



New South Wales

# **Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 12) 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 19 September 2021.

Time 1.07pm.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## **Explanatory note**

The object of this Order is to make further provision about public swimming pools, visits and activities in stay at home areas and areas of concern.

## **Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) Amendment (No 12) 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) Order (No 2) Amendment (No 12) Order 2021*.

### **2 Commencement**

- (1) This Order commences at the beginning of 20 September 2021, except as provided by subclause (2).
- (2) Schedule 1[1] and [5] commence at the beginning of 27 September 2021.

## **Schedule 1 Amendment of Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021**

**[1] Clause 3.3 Premises that must not be open**

Omit clause 3.3(h).

**[2] Clause 3.12 Other persons authorised to visit place of residence**

Omit clause 3.12(3)(c). Insert instead—

- (c) the individual resides in—
  - (i) the stay at home area, or
  - (ii) for a stay at home area in Greater Sydney—Greater Sydney.

**[3] Clause 3.12(5)**

Omit the subclause.

**[4] Clause 4.3 Leaving area of concern for work**

Insert at the end of clause 4.3(4), definition of *required evidence*, paragraph (b)—

, and

- (c) a permit issued by Service NSW, if required.

**[5] Clause 4.4 Premises that must not be open**

Omit clause 4.4(h).

**[6] Clause 4.13 Other persons authorised to visit place of residence**

Omit clause 4.13(3)(c). Insert instead—

- (c) for an area of concern in Greater Sydney—the individual resides in Greater Sydney.

**[7] Clause 4.13(3), note**

Omit the note to clause 4.13(3).

**[8] Clause 4.13(5)**

Omit the subclause.

**[9] Clause 4.14 Maximum number of persons—outdoor public gatherings**

Omit clause 4.14(1). Insert instead—

- (1) A person must not participate in an outdoor public gathering in an area of concern 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 an area of concern 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.

**[10] Clause 4.24 Vaccinations—early education and care and disability support**

Insert at the end of clause 4.24(4), definition of *required evidence*, paragraph (b)—  
, and

(c) a permit issued by Service NSW, if the person is required to have the permit to enter or leave an area of concern for work.

**[11] Clause 5.2 Entering Greater Sydney**

Omit “other than clause 9” from clause 5.2(2)(b).

Instead “other than clauses 9, 18 and 19”.

**[12] Clause 5.2(2)(d)**

Omit the paragraph.

**[13] Clause 5.8 Vaccination required to work on construction sites in Greater Sydney**

Insert after clause 5.8(6), definition of *required evidence*, paragraph (a)—

(a1) a permit issued by Service NSW, if the person is required to have the permit to enter or leave an area of concern for work, and

**[14] Clause 7.1, heading**

Omit the heading. Insert instead—

**7.1 Travelling through State or stay at home areas**

**[15] Clause 7.1(1A)**

Insert after clause 7.1(1)—

(1A) Clauses 3.2(1) does not apply to a person who has been in a stay at home area during the previous 14 days only because the person—

(a) was travelling through the area in a vehicle and did not leave the vehicle while in the area, or

(b) was travelling through the area by road by the most practicable direct route.

**[16] Schedule 2 Reasonable excuses**

Omit Parts 2 and 3.

**[17] Schedule 2, clauses 18–21**

Insert after clause 17—

**18 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) for a person who resides in a stay at home area—not in an area of concern.

#### **19 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.

#### **20 Wedding service**

- (1) A person may leave the person's place of residence to attend a wedding service, but only if there are no more than the maximum number of persons permitted by this Order at the service.
- (2) Despite subclause (1), a person must not leave the person's place of residence to attend a wedding service in the general area unless 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.

#### **21 Funeral or memorial service**

- (1) A person may leave the person's place of residence to attend a funeral or memorial service, but only if there are no more than the maximum number of persons permitted by this Order at the service.
- (2) Despite subclause (1), a person must not leave the person's place of residence to attend a funeral or memorial service in the general area unless the person is the spouse, de facto partner, parent, child or sibling of the deceased person.

**[18] Schedule 4 Dictionary**

Omit the definition of *nominated visitor*. Insert instead—

*nominated visitor* means a person nominated as a nominated visitor under  
clause 3.12 or 4.13.