



New South Wales

Public Health (COVID-19 Gathering Restrictions) Order 2021

under the

Public Health Act 2010

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

Dated 29 March 2021 (original order).

As amended on 30 March 2021, 9 April 2021 at 2.57pm and 3 May 2021 at 4.54pm.

Minister for Health and Medical Research

Explanatory note

The object of this Order is revoke and remake, with some changes, the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2021*. The changes relate to the following—

- (a) increasing the maximum number of persons for—
 - (i) places of residence, and
 - (ii) holiday homes and short-term rentals, and
 - (iii) nightclubs and gymnasiums, and
 - (iv) indoor entertainment facilities, including cinemas, and
 - (v) recreation facilities (major), and
 - (vi) outdoor public gatherings, including for protests or demonstrations, community sporting activities and outdoor performing arts, and
 - (vii) controlled outdoor gatherings,
- (b) removing requirements for COVID-19 Safety Hygiene Marshals,
- (c) removing restrictions on indoor singing, including at places of public worship,
- (d) removing restrictions on dancing at weddings,
- (e) restructuring the Order and streamlining its provisions.

Editorial note

This is the order as amended by the repeal of clause 31 of this order, the *Public Health (COVID-19 Gathering Restrictions) Amendment Order 2021* and the *Public Health (COVID-19 Gathering Restrictions) Amendment Order (Exemptions) 2021*.

Contents

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

	Page
Part 5 Lord Howe Island	
23 Directions about Lord Howe Island	13
Part 6 Records and exchange of information	
Division 1 Contact details	
24 Interpretation	14
25 Directions about persons providing contact details	14
26 Direction about record keeping by occupiers concerning contact details	15
26A Direction about use of contact details	15
Division 2 Exchange of information	
27 Direction about information exchange	15
Part 7 Miscellaneous	
28 Exemptions	16
29 Repeal	16
30 Savings	16
31 (Repealed)	16
Schedule 1 Premises and events requiring COVID-19 Safety Plan	17
Schedule 2 Exempted gatherings	19
Schedule 3 Premises requiring electronic entry records	20
Schedule 4 Dictionary	22

Public Health (COVID-19 Gathering Restrictions) Order 2021

under the

Public Health Act 2010

Part 1 Preliminary

Division 1 Introduction

1 Name of Order

This Order is the *Public Health (COVID-19 Gathering Restrictions) Order 2021*.

2 Commencement

This Order commences at the beginning of 29 March 2021.

Division 2 Interpretation

3 Definitions and notes

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

Note—

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

- (2) A type of premises defined by the Standard Instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006* has the same meaning in this Order.

Note—

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

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

4 References to directions

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

5 Meaning of “approved COVID-19 safety checklist”

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

6 Calculation of spaces available for persons

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

Division 3 Grounds for Order

7 Grounds for concluding risk to public health

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

- (a) public health authorities both internationally and in Australia have been monitoring and responding to outbreaks of COVID-19, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

Part 2 Residential premises

8 Directions about number of persons allowed on residential premises

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

responsible person means—

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

9 Direction about residential aged care facilities

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

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

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

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

Part 3 Non-residential premises

10 Direction about COVID-19 Safety Plans

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

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

11 Direction about number of persons allowed on premises

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

12 Directions about entertainment facilities and recreation facilities (major)

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

- (b) all persons, other than persons engaged in work, are assigned to specific seats.

Part 4 Events and activities

Division 1 Significant events

13 Direction about COVID-19 Safety Plans for significant events

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

Note—

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

- (b) to keep a copy of the COVID-19 Safety Plan on the premises while the significant event is being held and make it available for inspection by an authorised officer or a police officer as requested.
- (2) In this clause—
- responsible person** means—
- (a) for a significant event held in a public park, a reserve or a public garden—the person organising the event or conducting the service, and
 - (b) for another significant event—the occupier of the premises.

Division 2 Agricultural shows and agricultural field days

14 Definitions

In this Division—

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

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

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

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

15 Direction about COVID-19 Safety Plans

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

- (a) to have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, column 3, and

- (b) to keep a copy of the COVID-19 Safety Plan and make it available for inspection by an authorised officer or a police officer as requested.

16 Direction about maximum number of participants

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

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

This Division does not apply to—

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

Division 3 Outdoor public gatherings

18 Definition

In this Division—

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

19 Directions about non-controlled outdoor public gatherings

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

20 Directions about controlled outdoor public gatherings

- (1) The organiser of a controlled outdoor public gathering is directed—

- (a) to have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in Schedule 1, column 3, and
 - (b) to keep a copy of the COVID-19 Safety Plan and make it available for inspection by an authorised officer or a police officer as requested.
- (2) The organiser of a controlled outdoor public gathering is directed to ensure all persons participating in the gathering, other than persons engaged in work, are assigned to specific seats or to a seating area.
- (3) The organiser of a controlled outdoor public gathering is directed to ensure the maximum number of persons participating in the gathering is the lesser of—
 - (a) the number of persons equivalent to 1 person per 2 square metres of space of the premises in which the activity is conducted, or
 - (b) 10,000 persons.
- (4) The organiser of a controlled outdoor public gathering is directed to ensure the gathering does not last longer than 5 hours.
- (5) This clause does not apply to the following—
 - (a) a gathering on premises for which a person is directed by clause 10 to develop and keep a COVID-19 Safety Plan,
 - (b) an exempted gathering.

Division 4 Use of premises for specific activities

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

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

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

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

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

Part 5 Lord Howe Island

23 Directions about Lord Howe Island

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

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

Part 6 Records and exchange of information

Division 1 Contact details

Note—

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

24 Interpretation

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

25 Directions about persons providing contact details

- (1) A person who enters premises specified in Schedule 3, subject to the exceptions in the Schedule, is directed to provide the person's contact details to the occupier of the premises in accordance with this clause.
- (2) The occupier of the premises is directed to require a person specified in subclause (1) to provide the person's contact details in accordance with this clause.
- (3) A person is to provide the person's contact details as follows—
 - (a) for a person entering premises to attend a significant event at a place of public worship or entering premises for a religious service—
 - (i) by electronically registering the person's contact details with Service NSW by means of a mobile phone or other device at the time the person enters the premises, or
 - (ii) directly to the occupier of the premises,
 - (b) for a person entering a hospitality venue or a hairdressing salon—by electronically registering the person's contact details with Service NSW by means of a mobile phone or other device at the time the person enters the premises,
 - (c) for other persons—by electronically registering the person's contact details by means of a mobile phone or other device at the time the person enters the premises with—
 - (i) Service NSW, or
 - (ii) the occupier of the premises.

Example—

Electronically registering a person's contact details may be by the use of a QR code or another electronic method that records the person's name, telephone number or email address and the time at which the person entered the premises.

- (4) If a person required under this clause to provide contact details by electronic registration cannot complete the electronic registration because of age, disability or an inability to speak or comprehend the language used by the electronic registration device, another person may complete the registration on the person's behalf.
- (5) If a person is required under this clause to provide contact details by electronic registration but, because of unexpected circumstances, it is not possible to electronically register contact details—

- (a) the person may provide the contact details directly to the occupier of the premises, and
- (b) the occupier of the premises is to electronically register the contact details within 12 hours.

Example—

Unexpected circumstances for the purposes of this clause include a failure of internet service or a breakdown of all of the occupier's computers or other devices.

- (6) However, this clause does not apply to the occupier of premises other than a gymnasium, a nightclub or a hospitality venue that is not a take away food or drink premises if—
 - (a) the premises is wholly contained within, and is only accessible through, another premises (the *main premises*), and
 - (b) the occupier of the main premises is required to keep a record of the contact details of persons entering the main premises in accordance with this clause.

26 Direction about record keeping by occupiers concerning contact details

- (1) This clause applies to the occupier of premises if a person's contact details are provided to the occupier under clause 25(3) rather than Service NSW.
- (2) The occupier is directed—
 - (a) to keep, for at least 4 weeks, a record of the contact details, and
 - (b) on request, to provide the record to the Chief Health Officer as soon as practicable, but no later than 4 hours, after the request is made, and
 - (c) to ensure that a person is—
 - (i) responsible for requiring contact details to be provided in accordance with this clause, and
 - (ii) authorised to provide records to the Chief Health Officer under paragraph (b).

26A Direction about use of contact details

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

Division 2 Exchange of information

27 Direction about information exchange

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

Part 7 Miscellaneous

28 Exemptions

- (1) The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.
- (2) However, the Minister may not grant an exemption under subclause (1) in relation to clause 26A.

29 Repeal

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

30 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 Restrictions on Gathering and Movement) Order 2021*.

31 (Repealed)

Schedule 1 Premises and events requiring COVID-19 Safety Plan

clause 5

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

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

Schedule 2 Exempted gatherings

Schedule 4, definition of “exempted gathering”

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

Schedule 3 Premises requiring electronic entry records

Part 6, Division 1

Part 1 Premises

- 1 Amusement centres
- 2 Aquariums
- 3 Business premises that are used for auction houses, other than clearing houses
- 4 Business premises that are used for nail salons, beauty salons, hairdressing salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours
- 5 Crematoria
- 6 Drive-in cinemas
- 7 Entertainment facilities
- 8 Hospitality venues as follows—
 - (a) Casinos
 - (b) Food and drink premises, other than food courts—only for a person entering the premises to consume food or drink on the premises and persons who are staff and contractors
 - (c) Micro-breweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises—only for a person entering the premises to consume food or drink on the premises and persons who are staff and contractors
 - (d) Pubs, small bars and registered clubs—for persons entering the premises, but not if the person is entering the premises solely for the purpose of collecting food or drink to consume off the premises
- 9 Function centres
- 10 Funeral homes
- 11 Information and education facilities (other than libraries)
- 12 Nightclubs
- 13 Party buses
- 14 Properties operated by the National Trust or the Historic Houses Trust
- 15 Public swimming pools
- 16 Recreation facilities (indoor)
- 17 Recreation facilities (major)
- 18 Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
- 19 Sex services premises

- 20** Strip clubs
- 21** Vessels used for hosting functions or for commercial tours
- 22** Zoological parks and reptile parks

Part 2 Premises at which the following events are being held

- 23** COVID-19 safe outdoor public gathering
- 24** Controlled outdoor public gatherings
- 25** Agricultural shows or agricultural field days
- 26** Funerals and memorial services and gatherings after funerals and memorial services
- 27** Wedding services and gatherings after wedding services

Note—

Under clause 25(3)(a), electronic recording of entry is not mandatory for persons entering premises to attend a significant event at a place of public worship or entering premises for a religious service.

Schedule 4 Dictionary

clause 3

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

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

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

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

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

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

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

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

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

event includes a function.

exempted gathering means a gathering referred to in Schedule 2.

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

hospitality venue means the following—

- (a) a casino,
- (b) food and drink premises,
- (c) micro-breweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises,
- (d) pubs,
- (e) registered clubs,
- (f) small bars.

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

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

nightclub means premises that are the subject of an on-premises licence in force under the *Liquor Act 2007* that relates to a public entertainment venue (other than a cinema or theatre).

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

Note—

The *Public Health Act 2010* defines the occupier of premises or a part of premises to mean the owner of the premises or part of premises or if any other person is entitled to occupy the premises or part to the exclusion of the owner, that person.

organiser—

- (a) for Part 4, Division 2—see clause 14, or
- (b) for Part 4, Division 3—see clause 18.

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

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

place of residence includes the premises where a person lives and a garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

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

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

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

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

significant event means the following—

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

the Act means the *Public Health Act 2010*.

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

Terms defined by Standard Instrument

Note—

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

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

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

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

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

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

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

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

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

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

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

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

- (a) a restaurant or cafe,
- (b) take away food and drink premises,

- (c) a pub,
- (d) a small bar.

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

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

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

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

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

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

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

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

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

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

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

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

but does not include—

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