



New South Wales

Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Amendment (No 23) 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 10 August 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to make further provision in relation to construction sites in certain areas of Greater Sydney.

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Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Amendment (No 23) Order 2021*.

2 Commencement

This Order commences at the beginning of 11 August 2021.

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

[1] **Clause 11 Directions of Minister about number of persons allowed on premises**

Insert after clause 11(2)(g)—

- (h) a construction site in Greater Sydney.

[2] **Clause 24AB**

Insert after clause 24AA—

24AB Direction of Minister about construction sites

- (1) The Minister directs that an occupier of a construction site in Greater Sydney must not allow more persons on the construction site than the lesser of—
- (a) the number of persons that is equivalent to 1 person per 4 square metres of space on the construction site, or
 - (b) if there is a current resourcing plan for the construction site—the number of persons that equals 50% of the maximum daily workforce of the construction site.

- (2) In this clause—

current 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 for the construction site on 31 July 2021—the resourcing plan that applies to the construction site on the day on which work commences on the construction site.

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

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

[3] **Clause 24B Directions—testing of workers from affected areas**

Omit “the City of Fairfield, or the City of Liverpool and Canterbury-Bankstown, from travelling outside the person’s local government area” from the note to the clause.

Insert instead “a declared area from travelling outside the declared area”.

[4] **Clause 24DA Application of Division**

Insert at the end of clause 24DA—

- (2) In this Division—

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

reside includes stay in temporary accommodation.

[5] **Clause 24E, heading**

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

[6] Clause 24E(1) and (1A)

Omit clause 24E(1). Insert instead—

- (1) The Minister directs that a person whose place of residence is in a declared area must not, for the purposes of work, travel outside the declared area.
- (1A) The Minister directs that a person whose place of residence is in a declared area who, for the purposes of work, travels outside the declared area under an exemption under clause 25 must—
 - (a) carry the following evidence—
 - (i) proof of residence,
 - (ii) if the person is travelling for the purposes of work on a construction site, the required evidence under clause 24EA, and
 - (b) produce the evidence for inspection if requested by a police officer.

[7] Clause 24EA

Omit the clause. Insert instead—

24EA Directions of Minister about construction sites

- (1) The Minister directs that a person whose place of residence is in a declared area must not enter or remain on a construction site in Greater Sydney unless the resident—
 - (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 preceding 21 days and has been tested for COVID-19 within the preceding 72 hours, or
 - (d) has a certified medical contraindication and has been tested for COVID-19 within the preceding 72 hours.
- (2) The Minister directs that a person whose place of residence is in a declared area who enters or remains on a construction site must—
 - (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.
- (3) The Minister directs that an occupier of a construction site must not permit a person whose place of residence is in a declared area to enter or remain on the construction site unless the occupier is satisfied that the person—
 - (a) has complied with subclause (1), and
 - (b) is carrying the required evidence.
- (4) A person has a *certified medical contraindication* if the person—
 - (a) cannot have a COVID-19 vaccine due to a medical contraindication, and
 - (b) has a certificate, in the form approved by the Chief Health Officer, from a medical practitioner that specifies the medical contraindication.
- (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—
- Australian Immunisation Register** means the Australian Immunisation Register kept under the *Australian Immunisation Register Act 2015* of the Commonwealth.
- required evidence** for a person means—
- (a) proof 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 can be evidence of a COVID-19 vaccine.
 - (ii) evidence that the person has been tested for COVID-19,
Example. An SMS text message or email from the testing organisation can be evidence of a COVID-19 test.
 - (iii) a certificate specifying a medical contraindication as required under subclause (4).
- test for COVID-19** includes test for COVID-19 using a rapid antigen test on a construction site in the way approved by the Chief Health Officer.

[8] Clauses 24EB Direction about leaving home for goods or services

Omit the definitions of *place of residence* and *reside* from clause 24EB(4).

[9] Clauses 24EC Direction about leaving home for exercise or outdoor recreation

Omit clause 24EC(3).

[10] Clause 24ED Application of Greater Sydney restrictions to Newcastle and Hunter area

Omit clause 24ED(1). Insert instead—

- (1) The Greater Sydney provisions extend to the Newcastle and Hunter area, subject to subclause (2).

[11] Clause 24F Application of Greater Sydney restrictions to Armidale area

Omit clause 24F(1). Insert instead—

- (1) The Greater Sydney provisions extend to the Armidale Regional local government area (the *Armidale area*), subject to subclause (2).

[12] Clause 24H Application of Greater Sydney restrictions to Tamworth area

Omit clause 24H(1). Insert instead—

- (1) The Greater Sydney provisions extend to the Tamworth Regional local government area (the *Tamworth area*), subject to subclause (2).

[13] Clause 24J Application of Greater Sydney restrictions to Northern Rivers area

Omit clause 24J(1). Insert instead—

- (1) The Greater Sydney provisions extend to the Northern Rivers area, subject to subclause (2).

[14] Dictionary

Insert in alphabetical order—

Greater Sydney provisions means the provisions of this Order that are expressed to apply in relation to Greater Sydney except—

- (a) clauses 11(2)(h), 24AB, 24AD and 24EA, and
- (b) Parts 4A, 4B, 4C, 4D and 4E.