



New South Wales

# Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Amendment (No 18) Order 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 5 August 2021.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021*—

- (a) to extend particular restrictions applicable in relation to Greater Sydney to the City of Newcastle and certain other local government areas in the Hunter, and
- (b) to make additional provision for the calculation of space for the Order in relation to construction sites, industrial premises, office premises and warehouses or distribution centres, and
- (c) to require an occupier of premises in Greater Sydney not to allow more persons on the premises than the number of persons that is equivalent to 1 person per 4 square metres of space in the premises even if it results in less than 25 persons being allowed on the premises.

## **Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Amendment (No 18) Order 2021**

under the

Public Health Act 2010

### **1 Name of Order**

This Order is the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Amendment (No 18) Order 2021*.

### **2 Commencement**

This Order commences at 5pm on 5 August 2021.

## Schedule 1      **Amendment of Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021**

### [1]    **Clause 4 Calculation of spaces available for persons**

Insert after clause 4(2)—

- (3)    Subclauses (1)(a) and (2) do not apply in relation to the following premises—
- (a)    a construction site,
  - (b)    industrial premises,
  - (c)    office premises,
  - (d)    a warehouse or distribution centre.

- (4)    In this clause—

*industrial premises* means premises used for—

- (a)    the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, 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.

### [2]    **Clause 11, heading**

Omit “**Direction**”. Insert instead “**Directions**”.

### [3]    **Clause 11(1)**

Omit “An occupier of premises is directed not to”.

Insert instead “The Minister directs that an occupier of premises outside of Greater Sydney must not”.

### [4]    **Clause 11(1A)**

Insert after clause 11(1)—

- (1A)    The Minister directs that an occupier of premises in Greater Sydney must not allow more persons on the premises than the number of persons that is equivalent to 1 person per 4 square metres of space in the premises.

### [5]    **Part 4B**

Insert after Part 4A—

## Part 4B Application of special directions for Greater Sydney to Newcastle and Hunter area

### 24ED Application of Greater Sydney restrictions to Newcastle and Hunter area

- (1) The provisions of this Order, except for this Part, clause 24AD and Part 4A, that are expressed to apply in relation to Greater Sydney (the *Greater Sydney provisions*) extend to the Newcastle and Hunter area, subject to subclause (2).
- (2) For subclause (1)—
  - (a) a reference in the Greater Sydney provisions to Greater Sydney is to be read as including a reference to the Newcastle and Hunter area, except as provided by paragraph (b), and
  - (b) a reference to Greater Sydney in the following Greater Sydney provisions, as applied to the Newcastle and Hunter area by this clause, is to be read as a reference to the Newcastle and Hunter area only—
    - (i) clause 21,
    - (ii) clause 22AA,
    - (iii) clause 22A(7)(d),
    - (iv) Schedule 1, item 7, and
  - (c) the reference to 21 June 2021 in clause 19(3), as applied to the Newcastle and Hunter area by this clause, is to be read as a reference to 31 July 2021, and
  - (d) an exemption granted under clause 25 for an activity in Greater Sydney operates as an exemption for an activity in the Newcastle and Hunter area, subject to the same conditions, if any, and
  - (e) an exemption may be granted under clause 25 to any of the Greater Sydney provisions as applied to areas within the Newcastle and Hunter area by this clause.

### 24EE Repeals

At the beginning of 13 August 2021—

- (a) this Part is repealed, and
- (b) the Dictionary, definition of *Newcastle and Hunter area* is omitted.

### [6] Schedule 4 Dictionary

Insert in alphabetical order—

*Newcastle and Hunter area* means the following local government areas—

- (a) City of Cessnock,
- (b) City of Lake Macquarie,
- (c) City of Maitland,
- (d) City of Newcastle,
- (e) Dungog,
- (f) Muswellbrook,
- (g) Port Stephens,
- (h) Singleton.

### [7] Schedule 4

Insert in alphabetical order of definitions in the note at the end of the Schedule—

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