place of residence for sale or lease or to participate in an auction of the place of residence.
- (2) A person is authorised to visit a place of residence in a stay at home area for any of the following purposes—
 - (a) for carer’s responsibilities, to provide care or assistance to a vulnerable person or for compassionate reasons,
 - (b) if only 1 adult person resides in the place of residence—as the adult person’s nominated visitor.
- (3) A person who is an individual is eligible to be a nominated visitor for a person if—
 - (a) either of the following applies—
 - (i) no other individual has been a nominated visitor for the person,
 - (ii) the nominated visitor of the person becomes unable to be the person’s nominated visitor, and
 - (b) the individual has not been a nominated visitor for another person, and
 - (c) the individual resides in the stay at home area but not in an area of concern.
- (4) No more than 1 person may visit the place of residence under subclause (2) at any 1 time except as follows—
 - (a) 2 persons may visit for carer’s responsibilities or to provide care or assistance to a vulnerable person if 2 persons are required for care or assistance to be provided safely, or
 - (b) a dependant of a person referred to in subclause (2) is authorised to accompany the person on the visit to the place of residence if—
 - (i) the dependant is a child who needs to be supervised by an adult, and

- (ii) alternative childcare arrangements are not reasonably available.
- (5) In this clause—
- nominated visitor*** means a person nominated by an adult person for the purposes of subclause (2)(b).

Subdivision 3 Outdoor gatherings and vehicles

3.13 Maximum number of persons—outdoor public gatherings

- (1) A person must not participate in an outdoor public gathering in a stay at home area of more than—
- (a) if all persons participating in the gathering who are at least 16 years of age are fully vaccinated—5 persons, not including persons who are 12 years of age and under, or
 - (b) otherwise—2 persons.
- (1A) A person who is at least 16 years of age and participating in an outdoor public gathering in a stay at home area of more than 2 persons must—
- (a) carry vaccination evidence for the person, and
Example— An online immunisation history statement or COVID-19 digital certificate from the Australian Immunisation Register.
 - (b) produce the evidence if requested to do so by a police officer.
- (2) This clause does not apply to—
- (a) a person who is—
 - (i) carrying out work, or
 - (ii) providing care or assistance to vulnerable persons, or
 - (b) the following gatherings—
 - (i) a gathering referred to in Schedule 3,
 - (ii) a gathering of persons who are all members of the same household,
 - (iii) a gathering to provide emergency assistance to a person,
 - (iv) a gathering necessary to allow a person to fulfil a legal obligation,
 - (v) a gathering to move—
 - (A) a person to a new place of residence, or
 - (B) a business to new premises,
 - (vi) a gathering for a small funeral or memorial service or small wedding service.

3.14 Maximum number of persons—vehicles

- (1) A person must not be in a vehicle in a stay at home area with another person other than—
- (a) a member of the person's household, or
 - (b) the person's nominated visitor.
- (2) A person who is at least 16 years of age and who is in a vehicle in a stay at home area with another person must—
- (a) carry evidence showing the person's name and place of residence, and
 - (b) produce the evidence for inspection if requested to do so by a police officer.
- (3) This clause does not apply a vehicle being used for the following purposes—

- (a) to carry out work,
Example— A police vehicle.
- (b) to provide a public transport service,
- (c) to provide care or assistance to a vulnerable person,
- (d) in an emergency,
- (e) for compassionate reasons.

Division 5 Fitted face coverings

3.15 Fitted face coverings

- (1) A person who is in a stay at home area and is over the age of 12 years of age must carry a fitted face covering unless the person is in the person's place of residence.
- (2) A person in a stay at home area who is over the age of 12 years of age must wear a fitted face covering while the person is—
 - (a) in an indoor area or outdoor area other than a place of residence, or
 - (b) in an indoor area on common property for residential premises, or
 - (c) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, or
 - (d) on a domestic commercial aircraft, including when the aircraft is flying above a stay at home area.
Note— The same requirement applies in the general area and areas of concern, so a person must wear a fitted face covering whenever the person is on a domestic commercial aircraft in or above New South Wales.
- (3) The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with this clause.
- (3A) The following persons must ensure that a worker who carries out work at an airport in a stay at home area complies with this Division when working at the airport—
 - (a) a person who employs the worker to carry out the work,
 - (b) a person who engages the worker to carry out the work as a contractor or subcontractor.
- (4) The fitted face covering must be worn so that it covers the person's nose and mouth.

3.16 Exception for certain persons having illness, condition or disability

- (1) A person is not required to carry or wear a fitted face covering if the person—
 - (a) has a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable, and
 - (b) carries evidence showing—
 - (i) that the person has the illness, condition or disability, and
 - (ii) the illness, condition or disability makes wearing a fitted face covering unsuitable, and
 - (iii) the person's name and place of residence, and
 - (c) produces the evidence for inspection by a police officer if requested by the officer.
- (2) Evidence for the purposes of subclause (1)(b)(i) and (ii) must be in the form of—
 - (a) a medical certificate or other written evidence signed by a registered health practitioner or a registered NDIS provider, or

- (b) a statutory declaration by the person.

3.17 Other exceptions

- (1) A person may remove a fitted face covering the person is otherwise required to wear if the person is—
 - (a) eating or drinking, or
 - (b) engaging in physical exercise, or
 - (c) communicating with a person who is deaf or hard of hearing, or
 - (d) engaging in work if—
 - (i) wearing the covering is a risk to the person's, or another person's, health and safety, or
 - (ii) enunciation or visibility of the person's mouth is essential, or
 - (iii) the work is in an indoor area and no other person is in the area, or
 - (e) requested to remove the covering as part of an identity check,
 - (f) required to remove the covering—
 - (i) because of an emergency, or
 - (ii) for the proper provision of goods or a service, or
 - (g) in a vehicle and no other person is in the vehicle other than—
 - (i) a member of the person's household, or
 - (ii) the person's nominated visitor, or
 - (h) in a hotel, motel or other accommodation facility as a guest and is in the person's own room, or
 - (i) in a school as a student, or
 - (j) in a public hospital or private health facility as a patient, or
 - (k) in a residential aged care facility as a resident, or
 - (l) in a correctional centre or other place of custody, or
 - (m) in the process of getting married.
- (2) A person who removes the person's fitted face covering under this clause must resume wearing it as soon as practicable after the circumstance ends.

Division 6 Miscellaneous

3.18 Working from home

An employer must require an employee whose place of residence or usual place of work is in a stay at home area to work at the employee's place of residence unless it is not reasonably practicable to do so.

3.19 Singing indoors

- (1) The occupier of premises in a stay at home area must not allow a person to sing in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—
 - (a) a place of residence,
 - (b) an educational establishment,
 - (c) a performer who is performing or rehearsing,
 - (d) a person who is engaged in instruction in singing.

3.20 Property inspections

- (1) A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of real estate.
- (2) This clause does not prevent a person carrying out an inspection of premises if—
 - (a) the person has made an appointment to carry out the inspection, and
 - (b) no more than 1 person inspects the premises at any 1 time.

3.21 Auctions

- (1) A person must not conduct an auction at premises in a stay at home area at which persons attend in person.
- (2) This clause does not apply to—
 - (a) an auction for food supply, or
 - (b) a livestock, fibre or crop auction.
- (3) Business premises that are auction houses may be open to the public for the purposes of an auction referred to in subclause (2).

Part 4 Directions applying to areas of concern

Division 1 Preliminary

4.1 Introduction

- (1) This Part sets out directions of the Minister that apply to an area identified as an area of concern in Schedule 1.
- (2) This Part applies to the area subject to any exclusions or additions specified in Schedule 1 for the area.

Division 2 Staying at home

4.2 Staying at home

- (1) A person whose place of residence is in an area of concern must not be away from the person's place of residence without a reasonable excuse.
- (2) A reasonable excuse includes—
 - (a) between the hours of 9pm on a day and 5am on the following day—an activity specified in Schedule 2, clause 2, 3, 5, 6 or 10–12, or
 - (b) otherwise—an activity specified for an area of concern in Schedule 2.
- (3) Taking a holiday is not a reasonable excuse.
- (3A) A person whose place of residence is in an area of concern must, if requested to do so by a police officer, return to the person's place of residence as soon as is reasonably practicable.
- (3B) A police officer may make the request under this clause if the police officer has a reasonable suspicion that the person is not complying with this clause.
- (4) This clause does not apply to—
 - (a) a person who has not been in the area of concern during the previous 14 days, or
 - (b) a person who is homeless.

4.3 Leaving area of concern for work

- (1) A person who lives in an area of concern must not leave the area of concern for the purposes of work unless the person is an authorised worker.
- (2) An authorised worker must not leave the area of concern for work without a permit issued by Service NSW.
Note— See clause 6.4.
- (2A) An authorised worker does not require a permit for the provision of an emergency service.
- (3) An authorised worker who is at least 16 years of age must not leave the area of concern for work unless the worker—
 - (a) has had at least 1 dose of a COVID-19 vaccine, or
 - (b) has been issued with a medical contraindication certificate.
- (3A) The authorised worker, when leaving the area of concern for work must—
 - (a) carry the required evidence, and
 - (b) produce the required evidence for inspection if requested by—
 - (i) the worker's employer, or

- (ii) the occupier of the worker's place of work, or
 - (iii) a police officer, or
 - (iv) an authorised officer.
- (3B) Subclauses (3) and (3A) do not apply to an authorised worker before 9 September 2021.
- (3C) From the beginning of 9 September 2021 until the end of 19 September 2021—
- (a) an authorised worker is taken to comply with subclause (3) if the authorised worker has an appointment to receive a COVID-19 vaccine on or before 19 September 2021, and
 - (b) evidence of the appointment is taken to be the worker's vaccination evidence for the purposes of the required evidence in subclause (3A).
- (3D) This clause does not apply to a person if the person has not been in the area of concern during the previous 14 days.
- (4) In this clause—
- authorised worker*** means a person who is authorised to work outside the area of concern because of an exemption under Part 7.
- Note 1**— A list of authorised workers is published on the NSW government website www.nsw.gov.au.
- Note 2**— See clause 5.8 for additional restrictions for workers who reside in an area of concern and who work on a construction site in Greater Sydney.
- required evidence*** means—
- (a) evidence showing the worker's name and place of residence, and
 - (b) the worker's vaccination evidence.

Division 2A Entering area of concern

4.3A Entering area of concern for work

- (1) A person must not enter an area of concern to carry out work in the area of concern without a permit issued by Service NSW.
- Note**— See clause 6.4.
- (2) A person does not require a permit for the provision of an emergency service.

Division 3 Closure of premises

4.4 Premises that must not be open

The following premises in an area of concern must not be open to the public—

- (a) amusement centres,
- (b) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
- (c) business premises that are auction houses,
- (d) business premises that are betting agencies,
- (e) gaming lounges,
- (f) markets that do not predominantly sell food,
- (g) nightclubs,
- (h) public swimming pools, other than natural swimming pools,
- (i) properties operated by—

- (i) the National Trust, or
- (ii) the Historic Houses Trust,
- (j) sex services premises,
- (k) sex on premises venues,
- (l) strip clubs.

4.5 Premises that must not be open except in limited circumstances

- (1) The following premises in an area of concern must not be open to the public except for a purpose specified in subclause (2)—
 - (a) entertainment facilities,
 - (b) food and drink premises, other than cafeterias in workplaces,
 - (c) information and education facilities,
 - (d) micro-breweries or small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* or cellar door premises,
 - (e) places of public worship,
 - (f) pubs, registered clubs and casinos,
 - (g) recreation facilities (indoor).
- (2) The premises may be open to the public for the following purposes only—
 - (a) to sell food or beverages for persons to consume—
 - (i) for premises that are part of a shopping centre—outside of the shopping centre, or
 - (ii) otherwise—off the premises,
 - (b) if the premises are part of hotel or motel accommodation—to provide accommodation, including by providing food or beverages to persons using the accommodation to consume in their rooms,
 - (c) to hold a small funeral or memorial service or small wedding service,
 - (d) to provide educational services or childcare.

4.6 Retail premises

- (1) Retail premises in an area of concern must not be open to members of the public except the following premises—
 - (a) chemists and pharmacies,
 - (b) kiosks,
 - (c) shops referred to in subclause (2),
 - (d) supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops,
 - (e) vehicle hire premises but not the premises at which vehicles are sold.

Note— Service stations, banks, post offices, laundromats and dry cleaners are not retail premises and can remain open. See Schedule 4, Dictionary.
- (2) The following shops may be open to members of the public—
 - (a) shops that predominantly sell food or drinks,
Example— This includes butchers, bakeries, fruit shops and delicatessens, but does not include restaurants or cafes.
 - (b) shops that predominantly carry out repairs of mobile phones,
 - (c) shops that predominantly sell any of the following in the course of the normal operation of the shop—

- (i), (ii) (Repealed)
 - (iii) newspapers, magazines or stationery,
 - (iv) alcohol,
 - (v) maternity or baby supplies,
 - (vi) medical or pharmaceutical supplies.
- (2A) The following retail premises must not be open to members of the public, but may be open to trade or business customers—
- (a) garden centres and plant nurseries,
 - (b) hardware and building supplies,
 - (c) landscaping material supplies,
 - (d) rural supplies,
 - (e) timber yards.
- (3) This clause does not prevent premises to be open to—
- (a) provide a “click and collect” service for collecting goods purchased online or by phone, including to provide a similar service for returning or exchanging goods, or
 - (b) deliver goods purchased online or by phone.
- (4) In this clause—
- trade or business customer* for retail premises means a person who purchases goods from the retail premises in the course of the person’s trade or business and not as a consumer.

4.7 Caravan parks and camping grounds

- (1) Premises in an area of concern that are caravan parks or camping grounds must not be open to the public except to—
- (a) provide accommodation to the following—
 - (i) permanent residents of the premises,
 - (ii) overnight travellers,
 - (iii) persons working in the local area,
 - (iv) persons who have no permanent place of residence, and
 - (b) allow persons to visit a person who is staying in accommodation on the premises.
- (2) This clause does not apply to prevent a person staying in accommodation on the premises if the person—
- (a) was staying on the premises before the relevant date, and
 - (b) is still staying there under a booking made before the relevant date that has not been extended after that date.
- (3) In this clause—
- relevant date* for premises means the date on which the area of concern in which the premises are located became an area of concern.

4.8 Exception—services for vulnerable persons and early education and care

Nothing in this Division prevents premises in an area of concern to be open—

- (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.

Division 4 Maximum number of persons permitted on premises

Subdivision 1 Premises generally

4.9 Maximum number of persons—generally

- (1) An occupier of premises in an area of concern must not allow more persons on the premises than the number of persons equal to 1 person per 4 square metres of space in the premises.
- (2) This clause does not apply to the following—
- (a) a place of residence, holiday home or a short-term rental,
Note— See Subdivision 2.
 - (b) a vessel with less than 50 persons on board being used commercially for scuba diving, snorkelling or marine animal watching,
 - (c) a caravan park or camping ground,
 - (d) a gathering referred to in Schedule 3,
 - (e) a construction site in Greater Sydney.
Note— See clause 5.7.

Subdivision 2 Places of residence

4.10 Maximum number of persons—holiday homes or short-term rentals

The occupier of premises in an area of concern must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of those persons are from the same household.

Note— For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence and the person must comply with clause 4.11.

4.11 Maximum number of persons—places of residence

- (1) If the place of residence of a household is in an area of concern, each member of the household who is an adult must not allow a person to visit the place of residence unless the person is authorised by this Subdivision.
- (2) A person must not visit a place of residence in an area of concern unless the person is authorised by this Subdivision.
- (3) A member of the household does not visit the place of residence.

4.12 Workers authorised to visit place of residence

- (1) A worker is authorised to visit a place of residence in an area of concern to carry out work other than prescribed work.
- (2) A worker is authorised to visit a place of residence in an area of concern to carry out prescribed work if—
- (a) the prescribed work is necessary, or
 - (b) the prescribed work carried out in an outdoor area of the place of residence and no more than 5 workers are in the outdoor area at any 1 time.
- (3) Prescribed work is *necessary* if—
- (a) the work is urgently required to be carried out—

- (i) to ensure the health, safety or security of the place of residence or persons residing at the place of residence, or
- (ii) because of an emergency, or
- (b) the work is for—
 - (i) the installation, maintenance or repair of an essential utility, or
 - (ii) fire protection and safety, or
- (c) for prescribed work that is cleaning or repairs and maintenance—the work is carried out—
 - (i) at a place of residence that is unoccupied when the work is being carried out, and
 - (ii) because it is necessary for the sale or lease of the place of residence.

4.13 Other persons authorised to visit place of residence

- (1) A person is authorised to visit a place of residence in an area of concern for any of the following purposes—
 - (a) to assist a person moving to or from the place of residence,
 - (b) for childcare,
 - (c) for family contact arrangements,
 - (d) because of an emergency or to avoid an injury, illness or risk of harm,
 - (e) to inspect the place of residence for sale or lease or to participate in an auction of the place of residence.
- (2) A person is authorised to visit a place of residence in an area of concern for any of the following purposes—
 - (a) for carer’s responsibilities, to provide care or assistance to a vulnerable person or for compassionate reasons,
 - (b) if only 1 adult person resides in the place of residence—as the adult person’s nominated visitor.
- (3) A person who is an individual is eligible to be a nominated visitor for a person if—
 - (a) either of the following applies—
 - (i) no other individual has been a nominated visitor for the person,
 - (ii) the nominated visitor of the person becomes unable to be the person’s nominated visitor, and
 - (b) the individual has not been a nominated visitor for another person, and
 - (c) the individual resides within 5 kilometres of the place of residence.

Note— The nominated visitor also requires a permit issued by Service NSW. See subclause (5) and clause 6.4.
- (4) No more than 1 person may visit the place of residence under subclause (2) at any 1 time except as follows—
 - (a) 2 persons may visit for carer’s responsibilities or to provide care or assistance to a vulnerable person if 2 persons are required for care or assistance to be provided safely, or
 - (b) a dependant of a person referred to in subclause (2) is authorised to accompany the person on the visit to the place of residence if—
 - (i) the dependant is a child who needs to be supervised by an adult, and
 - (ii) alternative childcare arrangements are not reasonably available.
- (5) In this clause—

nominated visitor of an adult person means a person who—

- (a) the adult person has nominated by applying to Service NSW for a permit for the person, and
- (b) has been issued a permit as a nominated visitor for the adult person.

Subdivision 3 Outdoor gatherings and vehicles

4.14 Maximum number of persons—outdoor public gatherings

- (1) A person must not participate in an outdoor public gathering in an area of concern of more than 2 persons.
- (2) This clause does not apply to—
 - (a) a person who is—
 - (i) carrying out work, or
 - (ii) providing care or assistance to vulnerable persons, or
 - (b) the following gatherings—
 - (i) a gathering referred to in Schedule 3,
 - (ii) a gathering of persons who are all members of the same household,
 - (iii) a gathering to provide emergency assistance to a person,
 - (iv) a gathering necessary to allow a person to fulfil a legal obligation,
 - (v) a gathering to move—
 - (A) a person to a new place of residence, or
 - (B) a business to new premises,
 - (vi) a gathering for a small funeral or memorial service or small wedding service.

4.15 Maximum number of persons—vehicles

- (1) A person must not be in a vehicle in an area of concern with another person other than—
 - (a) a member of the person's household, or
 - (b) the person's nominated visitor.
- (2) A person who is at least 16 years of age and who is in a vehicle in an area of concern with another person must—
 - (a) carry evidence showing the person's name and place of residence, and
 - (b) produce the evidence for inspection if requested to do so by a police officer.
- (3) This clause does not apply a vehicle being used for the following purposes—
 - (a) to carry out work,
Example— A police vehicle.
 - (b) to provide a public transport service,
 - (c) to provide care or assistance to a vulnerable person,
 - (d) in an emergency,
 - (e) for compassionate reasons.

Division 5 Fitted face coverings

4.16 Fitted face coverings

- (1) A person who is in an area of concern and is over the age of 12 years of age must carry a fitted face covering unless the person is in the person's place of residence.
- (2) A person in an area of concern who is over the age of 12 years of age must wear a fitted face covering while the person is—
 - (a) in an indoor area or outdoor area other than a place of residence, or
 - (b) in an indoor area on common property for residential premises, or
 - (c) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, or
 - (d) on a domestic commercial aircraft, including when the aircraft is flying above an area of concern.

Note— The same requirement applies in the general area and stay at home areas, so a person must wear a fitted face covering whenever the person is on a domestic commercial aircraft in or above New South Wales.
- (3) The operator of a hospitality venue in an area of concern must ensure all persons working at the venue comply with this clause.
- (3A) The following persons must ensure that a worker who carries out work at an airport in an area of concern complies with this Division when working at the airport—
 - (a) a person who employs the worker to carry out the work,
 - (b) a person who engages the worker to carry out the work as a contractor or subcontractor.
- (4) The fitted face covering must be worn so that it covers the person's nose and mouth.

4.17 Exception for certain persons having illness, condition or disability

- (1) A person is not required to carry or wear a fitted face covering if the person—
 - (a) has a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable, and
 - (b) carries evidence showing—
 - (i) that the person has the illness, condition or disability, and
 - (ii) the illness, condition or disability makes wearing a fitted face covering unsuitable, and
 - (iii) the person's name and place of residence, and
 - (c) produces the evidence for inspection by a police officer if requested by the officer.
- (2) Evidence for the purposes of subclause (1)(b)(i) and (ii) must be in the form of—
 - (a) a medical certificate or other written evidence signed by a registered health practitioner or a registered NDIS provider, or
 - (b) a statutory declaration by the person.

4.18 Other exceptions

- (1) A person may remove a fitted face covering the person is otherwise required to wear if the person is—
 - (a) eating or drinking, or
 - (b) engaging in strenuous physical exercise, or
 - (c) communicating with a person who is deaf or hard of hearing, or

- (d) engaging in work if—
 - (i) wearing the covering is a risk to the person's, or another person's, health and safety, or
 - (ii) enunciation or visibility of the person's mouth is essential, or
 - (iii) the work is in an indoor area and no other person is in the area, or
 - (e) requested to remove the covering as part of an identity check,
 - (f) required to remove the covering—
 - (i) because of an emergency, or
 - (ii) for the proper provision of goods or a service, or
 - (g) in a vehicle and no other person is in the vehicle other than—
 - (i) a member of the person's household, or
 - (ii) the person's nominated visitor, or
 - (h) in a hotel, motel or other accommodation facility as a guest and is in the person's own room, or
 - (i) in a school as a student, or
 - (j) in a public hospital or private health facility as a patient, or
 - (k) in a residential aged care facility as a resident, or
 - (l) in a correctional centre or other place of custody, or
 - (m) in the process of getting married.
- (2) A person who removes the person's fitted face covering under this clause must resume wearing it as soon as practicable after the circumstance ends.

Division 6 Miscellaneous

4.19 Working from home

An employer must require an employee whose place of residence or usual place of work is in an area of concern to work at the employee's place of residence unless it is not reasonably practicable to do so.

4.20 Singing indoors

- (1) The occupier of premises in an area of concern must not allow a person to sing in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—
 - (a) a place of residence,
 - (b) an educational establishment,
 - (c) a performer who is performing or rehearsing,
 - (d) a person who is engaged in instruction in singing.

4.21 Property inspections

- (1) A person must not conduct an open inspection of premises in an area of concern for the purposes of the sale or lease of real estate.
- (2) This clause does not prevent a person carrying out an inspection of premises if—
 - (a) the person has made an appointment to carry out the inspection, and
 - (b) no more than 1 person inspects the premises at any 1 time.

4.22 Auctions

- (1) A person must not conduct an auction at premises in an area of concern at which persons attend in person.
- (2) This clause does not apply to—
 - (a) an auction for food supply, or
 - (b) a livestock, fibre or crop auction.
- (3) Business premises that are auction houses may be open to the public for the purposes of an auction referred to in subclause (2).

4.23 Educational institutions

- (1) A person must not conduct a class, lecture, exam or other teaching or assessment session at an educational institution in an area of concern if students attend in person.
- (2) This clause does not apply to—
 - (a) a school, or
 - (b) an educational institution operated by NSW Health.

4.24 Vaccinations—early education and care and disability support

- (1) This clause applies to a relevant care worker whose place of residence or place of work is in an area of concern.
- (2) A relevant care worker who is at least 16 years of age must not enter or remain in the worker's place of work unless the worker—
 - (a) has had at least 1 dose of a COVID-19 vaccine, or
 - (b) has been issued with a medical contraindication certificate.
- (3) The relevant care worker must, when entering the worker's place of work—
 - (a) carry the required evidence, and
 - (b) produce the required evidence for inspection if requested by—
 - (i) the worker's employer, or
 - (ii) the occupier of the worker's place of work, or
 - (iii) a police officer, or
 - (iv) an authorised officer.
- (3A) Subclauses (2) and (3) do not apply to a relevant care worker before 9 September 2021.
- (3B) From the beginning of 9 September 2021 until the end of 19 September 2021—
 - (a) a relevant care worker is taken to comply with subclause (2) if the relevant care worker has an appointment to receive a COVID-19 vaccine on or before 19 September 2021, and
 - (b) evidence of the appointment is taken to be the worker's vaccination evidence for the purposes of the required evidence in subclause (3).
- (4) In this clause—

relevant care worker means a person who—

 - (a) works in an early education and care facility, except for a person who provides services listed in—
 - (i) the *Education and Care Services National Regulations*, clause 5, other than clause 5(2)(c) or (h), or

- (ii) the *Children (Education and Care Services) Supplementary Provisions Act 2011*, section 4(3), other than section 4(3)(a), or

Note. See Schedule 4, Dictionary, note for the meaning of early education and care facility.

- (b) provides disability support services in person to a person with a disability, including services funded or provided under—
 - (i) the National Disability Insurance Scheme of the Commonwealth, or
 - (ii) the Assisted School Travel Program of the Department of Education.

required evidence means—

- (a) evidence showing the worker’s name and place of residence, and
- (b) the worker’s vaccination evidence.

- (5) (Repealed)

Part 5 Additional directions for Greater Sydney

Division 1 Preliminary

5.1 Introduction

This Part sets out additional directions of the Minister that apply to Greater Sydney.

Division 2 Entering Greater Sydney

5.2 Entering Greater Sydney

- (1) A person must not enter Greater Sydney without a reasonable excuse.
- (2) A reasonable excuse includes the following—
 - (a) entering to go to the person's place of residence in Greater Sydney,
 - (b) doing an activity specified in Schedule 2, Part 1, other than clause 9,
 - (c) obtaining goods or services if the goods or services—
 - (i) are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
 - (ii) the goods or services, or equivalent goods or services, are not reasonably available outside Greater Sydney,
 - (d) attending a small funeral or memorial service or small wedding service in Greater Sydney.
- (3) Taking a holiday in Greater Sydney is not a reasonable excuse.

Division 3 Leaving Greater Sydney

5.3 Testing of workers leaving Greater Sydney

- (1) This clause applies to a person who resides in Greater Sydney if the person goes more than 50 kilometres from Greater Sydney to carry out work.
- (2) The person must not enter premises (*relevant premises*) more than 50 kilometres from Greater Sydney to carry out work unless the person—
 - (a) has been tested for COVID-19 within the previous 7 days, and
 - (b) carries evidence of the test, and
Example— An SMS text message or email from the testing organisation.
 - (c) carries evidence showing the person's name and place of residence.
- (3) If the relevant premises are not a place of residence, the occupier must not permit the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 7 days.
- (4) The person must, if requested to do so by the occupier or by the person's employer, produce the evidence of the test for inspection by the occupier or employer.
- (5) If the person is at least 16 years of age, the person must, if requested to do so by a police officer, produce the following evidence for inspection by the police officer—
 - (a) evidence of the test,
 - (b) evidence showing the person's name and place of residence.

5.4 Permits for persons leaving Greater Sydney

- (1) This clause applies to a person who resides in Greater Sydney if the person—

- (a) is leaving Greater Sydney—
 - (i) to relocate to a new place of residence outside Greater Sydney, or
 - (ii) to move between places of residence of the person in accordance with clause 5.5, or
 - (iii) to inspect residential property in accordance with clause 5.5, or
- (b) goes more than 50 kilometres from Greater Sydney to carry out work.
- (2) The person must not leave Greater Sydney without a permit issued by Service NSW.
Note— See clause 6.4.
- (3) The person does not require a permit for the provision of an emergency service.

5.5 Leaving Greater Sydney to move between homes or to inspect property

A person who resides in Greater Sydney must not leave Greater Sydney—

- (a) to move between places of residence of the person unless the movement—
 - (i) is for the person's work and only the person moves to the other place of residence, or
 - (ii) is for urgent maintenance or repairs or animal welfare and only 1 person moves to the other place of residence, or
- (b) to inspect residential property unless—
 - (i) the person has a genuine intention to reside outside Greater Sydney as soon as practicable, and
 - (ii) the person inspects the property as a potential place of residence for the person.

Note— There is no restriction on a person permanently relocating to a new place of residence outside Greater Sydney other than the requirement under clause 5.4 to obtain a permit.

5.6 Carrying evidence of name and address when leaving Greater Sydney

A person who is at least 16 years of age and resides in Greater Sydney must, when outside Greater Sydney—

- (a) carry evidence showing the person's name and place of residence, and
- (b) produce the evidence for inspection if requested to do so by a police officer.

Division 4 Construction sites

5.7 Maximum number of persons—construction sites

- (1) The occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the number of persons equal to the lesser of—
 - (a) 1 person per 4 square metres of space on the construction site, or
 - (b) for a construction site with a resourcing plan—50% of the maximum daily workforce of the construction site.
- (2) In this clause—

maximum daily workforce for a construction site means the maximum number of workers at the construction site on any day during the project life cycle, derived from the resourcing plan for the construction site.

project life cycle for a construction site means the period from the commencement of work on the construction site to the completion of work.

resourcing plan for a construction site means—

- (a) the resourcing plan that applied to the construction site on 31 July 2021, or

- (b) if there was no resourcing plan on 31 July 2021—the resourcing plan that applies to the construction site on the day on which work commences on the construction site.

5.8 Vaccination required to work on construction sites in Greater Sydney

- (1) A person whose place of residence is in an area of concern must not enter or remain on a construction site in Greater Sydney unless the person—
 - (a) has had 2 doses of a COVID-19 vaccine, or
 - (b) has had 1 dose of a COVID-19 vaccine at least 21 days ago, or
 - (c) has had 1 dose of a COVID-19 vaccine within the previous 21 days and has been tested for COVID-19 within the previous 72 hours, or
 - (d) has a medical contraindication certificate issued to the person and has been tested for COVID-19 within the previous 72 hours.
- (2) The occupier of the construction site must not allow the person to enter or remain on the construction site unless satisfied that the person has complied with this clause.
- (3) The person must, when entering or on the construction site—
 - (a) carry the required evidence, and
 - (b) produce the required evidence for inspection if requested by—
 - (i) the person’s employer, or
 - (ii) the occupier of the construction site, or
 - (iii) a police officer, or
 - (iv) an authorised officer.
- (4) (Repealed)
- (5) This clause does not apply to the following persons—
 - (a) a person who enters or remains on a construction site because of an emergency,
 - (b) a police officer,
 - (c) an authorised officer.
- (6) In this clause—

required evidence means—

- (a) evidence showing the person’s name and place of residence, and
- (b) all of the following that apply to the person—
 - (i) evidence from the Australian Immunisation Register that the person has had 1 or 2 doses of a COVID-19 vaccine,
Example— An online immunisation history statement or COVID-19 digital certificate from the Australian Immunisation Register.
 - (ii) evidence that the person has been tested for COVID-19,
Example— An SMS text message or email from the testing organisation.
 - (iii) a medical contraindication certificate issued to the person.

test for COVID-19 includes test for COVID-19 using a rapid antigen test in the way approved by the Chief Health Officer.

Part 6 Other directions

Division 1 Preliminary

6.1 Introduction

This Part sets out other directions of the Minister.

Division 2 Answering questions and providing information

6.2 Answering questions from contact tracers

- (1) A person must answer questions or provide other information about the person's movements if requested to do so by an authorised contact tracer.
- (2) A person must provide the person's contact details if requested to do so by an authorised contact tracer.
- (3) In this clause—
contact details, of a person, means—
 - (a) the person's name, and
 - (b) the person's telephone number or email address.

6.3 Information provided under Order must be true and accurate

- (1) A person must ensure information is true and accurate if it is provided under this Order—
 - (a) in response to a request, or
 - (b) to Service NSW, or
 - (c) to an authorised contact tracer.
- (2) A person must ensure evidence is true and accurate if it is produced in response to a request under this Order.

Division 3 Issue of permits by Service NSW

6.4 Issue of permits

- (1) Service NSW is authorised to issue permits for the purposes of this Order.
- (2) A permit may be issued subject to conditions, including a requirement to carry specified supporting information.
- (3) A permit may be issued for a period specified in the permit or indefinitely.
- (4) Service NSW is not required to issue a permit to a person who fails to provide the information required by Service NSW.
Note— See clause 6.3 for the requirement for information to be true and accurate.
- (5) A person who is at least 16 years of age and who relies on a permit must—
 - (a) carry the permit and evidence showing the person's name and place of residence, and
 - (b) produce the permit and evidence for inspection if requested to do so by a police officer.
- (6) A person relying on a permit must comply with the conditions of the permit.
- (7) A permit may apply to more than 1 person.
- (7A) A single permit may be issued for the purposes of more than 1 clause of this Order.

- (8) Information provided to Service NSW may be—
 - (a) stored, used or disclosed for the purposes of this Order, or
 - (b) disclosed to—
 - (i) NSW Health for contact tracing, or
 - (ii) NSW Police for enforcement of this Order.

Division 4 Testing of certain categories of worker

6.5 Testing of workers

- (1) The Chief Health Officer may, by notice published on the website of NSW Health, identify—
 - (a) categories of workers, and
 - (b) areas.
- (2) A person who is a worker in an identified category and whose place of residence is in an identified area must not work at premises outside the local government area in which the person resides unless the person—
 - (a) has been tested for COVID-19 within the previous 72 hours, and
 - (b) carries evidence of the test, and
 - Example—** An SMS text message or email from the testing organisation.
 - (c) carries evidence showing the person's name and place of residence.
- (3) If the premises are not a place of residence, the occupier must not permit the person to enter or remain on the premises unless the person satisfies the occupier that the person has been tested for COVID-19 within the previous 72 hours.
- (4) The person must, if requested to do so by the occupier or by the person's employer, produce the evidence of the test for inspection by the occupier or employer.
- (5) If the person is at least 16 years of age, the person must produce the following for inspection if requested to do so by a police officer—
 - (a) evidence of the test,
 - (b) evidence showing the person's name and place of residence.
- (6) A category of worker or an area specified by notice under the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*, clause 24A or 24B continue to apply for the purposes of this clause until the notice is revoked.

Part 7 Miscellaneous

7.1 Travelling through State

- (1) This Order does not apply to a person merely because the person—
 - (a) travels through the State in a vehicle if the person does not leave the vehicle while in the State, or
 - (b) enters the State by road and then travels through the State by the most practicable direct route, or
 - (c) enters the State by air and does not leave the airport while in the State, or
 - (d) enters the State, by vessel or aircraft, and then travels directly from the port or airport at which the person arrived to leave the State by the most practicable direct route, or
 - (e) enters the State to travel to a port or airport to leave the State and then travels to the port or airport by the most practicable direct route.
- (2) A requirement to travel by the most practicable direct route does not prevent the person from—
 - (a) obtaining supplies, including fuel, that is reasonably necessary for—
 - (i) the vehicle in which the person is travelling, or
 - (ii) a person in the vehicle, or
 - (b) reasonably stopping to rest or have a meal, or
 - (c) dealing with an emergency.

7.2 Exemptions

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

7.3 Repeal of Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021

The *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* is repealed.

7.4 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 Additional Restrictions for Delta Outbreak) Order 2021*.

7.5 Repeal

Schedule 1, clauses 2–15 are repealed at the beginning of 1 October 2021.

7.6 Amendment of this Order

Schedule 3A commences at the beginning of 28 September 2021.

Schedule 1 Categories of area

clauses 2.1, 3.1 and 4.1

Part 1 The general area

1 Whole State other than stay at home areas and areas of concern

The whole of the State is the general area other than an area that is—

- (a) a stay at home area, or
- (b) an area of concern.

Part 2 Stay at home areas

2 Greater Sydney

Greater Sydney is a stay at home area, other than a part of Greater Sydney that is an area of concern.

3 Regional NSW area

- (1) The regional NSW area is a stay at home area, other than a part of the regional NSW area that is an area of concern.
- (2) The relevant date for the purposes of clause 3.2(5) is—
 - (a) for the part of the stay at home area that comprises Yass Valley local government area—9 September 2021, or
 - (b) otherwise—14 August 2021.
- (3) In this clause—

regional NSW area means the local government areas of Bathurst Regional, Bega Valley, Blayney, Bogan, Bourke, Brewarrina, City of Broken Hill, Cabonne, Central Coast, Central Darling, City of Cessnock, Dubbo Regional, Dungog, Eurobodalla, Forbes, Gilgandra, Goulburn Mulwaree, Kiama, City of Lake Macquarie, City of Lithgow, City of Maitland, Mid-Western Regional, Muswellbrook, Narrabri, Narromine, City of Newcastle, City of Orange, Parkes, Port Stephens, Queanbeyan-Palerang Regional, City of Shellharbour, City of Shoalhaven, Singleton, Snowy Monaro Regional, Upper Hunter Shire, Walgett, Wingecarribee and Yass Valley.

Part 3 Areas of concern

4 Bayside local government area

Bayside local government area is an area of concern.

5 City of Blacktown local government area

City of Blacktown local government area is an area of concern.

6 Burwood local government area

Burwood local government area is an area of concern.

7 City of Campbelltown local government area

City of Campbelltown local government area is an area of concern.

8 Canterbury-Bankstown local government area

Canterbury-Bankstown local government area is an area of concern.

9 Cumberland local government area

Cumberland local government area is an area of concern.

10 City of Fairfield local government area

City of Fairfield local government area is an area of concern.

11 Georges River local government area

Georges River local government area is an area of concern.

12 City of Liverpool local government area

City of Liverpool local government area is an area of concern.

13 City of Parramatta local government area

City of Parramatta local government area is an area of concern.

14 Strathfield local government area

Strathfield local government area is an area of concern.

15 Certain parts of City of Penrith

The parts of the City of Penrith local government area comprising the following suburbs are an area of concern—

- (a) Caddens,
- (b) Claremont Meadows,
- (c) Colyton,
- (d) Erskine Park,
- (e) Kemps Creek,
- (f) Kingswood,
- (g) Mount Vernon,
- (h) North St Marys,
- (i) Orchard Hills,
- (j) Oxley Park,
- (k) St Clair,
- (l) St Marys.

Schedule 2 Reasonable excuses

clauses 3,2, 4.2 and 5.2

Note— This Schedule sets out reasonable excuses to be away from a person's place of residence. It does not authorise the person to enter premises that the person would otherwise be prohibited to enter under this Order.

Part 1 Reasonable excuses for stay at home areas and areas of concern

1 Part applies to both stay at home areas and areas of concern

The reasonable excuses set out in this Part are reasonable excuses for a stay at home area or an area of concern.

2 Work

A person may leave the person's place of residence for work if it is not reasonably practicable for the person to work at the place of residence.

Note— A person may require additional authorisation to work at other premises.

3 Childcare

A person may leave the person's place of residence to—

- (a) attend childcare, or
- (b) pick up or drop off a person at childcare.

4 Schools and educational institutions

A person may leave the person's place of residence to attend a school or other educational institution if the person cannot learn from the place of residence.

5 Medical and donating blood

A person may leave the person's place of residence to—

- (a) obtain medical care, including obtaining a COVID-19 test or vaccination, or
- (b) obtain medical or health supplies, or
- (c) donate blood.

6 Carers and care and assistance to vulnerable persons

A person may leave the person's place of residence to—

- (a) fulfil carer's responsibilities, or
- (b) provide care or assistance to a vulnerable person.

7 Compassionate grounds

A person may leave the person's place of residence—

- (a) for compassionate reasons, or
- (b) to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation authorised by this Order.

8 Contact arrangements

A person may leave the person's place of residence for family contact arrangements.

9 Nominated visitors

A nominated visitor of a person may leave the nominated visitor's place of residence—

- (a) to visit the person as authorised by this Order, or
- (b) to accompany the person when the person is undertaking exercise or outdoor recreation authorised by this Order.

10 Emergencies and risks to person

A person may leave the person's place of residence—

- (a) to provide emergency assistance to a person, or
- (b) in an emergency, or
- (c) to avoid illness, injury or risk of harm.

11 Animal welfare

A person may leave the person's place of residence to feed an animal or for animal welfare.

12 Legal obligations

A person may leave the person's place of residence to fulfil legal obligations.

13 Public services

A person may leave the person's place of residence to access 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.

14 Moving home or inspecting property

A person may leave the person's place of residence to—

- (a) move to a new place of residence, or
- (b) inspect real property, or
- (c) move between places of residence of the person.

Note— See additional restrictions in clauses 5.4 and 5.5.

14A Transportation of household members

A person may leave the person's place of residence if reasonably necessary to transport a member of the person's household who is authorised to leave the place of residence under this Schedule.

Example— Driving children to a school.

15 Temporary accommodation

A person may leave the person's place of residence that is temporary accommodation if—

- (a) the period of the booking of the temporary accommodation expires, and

- (b) the person goes directly to the person's new place of residence, which may be other temporary accommodation.

16 Business relocation

A person may leave the person's place of residence to supervise or facilitate a business moving to new premises.

17 Religious functions

A person who is a priest, minister of religion or member of a religious order may leave the person's place or residence to—

- (a) go to the person's place of worship, or
- (b) provide pastoral care.

Part 2 Reasonable excuses for stay at home areas only

18 Part applies to stay at home areas

The reasonable excuses set out in this Part are reasonable excuses for a stay at home area.

19 Obtaining goods and services

- (1) A person may leave the person's place of residence to obtain goods or services if the goods or services—
 - (a) are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
 - (b) are obtained locally, unless the goods or services, or equivalent goods or services, are not reasonably available locally.

Note— Browsing in a shop is not authorised by this clause.

- (2) Unless it is not reasonably practicable, a person must not leave the person's place of residence under this clause if a member of the person's household, including the person, has already left the place of residence on that day to obtain goods or services.

Example— A person would be permitted to be accompanied by a dependant if it were not reasonably practicable for the dependant to remain at home.

- (3) A person who is at least 16 years of age who leaves the person's place of residence under this clause must—
 - (a) carry evidence showing the person's name and place of residence, and
 - (b) produce the evidence if requested to do so by a police officer.
- (4) In this clause—

locally means—

 - (a) within the local government area in which the person resides, or
 - (b) if within another local government area—
 - (i) no further than 5 kilometres from the person's place of residence, and
 - (ii) not in an area of concern.

20 Exercise or outdoor recreation

- (1) A person may leave the person's place of residence to undertake exercise or outdoor recreation if it is undertaken—
 - (a) within the local government area in which the person resides, or

- (b) if within another local government area—no further than 5 kilometres from the place of residence.

Example— This applies to leisure activities, including fishing.

- (2) A person who is at least 16 years of age who leaves the person's place of residence under this clause must—
 - (a) carry evidence showing the person's name and place of residence, and
 - (b) produce the evidence if requested to do so by a police officer.

21 Funeral or memorial service

- (1) A person may leave the person's place of residence to attend a funeral or memorial service if—
 - (a) the service is in the stay at home area, or
 - (b) for a service outside the stay at home area—the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- (2) In this clause—
service includes a gathering after the service.

21A Wedding service

- (1) A person may leave the person's place of residence to attend a wedding service if the person is—
 - (a) a person who is legally necessary for the conduct of the service, or
Examples— The persons getting married, the person marrying them and the witnesses.
 - (b) the person who is recording the service.
- (2) A person to whom subclause (1) does not apply may leave the person's place of residence to attend a wedding service if—
 - (a) the service is in the stay at home area, or
 - (b) for a service outside the stay at home area—the person is the parent, child or sibling of 1 of the persons getting married.
- (3) This clause does not allow a person who resides in Greater Sydney to attend a wedding service held outside Greater Sydney.

Part 3 Reasonable excuses for areas of concern only

22 Part applies to areas of concern

The reasonable excuses set out in this Part are reasonable excuses for an area of concern.

23 Obtaining goods and services

- (1) A person may leave the person's place of residence to obtain goods or services if the goods or services—
 - (a) are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
 - (b) are obtained—
 - (i) from within 5 kilometres of the place of residence, or
 - (ii) if they are not reasonably available in the 5 kilometre radius—from another place in the area of concern, or

- (iii) if they are not reasonably available in the area of concern—from the closest place to the place of residence that they are reasonably available.

Note— Browsing in a shop is not authorised by this clause.

- (2) For an area of concern in Greater Sydney, the reference to closest place in subclause (1)(b)(iii) means the closest place in Greater Sydney.
- (3) Goods or services are not reasonably available if the goods or services, or equivalent goods or services, are not reasonably available.
- (4) Unless it is not reasonably practicable, a person must not leave the person's place of residence under this clause if a member of the person's household, including the person, has already left the place of residence on that day to obtain goods or services.
Example— A person would be permitted to be accompanied by a dependant if it were not reasonably practicable for the dependant to remain at home.
- (5) A person who is at least 16 years of age who leaves the person's place of residence under this clause must—
 - (a) carry evidence showing the person's name and place of residence, and
 - (b) produce the evidence if requested to do so by a police officer.

24 Exercise or children playing

- (1) A person may leave the person's place of residence to do the following no further than 5 kilometres from the place of residence—
 - (a) undertake exercise,
 - (b) for a child who is no more than 12 years of age—to play,
 - (c) to supervise a child who has left the place of residence to play.
- (2) A person who is at least 16 years of age who leaves the person's place of residence under this clause must—
 - (a) carry evidence showing the person's name and place of residence, and
 - (b) produce the evidence if requested to do so by a police officer.

24A Outdoor recreation for fully vaccinated persons

- (1) A person may leave the person's place of residence for outdoor recreation no further than 5 kilometres from the place of residence if the person—
 - (a) is a fully vaccinated person or is under 16 years of age, and
 - (b) undertakes the outdoor recreation only with persons who, if at least 16 years of age, are fully vaccinated persons.
Example— This applies to leisure activities, including fishing.
- (2) A person must not be away from the person's place of residence for more than 2 hours per day under this clause.
- (3) A person who is at least 16 years of age who leaves the person's place of residence under this clause must—
 - (a) carry—
 - (i) evidence showing the person's name and place of residence, and
 - (ii) vaccination evidence for the person, and
Example— An online immunisation history statement or COVID-19 digital certificate from the Australian Immunisation Register.
 - (b) produce the evidence if requested to do so by a police officer.

25 Funeral or memorial service

- (1) A person may leave the person's place of residence to attend a funeral or memorial service if—
 - (a) the service is in the area of concern, or
 - (b) for a service outside the area of concern—the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- (2) In this clause—
service includes a gathering after the service.

26 Wedding service

- (1) A person may leave the person's place of residence to attend a wedding service if the person is—
 - (a) a person who is legally necessary for the conduct of the service, or
Examples—The persons getting married, the person marrying them and the witnesses.
 - (b) the person who is recording the service.
- (2) A person to whom subclause (1) does not apply may leave the person's place of residence to attend a wedding service if—
 - (a) the service is in the area of concern, or
 - (b) for a service outside the area of concern—the person is the parent, child or sibling of 1 of the persons getting married.
- (3) This clause does not allow a person who resides in Greater Sydney to attend a wedding service held outside Greater Sydney.

Schedule 3 Exempted gatherings

clauses 2.2, 3.8, 3.13, 4.9 and 4.14

- 1 Gathering at an airport that is necessary for the normal operation 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 operation 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 operation 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 predominantly sells food, grocery store or shopping centre (but not a retail store in a shopping centre other than a supermarket, market that predominantly sells food or grocery store) that is necessary for the normal operation of the supermarket, market, store or centre
- 10 Gathering at a farm, commercial fishing operation or mine or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the farm, commercial fishing operation or mine 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 operation 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 Street 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 3A Amendment of this Order

clause 7.6

[1] Schedule 1 Categories of area

Omit clause 3(2). Insert instead—

(2) The relevant date for the purposes of clause 3.2(5) is 14 August 2021.

[2] Schedule 1, clause 3(3), definition of “regional NSW area”

Omit “Walgett, Wingecarribee and Yass Valley”.

Insert instead “Walgett and Wingecarribee”.

Schedule 4 Dictionary

clause 1.3

adult means a person who is at least 18 years of age.

area of concern means an area identified as an area of concern in Schedule 1.

Australian Immunisation Register means the Australian Immunisation Register kept under the *Australian Immunisation Register Act 2015* of the Commonwealth.

authorised contact tracer means a person engaged by NSW Health whose duties include—

- (a) identifying persons who may have come into contact with a person with COVID-19, or
- (b) notifying a person that the person has been identified as a close contact, being a person—
 - (i) likely to have come into contact with a person with COVID-19, and
 - (ii) at risk of developing COVID-19.

child means a person under 18 years of age.

common property means—

- (a) common property within the meaning of the *Strata Schemes Development Act 2015*, or
- (b) association property within the meaning of the *Community Land Development Act 1989*, or
- (c) in relation to premises under company title, a part of the premises—
 - (i) used as common property by the residents of the premises, or
 - (ii) that no person has an exclusive right to occupy.

compassionate reasons includes where 2 persons are in a relationship but do not necessarily live together.

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, or at which civil works are being carried out, but not work carried out in relation to a dwelling in which a person is residing.

controlled outdoor public gathering means an outdoor public gathering, other than a gathering referred to in Schedule 3, 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.

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*.

COVID-19 safe outdoor public gathering has the same meaning as in the *Public Health (COVID-19 Safety) Order 2021*.

domestic commercial aircraft means an aircraft being used to transport passengers on a commercial basis—

- (a) to or from an airport in New South Wales, and
- (b) only within Australia.

essential utility includes a water, gas, electricity, internet, television or telecommunications service.

event includes a function.

family contact arrangements means, for a child who does not live in the same household as a parent or sibling of the child—arrangements to give effect to new or existing arrangements for access to, and contact between, parents and children or siblings.

fitted face covering means a mask or other covering that—

- (a) fits securely around the face, and
- (b) is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection.

fully vaccinated person means a person who—

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has a medical contraindication certificate issued to the person.

general area means the area identified as the general area in Schedule 1.

goods includes food.

Greater Sydney means—

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

hospitality venue means the following—

- (a) casinos,
- (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.

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

local government area means—

- (a) for land on Lord Howe Island—Lord Howe Island, and
- (b) for land in the Western Division within the meaning of the *Crown Land Management Act 2016*—the Western Division.

medical contraindication certificate means a certificate issued by a medical practitioner—

- (a) in a form approved by the Chief Health Officer, and
- (b) certifying that because of a specified medical contraindication, the person to whom the certificate has been issued cannot have a COVID-19 vaccine.

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.

nominated visitor means a nominated visitor within the meaning of clause 3.12 or 4.13.

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

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

place of residence includes, for a person staying in temporary accommodation, the temporary accommodation.

prescribed work means the following—

- (a) cleaning,
- (b) repairs and maintenance,
- (c) alterations and additions to buildings,
- (d) work carried out as part of a trade, including electrical work or plumbing.

private health facility has the same meaning as in the *Private Health Facilities 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 hospital has the same meaning as in the *Health Services Act 1997*.

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

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

public transport waiting area means the following—

- (a) a station, including the platform, of a passenger railway or light rail,
- (b) a ferry wharf,
- (c) a bus stop or light rail stop, including any area where persons queue or gather when waiting at the stop,
- (d) a taxi rank, including any area where persons queue or gather when waiting at a taxi rank.

registered NDIS provider means a registered NDIS provider within the meaning of the *National Disability Insurance Scheme Act 2013* of the Commonwealth.

reside includes stay in temporary accommodation.

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.

sell includes display for sale.

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

significant event means—

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

small funeral or memorial service means a funeral or memorial service, including a gathering following a funeral or memorial service, 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,

small wedding service means a wedding service, but not a gathering after a wedding service, at which there are no more than 5 persons, excluding—

- (a) the persons legally necessary for the conduct of the service, and
Examples— The persons getting married, the person marrying them and the witnesses.
- (b) 1 person to record the service.

stay at home area means an area identified as a stay at home area in Schedule 1.

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

the Act means the *Public Health Act 2010*.

vaccination evidence for a person means—

- (a) evidence from the Australian Immunisation Register that the person has had 1 or 2 doses of a COVID-19 vaccine, or

Example— An online immunisation history statement or COVID-19 digital certificate from the Australian Immunisation Register.

- (b) a medical contraindication certificate issued to the person.

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

Note— Clause 1.4 of this Order provides that a reference to a type of premises in this Order has the same meaning as it has in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*. 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**.

home-based child care means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

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.

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**.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

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