



New South Wales

Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020

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 23 September 2020.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to amend the *Public Health (COVID-19 Border Control) Order 2020* in relation to agricultural industry activities and agricultural workers.

Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020*.

2 Commencement

This Order commences at the beginning of 25 September 2020.

Schedule 1 Amendment of Public Health (COVID-19 Border Control) Order 2020

[1] Clause 3 Definitions

Omit the definitions of *critical agricultural service* and *critical service (agriculture) worker* from clause 3(1).

[2] Clause 3(1)

Insert the following definitions—

agricultural industry activity means the following—

- (a) forestry activity,
- (b) farming activities and other activities related to agriculture including, for example, horticulture, viticulture, irrigation and aquaculture,
- (c) intensive agricultural production, including the operation of greenhouses and animal production,
- (d) fibre manufacturing,
- (e) producing, transporting or distributing agricultural or veterinary chemicals or vaccines,
- (f) operating an animal sale yard, knackery or an animal transportation service including livestock and pets,
- (g) producing, packaging, transporting or selling animal feed or feeding livestock or pets,
- (h) operating a veterinary clinic or providing related services,
- (i) teaching, or operating a scientific facility, that requires the keeping or use of animals,
- (j) laboratory or diagnostic services relating to an activity mentioned in another paragraph of this definition,
- (k) the supply, management or transport of water to support agricultural production,
- (l) an activity relating to the supply chain for export of agricultural products, livestock, food or beverages,
- (m) food and beverage manufacturing and production, including associated services and the production of packaging for food and beverages,
- (n) a service or function that supports an activity mentioned in paragraphs (a) to (m) including, for example—
 - (i) providing on-farm consultancies, livestock agency services, agronomy services, shearing contracting and trade services, and
 - (ii) providing food safety and verification services, laboratory services, access to markets for agricultural products, biosecurity and animal welfare services and national disaster response recovery and relief services.

agricultural worker means a person who performs an agricultural industry activity and includes a seasonal worker performing an agricultural industry activity.

[3] Clause 3(1), definition of “critical services”

Omit “, agriculture” from paragraph (f).

[4] Clause 3(1), definition of “critical services”

Omit “but does not include services provided by a seasonal worker”.

[5] Clause 3(1), definition of “relevant COVID-19 Safety Plan”

Omit “a critical service (agriculture) worker” from paragraph (c).

Insert instead “an agricultural worker”.

[6] Clause 3(1), definition of “relevant COVID-19 Safety Plan”

Omit “for agriculture workers approved by the Chief Health Officer on 2 September 2020” from paragraph (c).

Insert instead “for agricultural workers approved by the Chief Health Officer on 22 September 2020”.

[7] Clause 8 Directions of Minister for unauthorised persons

Omit “(No 2)” wherever occurring in clause 8(1)(b) and (2) and the note.

Insert instead “(No 3)”.

[8] Clause 8A Directions of Minister for persons transiting through New South Wales

Omit “(No 2)” from clause 8A(3). Insert instead “(No 3)”.

[9] Clause 8D

Omit the clause. Insert instead—

8D Direction of Minister about COVID-19 Safety Plans for agricultural workers

The Minister directs that a person who prepares a COVID-19 Safety Plan for an agricultural worker must comply with the Plan other than a provision of the plan that imposes obligations only on the worker.

[10] Clause 9 Relationship of Order with related Public Health Orders

Omit paragraphs (a)—(d) in the definition of *related Public Health Order* in clause 9(2).

Insert instead—

- (a) the *Public Health (COVID-19 Aged Care Facilities) Order (No 3) 2020*,
- (b) the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020*,
- (c) the *Public Health (COVID-19 Maritime Quarantine) Order (No 3) 2020*,
- (d) the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2020*,

[11] Part 4 Repeal, savings and transitional provisions

Insert after clause 22—

Division 6 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020

23 Definitions

In this Division—

amending Order means the *Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020*.

commencement means the commencement of the amending Order.

24 Existing entry permits

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in Schedule 1, item 2C.
- (2) From the commencement, the entry permit—
 - (a) is taken to be an entry permit mentioned in Schedule 1, item 2C as substituted by the amending Order, and
 - (b) is subject to the relevant conditions for an entry permit mentioned in Schedule 1, item 2C as substituted by the amending Order, and
 - (c) continues in force for the balance of the period, if any, for which it was issued, unless sooner revoked.

[12] Schedule 1 Authority to enter New South Wales

Insert at the end of the note at the beginning of the Schedule—

Also, under the *Public Health (COVID-19 Self-Isolation) Order (No 3) 2020*, a person who enters New South Wales from Victoria and is diagnosed with COVID-19, or is a close contact of a person diagnosed with COVID-19, may be required to return to Victoria.

[13] Schedule 1, items 1 and 8

Omit “(No 2)” wherever occurring in the notes. Insert “(No 3)”.

[14] Schedule 1, item 2C

Omit the item. Insert instead—

2C	A person who is an agricultural worker performing an agricultural industry activity that is not able to be performed by the person remotely.	Required	<p>The person must not enter New South Wales if the person has, within the previous 14 days—</p> <ul style="list-style-type: none">(a) been in a restricted area within the meaning of an Area Direction made under the <i>Public Health and Wellbeing Act 2008</i> of Victoria, or(b) been in an area that is a COVID-19 area of concern. <p>The person must travel by the most practicable direct route—</p> <ul style="list-style-type: none">(a) to the place where the activity is being performed, and(b) from the place where the activity is performed to the person's residence or accommodation. <p>The person must have documentary evidence that demonstrates the person and activity meet the criteria specified in Column 1 signed by—</p> <ul style="list-style-type: none">(a) the head of the organisation that employs the person, or(b) if the person is self-employed—the person for whom the activity is being performed. <p>If the person is a Victorian resident, the person must self-isolate for the 14 days after entering NSW, except when performing the agricultural industry activity.</p> <p>If the person is a NSW resident, the person must self-isolate for 14 days after returning to NSW, except when providing an agricultural industry activity in NSW, unless the NSW resident self-isolated for the whole time the person was in Victoria except when performing the agricultural industry activity.</p> <p>The person must comply with the relevant COVID-19 Safety Plan.</p>
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