



New South Wales

# Public Health (COVID-19 Border Control) Order 2020

under the

Public Health Act 2010

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

Dated 7th July 2020 (original order).

As amended on 20 July 2020, 22 July 2020 at the beginning of the day and at 9.26 pm, 24 July 2020 at 2.30 pm, 25 July 2020 at 10.52 am, 7 August 2020, 13 August 2020, 17 August 2020, 2 September 2020, 11 September 2020, 16 September 2020 and 23 September 2020.

Minister for Health and Medical Research

## Explanatory note

The object of this Order is to restrict entry into New South Wales of persons who have been in Victoria within the previous 14 days before entry.

Section 10 of the *Public Health Act 2010* creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues. The *Public Health Regulation 2012* also enables authorised officers to issue penalty notices for offences against clause 6 by individuals for an amount of \$4,000 and \$1,000 in other cases.

## Editorial note

This is the order as amended by the *Public Health (COVID-19 Border Control) Amendment Order 2020*, the *Public Health (COVID-19 Border Control) Amendment (Border Community) Order 2020*, the *Public Health (COVID-19 Border Control) Amendment (Vulnerable Persons) Order 2020*, the *Public Health (COVID-19 Border Control) Amendment (Medical and Hospital Services) Order 2020*, the *Public Health (COVID-19 Border Control) Amendment Order (No 2) 2020*, the *Public Health (COVID-19 Border Control) Amendment (Transiting ACT Residents) Order 2020*, the *Public Health (COVID-19 Border Control) Amendment Order (No 3) 2020*, the *Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020*, the *Public Health (COVID-19 Border Control) Amendment Order (No 5) 2020*, the *Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020* and the *Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020*.

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## Public Health (COVID-19 Border Control) Order 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Border Control) Order 2020*.

#### 2 Commencement

This Order commences at the beginning of 8 July 2020.

**Note.** Section 7 of the Act provides for this Order to expire at the end of 90 days after it was made unless it is earlier revoked.

#### 3 Definitions

(1) In this Order—

***affected person*** means a person who has been in Victoria within the previous 14 days.

***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.

**authorised to enter New South Wales**—see clause 5.

**border** means the border between New South Wales and Victoria.

**border region** means the area shown as the border region on the Public Health (COVID-19 Border Control) Map (No 3) approved by the Minister on the making of the *Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020*.

**Note.** A copy of the Public Health (COVID-19 Border Control) Map (No 3) is available on [www.nsw.gov.au](http://www.nsw.gov.au).

**border region resident** means a person who usually resides in the border region.

**COVID-19 area of concern** means an area in Victoria specified by the Chief Health Officer by a notice published on the New South Wales Government website ([www.nsw.gov.au](http://www.nsw.gov.au)).

**COVID-19 environmental cleaning** means environmental cleaning and disinfection in a workplace or other non-residential premises to prevent the spread of COVID-19.

**critical services** includes the following services—

- (a) the movement of freight on a commercial basis,
- (b) the movement of persons on a commercial basis,
- (c) the maintenance and repair of critical infrastructure,
- (d) medical, hospital, dental or veterinary care,
- (e) Commonwealth defence and security services,
- (f) mining, construction, energy or manufacturing,
- (g) COVID-19 environmental cleaning on a commercial basis that is not available locally.

**enforcement officer** means any of the following—

- (a) a police officer,
- (b) a member of the NSW Health Service who is in a class approved by the Chief Health Officer for the purposes of this Order,
- (c) a member of the Public Service who is in a class approved by the Chief Health Officer for the purposes of this Order.

**entry permit** means a permit issued by or on behalf of the Government of New South Wales for the purposes of this Order (whether issued in paper or electronic form).

**New South Wales** means the geographic area of New South Wales.

**NSW Health Self-Isolation Guidelines** has the same meaning as in the *Public Health (COVID-19 Self-Isolation) Order (No 2) 2020*.

**NSW resident** means a person—

- (a) whose usual place of residence is New South Wales, or

- (b) who intends to reside permanently in New South Wales and has leased or purchased a residential property in New South Wales, or otherwise entered into an arrangement, for that purpose.

**overnight rest stop** means a place where a person can rest or sleep before undertaking onward travel.

**relevant condition**—see clause 5.

**relevant COVID-19 Safety Plan** means—

- (a) for a person moving freight on a commercial basis—a COVID-19 Safety Plan that addresses the matters required by the COVID-19 safety checklist for persons moving freight approved by the Chief Health Officer on 2 September 2020 and published on the New South Wales Government website (www.nsw.gov.au), or
- (b) for child access or care arrangements—the COVID-19 Safety Plan for those arrangements approved by the Chief Health Officer on 2 September 2020 and published on the New South Wales Government website (www.nsw.gov.au), or
- (c) for an agricultural worker—a COVID-19 Safety Plan, that addresses matters required by the COVID-19 safety checklist for agricultural workers approved by the Chief Health Officer on 22 September 2020 and published on the New South Wales Government website (www.nsw.gov.au), prepared by—
- (i) the head of the organisation that employs the worker, or
  - (ii) if the worker is self-employed—the person to whom the service is provided.

**specialist school** means a government or non-government school, other than a boarding school, for students with intellectual disability, mental health issues, autism, physical disability, sensory impairment, learning difficulties or behaviour disorders.

**specialist school visitor** means—

- (a) a person ordinarily resident in Victoria who is—
- (i) a student at a specialist school entering New South Wales for the purposes of receiving instruction, or
  - (ii) a parent or guardian accompanying a student referred to in subparagraph (i) if the student is under 18 years of age, or
  - (iii) a staff member of a specialist school entering New South Wales for the purposes of working at or providing services in relation to the school, or
  - (iv) another person engaged to work at or provide services in relation to a specialist school entering New South Wales for the purposes of working at or providing services to the school, and
- Note.** Another person engaged to work at or provide services in relation to a specialist school would include, for example—
- (a) a cleaner contracted to work at the school, and
  - (b) a person engaged to drive a school bus.
- (b) a person ordinarily resident in New South Wales who is—
- (i) a student at a specialist school in Victoria who, after entering Victoria for the purposes of receiving instruction, is returning to New South Wales, or
  - (ii) a parent or guardian accompanying a student referred to in subparagraph (i) if the student is under 18 years of age, or

- (iii) a staff member of a specialist school in Victoria, who after entering Victoria for the purposes of working at the school, is returning to New South Wales, or
- (iv) another person engaged to work at or provide services in relation to a specialist school in Victoria, who after entering Victoria for the purposes of working at the school, is returning to New South Wales.  
**Note.** Another person engaged to work at or provide services in relation to a specialist school would include, for example—
  - (a) a cleaner contracted to work at the school, and
  - (b) a person engaged to drive a school bus.

**the Act** means the *Public Health Act 2010*.

**Victoria** means the geographical area of the State of Victoria.

**Victorian education visitor** means a person ordinarily resident of Victoria who is—

- (a) a student at a boarding school or university entering New South Wales for the purposes of receiving instruction, or
- (b) a parent or guardian accompanying a student referred to in paragraph (a) if the student is under 18 years of age, or
- (c) a staff member at a boarding school or university entering New South Wales for the purpose of working at the school.

**Victorian resident** means a person whose usual place of residence is Victoria.

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

- (1A) In this Order, a requirement for a person to take the most practicable direct route does not prevent the person—
  - (a) if the person is travelling by road—
    - (i) obtaining fuel for the vehicle or other necessary supplies for the vehicle or a person in the vehicle, or
    - (ii) taking a rest stop, including an overnight rest stop or meal break, or
    - (iii) dealing with an emergency, or
  - (b) if the person is travelling by rail or air—
    - (i) travelling directly to suitable accommodation while waiting to transit out of the State or Territory concerned if the person self-isolates until the transit, or
    - (ii) dealing with an emergency.
- (2) Notes included in this Order do not form part of this Order.

#### 4 Grounds for concluding that there is a 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, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions,
- (d) recent cases of unexpected community transmission of COVID-19 in Victoria, with restrictions on the movement of people being put in place in certain hotspot areas,

- (e) the Victorian Government and New South Wales Government have agreed that the border should, subject to exceptions determined by the Government of New South Wales, be closed until community transmission of COVID-19 in Victoria is contained.



## Part 2 Directions concerning border and entry

### 5 Direction of Minister not to enter New South Wales

- (1) The Minister directs that an affected person must not enter New South Wales unless the person is authorised to enter New South Wales.
- (2) For the purposes of this Order, an affected person is *authorised to enter New South Wales* if—
  - (a) the person belongs to a class of persons specified in Column 1 of Schedule 1 (the *relevant class*), and
  - (b) the person holds a current entry permit (if required for that relevant class in Column 2 of Schedule 1), and
  - (c) the person complies with all of the following conditions (the *relevant conditions*)—
    - (i) the conditions (if any) specified in Column 3 of Schedule 1 as conditions for the relevant class,
    - (ii) if a permit is required for the relevant class—any other conditions specified by the permit that the Minister has determined in writing to be approved conditions for the particular permit or the relevant class.
- (3) The Minister also directs that an affected person who is authorised to enter New South Wales must comply with all applicable relevant conditions while in New South Wales.
- (3A) The Minister directs that an affected person who is authorised to enter New South Wales because the person holds a current entry permit mentioned in item 1, 1A, 2A, 8, 8B or 15 of Schedule 1 may enter New South Wales only by aircraft landing—
  - (a) in the case of an entry permit mentioned in item 1A—an airport in New South Wales, and
  - (b) in any other case—Sydney Airport.
- (4) A person accompanying an affected person who is authorised to enter New South Wales, is also authorised to enter New South Wales if—
  - (a) the affected person holds an entry permit to enter New South Wales, and
  - (b) the accompanying person is—
    - (i) required to provide care or support to the affected person, or
    - (ii) a dependent of the affected person, and
  - (c) the accompanying person's name is recorded on the affected person's entry permit, and
  - (d) the accompanying person complies with the relevant conditions that apply to the affected person.
- (5) Despite subclauses (1) and (4), the Minister directs that an affected person who is not a NSW resident and poses an unacceptable public health risk of transmission of COVID-19 must not enter New South Wales if requested not to do so by an enforcement officer.
- (6) To avoid doubt, an affected person is not authorised to enter New South Wales if the person's entry permit has been revoked.

### 6 Directions of Minister about providing information

- (1) The Minister directs that a person must, if required to do so by an enforcement officer, provide information (including photo identification) to allow a decision to be made about—

- (a) whether the person is an affected person, and
  - (b) if the person is an affected person—whether the person is authorised to enter New South Wales.
- (2) An enforcement officer may require information under subclause (1)(a) only if the enforcement officer suspects on reasonable grounds that the person may be an affected person.
- (3) The Minister also directs that a person who provides information in response to a requirement under this clause must ensure that the information is true and accurate.
- (4) A person provides sufficient information in response to a requirement under this clause about whether the person is authorised to enter New South Wales if the person produces—
  - (a) a current entry permit for inspection by the enforcement officer stating that the person is authorised to enter New South Wales, and
  - (b) if requested by the enforcement officer, photographic identification to verify the person is the holder of the permit, and
  - (c) if requested by the enforcement officer, any certificate or documentary evidence the person is required to have as a condition of the person’s entry permit.
- (5) The Minister directs that an affected person who enters New South Wales using an entry permit must, when travelling or undertaking activities within the State, carry a copy of the permit while it remains in force so that it can be produced to an enforcement officer on request.
- (6) The Minister directs that a person who gives documentary evidence to another person to comply with a condition specified in Schedule 1 to this Order must not include in the evidence information that is false or misleading in a material particular.

#### **7 Directions of Minister concerning affected persons required to self-isolate**

- (1) This clause applies to an affected person who is required to self-isolate because of clause 3(1A)(b)(i) or a relevant condition of an entry permit held by the person.
- (2) The Minister directs that an affected person to whom this clause applies is to reside at the person’s usual place of residence or other suitable place of accommodation until the period of 14 days have elapsed since the person entered New South Wales.
- (3) The Minister directs that, while residing at the usual place of residence or suitable place of accommodation, an affected person must do the following—
  - (a) not leave the residence or accommodation except—
    - (i) to obtain medical care or medical supplies, or
    - (ii) to comply with a legal obligation or comply with an order or a court or tribunal, or
    - (iii) in an emergency situation, or
    - (iv) to provide a critical service, or
    - (v) to leave New South Wales by the most practicable direct route,
  - (b) not allow any other person to enter the residence or accommodation unless—
    - (i) that other person usually lives at the place or the other person is also complying with a direction under this Order, or
    - (ii) the entry is for medical or emergency purposes, or
    - (iii) the entry is to a place (other than a residence) for the purposes of delivering food or essential items,

- (c) otherwise comply with the *NSW Health Self-Isolation Guidelines*.
- (4) The Minister directs that an affected person must, when not at the person's usual place of residence or other suitable place of accommodation, take all reasonable steps to minimise contact with other persons.

#### **8 Directions of Minister for unauthorised persons**

- (1) The Minister directs that an affected person who is not a NSW resident and is not authorised to enter New South Wales must, if asked to do so by an enforcement officer—
  - (a) leave New South Wales, or
  - (b) comply with clauses 5 and 6 of the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020*.
- (2) The Minister directs that an affected person who is a NSW resident and is not authorised to enter New South Wales must, if asked to do so by an enforcement officer, comply with clauses 5 and 6 of the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020*.

**Note.** Clauses 5 and 6 of the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020* require a person to be quarantined in a quarantine facility or a medical facility.

#### **8A Directions of Minister for persons transiting through New South Wales**

- (1) The Minister directs that a person who is authorised to enter New South Wales because the person holds a current entry permit mentioned in item 15 of Schedule 1 must not leave Sydney Airport unless the person is—
  - (a) authorised to do so by the Commissioner of Police, or
  - (b) required to do so because of an emergency.
- (2) The Minister directs that a person who is authorised to leave Sydney Airport under this clause must—
  - (a) do one of the following as determined by the Commissioner of Police—
    - (i) go directly to a quarantine facility specified by the Commissioner of Police,
    - (ii) go directly to a medical facility for treatment, and
  - (b) comply with any determination of the Commissioner of Police in relation to the person's transit at Sydney Airport or travel between Sydney Airport and the quarantine facility or medical facility, and
  - (c) subject to any direction of the Commissioner of Police, remain at the quarantine facility or medical facility until the person leaves New South Wales by air from Sydney Airport.
- (3) In this clause, ***medical facility*** and ***quarantine facility*** have the same meaning as in the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020*.

#### **8B (Repealed)**

#### **8C (Repealed)**

#### **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.

## Part 3 Miscellaneous

### 9 Relationship of Order with related Public Health Orders

- (1) To avoid doubt, an affected person who is authorised to enter New South Wales for the purposes of this Order must comply with any directions applicable to the person under a related Public Health Order (including in respect of isolation).
- (2) In this clause—  
**related Public Health Order** means each of the following orders made under section 7 of the Act as in force from time to time—
  - (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*,
  - (e) any order that remakes, replaces or consolidates (whether in whole or in part) any order or orders mentioned above.

### 10 Exemptions

The Minister may, in writing and subject to the conditions that the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.

## Part 4 Repeal, savings and transitional provisions

### Division 1 Repeal

#### 11 Repeal of existing Order

The *Public Health (COVID-19 Interstate Hotspots) Order 2020* (the **repealed Order**) is repealed.

Any 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.

Without limiting subclause (2), any person who was required immediately before the repeal of the Order to reside at the person's place of residence or other suitable place for 14 days must continue to do so until the period ends.

A person referred to in subclause (3) may only leave the place at which the person is residing in the circumstances permitted by clause 7.

**Editorial note.** The *Public Health (COVID-19 Interstate Hotspots) Order 2020* was repealed at the beginning of 8 July 2020.

### Division 2 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 2) 2020

#### 12 Definitions

In this Division—

**amending Order** means the *Public Health (COVID-19 Border Control) Amendment Order (No 2) 2020*.

**commencement** means the commencement of the amending Order.

**Editorial note.** The *Public Health (COVID-19 Border Control) Amendment Order 2020* commenced at the beginning of 22 July 2020.

#### 13 Existing entry permits—persons not in New South Wales

- (1) This clause applies if, immediately before the commencement, a person—
  - (a) held an entry permit mentioned in item 1, 1A, 1B, 8, 11, 11A or 11B of Schedule 1 as in force immediately before the commencement, and
  - (b) was not in New South Wales.
- (2) From the commencement—
  - (a) the entry permit ceases to have effect, and
  - (b) the person is not authorised to enter New South Wales under the entry permit.

#### 14 Existing entry permits—persons in New South Wales

- (1) This clause applies if, immediately before the commencement, a person—
  - (a) held an entry permit mentioned in item 1, 1A, 1B, 8, 11, 11A or 11B of Schedule 1 as in force immediately before the commencement, and
  - (b) was in New South Wales in accordance with the entry permit.
- (2) Subject to subclause (4), the entry permit—
  - (a) continues in force for the balance of the period (if any) for which it was issued, unless sooner revoked, and
  - (b) while in force, remains subject to the relevant conditions specified in the entry permit immediately before the commencement.

- (3) To avoid doubt, the person—
  - (a) may remain in New South Wales in accordance with the entry permit, and
  - (b) must continue to comply with the relevant conditions specified in the entry permit immediately before the commencement.
- (4) However, if the person leaves New South Wales—
  - (a) the entry permit ceases to have effect, and
  - (b) the person is not authorised to enter New South Wales under the entry permit.

#### **15 Existing entry permits—critical services**

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in item 2 of Schedule 1 as in force immediately before the commencement.
- (2) Subject to subclauses (4) and (5), the entry permit—
  - (a) continues in force for the balance of the period (if any) for which it was issued, unless sooner revoked, and
  - (b) while in force, remains subject to the relevant conditions specified in the entry permit immediately before the commencement.
- (3) To avoid doubt, the person—
  - (a) may remain in New South Wales in accordance with the entry permit, and
  - (b) must continue to comply with the relevant conditions specified in the entry permit immediately before the commencement.
- (4) However, if the person was not in New South Wales on the commencement or leaves New South Wales on or after the commencement—
  - (a) the entry permit ceases to have effect, and
  - (b) the person is not authorised to enter New South Wales under the entry permit.
- (5) Subclause (4) does not apply to a person who held an entry permit mentioned in item 2 of Schedule 1 as in force immediately before the commencement if—
  - (a) the person usually resides in the border region, or
  - (b) the entry permit is for the movement of freight or persons for commercial purposes.

#### **16 Existing entry permits—day school visitors**

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in item 8A of Schedule 1 as in force immediately before the commencement.
- (2) Unless sooner revoked, the entry permit—
  - (a) continues in force for 14 days from the commencement (irrespective of the period for which the entry permit was issued), and
  - (b) while in force, remains subject to the relevant conditions specified in the entry permit immediately before the commencement.
- (3) To avoid doubt, the person—
  - (a) may remain in New South Wales in accordance with the entry permit as continued in force under subclause (2)(a), and
  - (b) must continue to comply with the relevant conditions specified in the entry permit immediately before the commencement.

### **Division 3 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020**

#### **17 Definitions**

In this Division—

**amending Order** means the *Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020*.

**commencement** means the commencement of the amending Order.

**Editorial note.** The *Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020* commenced at the beginning of 4 September 2020.

#### **18 Existing critical service entry permits and border zone resident entry permits**

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in item 2B or 7 of Schedule 1 as in force immediately before the commencement.
- (2) From the commencement, the entry permit—
  - (a) is taken to be an entry permit mentioned in item 7 of Schedule 1 as substituted by the amending Order, and
  - (b) is subject to the relevant conditions specified in relation to an entry permit mentioned in item 7 of Schedule 1 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.

### **Division 4 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 5) 2020**

#### **19 Definitions**

In this Division—

**amending Order** means the *Public Health (COVID-19 Border Control) Amendment Order (No 5) 2020*.

**commencement** means the commencement of the amending Order.

**Editorial note.** The *Public Health (COVID-19 Border Control) Amendment Order (No 5) 2020* commenced at the beginning of 12 September 2020.

#### **20 Existing critical service (agriculture) entry permits**

This clause applies if, immediately before the commencement, a person held an entry permit mentioned in item 2C of Schedule 1 as in force immediately before the commencement.

From the commencement, the entry permit—

is taken to be an entry permit mentioned in item 2C of Schedule 1 as substituted by the amending Order, and

is subject to the relevant conditions specified in relation to an entry permit mentioned in item 2C of Schedule 1 as substituted by the amending Order, and continues in force for the balance of the period (if any) for which it was issued, unless sooner revoked.

## **Division 5 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020**

### **21 Definitions**

In this Division—

**amending Order** means the *Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020*.

**commencement** means the commencement of the amending Order.

**Editorial note.** The *Public Health (COVID-19 Border Control) Amendment Order (No 6) 2020* commenced on 17 September 2020.

### **22 Existing entry permits**

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in Schedule 1, item 7 as in force immediately before the commencement.
- (2) From the commencement, the entry permit—
  - (a) is taken to be an entry permit mentioned in Schedule 1, item 7 as substituted by the amending Order, and
  - (b) is subject to the relevant conditions specified in relation to an entry permit mentioned in Schedule 1, item 7 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.

## **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.

**Editorial note.** The *Public Health (COVID-19 Border Control) Amendment Order (No 7) 2020* commenced on 25 September 2020.

### **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.



## Schedule 1 Authority to enter New South Wales

**Note.** Clause 5(2) provides that a person is authorised to enter New South Wales if the person belongs to a class of persons specified by Column 1 of this Schedule. The class of persons must hold a permit if Column 2 of this Schedule requires a permit. The person authorised must comply with—

- (a) the conditions (if any) specified in Column 3 of this Schedule for the class of persons, and
- (b) if a permit is required for the class of persons—any other conditions specified by the permit that the Minister has determined in writing to be approved conditions for the particular permit or the class.

If a person is authorised to enter New South Wales for a particular purpose, the person may remain in New South only to undertake that purpose.

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.

	Column 1	Column 2	Column 3
	Relevant class	Entry permit	Relevant conditions
1	NSW resident (other than a NSW resident holding any other permit mentioned in this Schedule)	Required	The NSW resident must travel to New South Wales by aircraft landing at Sydney Airport  <b>Note.</b> The NSW resident will be required to comply with the <i>Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020</i> .
1A	NSW resident who has been quarantined in Victoria for the previous 14 days under the <i>Public Health and Wellbeing Act 2008</i> of Victoria	Required	The NSW resident— (a) must have documentary evidence that the resident has completed the Victorian quarantine period, and (b) must travel to New South Wales by the most practicable direct route from the place of quarantine to an airport in Victoria and then by aircraft landing at any airport in New South Wales
2	Person providing a critical service that consists of the movement of freight or persons on a commercial basis (as specified in paragraph (a) or (b) of the definition of <i>critical services</i> in clause 3(1))	Required	The person must— (a) for the movement of freight on a commercial basis—comply with the relevant COVID-19 Safety Plan at all times, or (b) for the movement of persons on a commercial basis—self-isolate except when providing the critical service

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Relevant class</b>	<b>Entry permit</b>	<b>Relevant conditions</b>
2A	Person providing a critical service, being a critical service that is highly specialised and— <ul style="list-style-type: none"> <li data-bbox="296 495 651 551">(a) not able to provided by the person remotely, and</li> <li data-bbox="296 562 651 696">(b) for a person providing the critical service in NSW— not available in NSW in the same or substantially the same form, and</li> <li data-bbox="296 707 651 864">(c) for a person providing the critical service in Victoria—not available in Victoria in the same or substantially the same form</li> </ul>	Required	The person must— <ul style="list-style-type: none"> <li data-bbox="948 439 1350 528">(a) travel to New South Wales by aircraft landing at Sydney Airport, and</li> <li data-bbox="948 539 1350 618">(b) self-isolate except when providing the critical service, and</li> <li data-bbox="948 629 1350 965">(c) have documentary evidence that the critical service meets the criteria specified in Column 1 signed by—               <ul style="list-style-type: none"> <li data-bbox="1023 741 1350 819">(i) the head of the organisation that employs the person, or</li> <li data-bbox="1023 831 1350 965">(ii) if the person is self-employed—the person to whom the critical service is provided</li> </ul> </li> </ul>
2B	(Repealed)		

	Column 1	Column 2	Column 3
	Relevant class	Entry permit	Relevant conditions
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"> <li>(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</li> <li>(b) been in an area that is a COVID-19 area of concern.</li> </ul> <p>The person must travel by the most practicable direct route—</p> <ul style="list-style-type: none"> <li>(a) to the place where the activity is being performed, and</li> <li>(b) from the place where the activity is performed to the person’s residence or accommodation.</li> </ul> <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"> <li>(a) the head of the organisation that employs the person, or</li> <li>(b) if the person is self-employed—the person for whom the activity is being performed.</li> </ul> <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>
3	Person providing an emergency or law enforcement service	Not required	Nil
4	Member of Parliament or staff member	Required	The member must self-isolate except when undertaking official duties or leaving New South Wales by the most practicable direct route

Column 1	Column 2	Column 3	
Relevant class	Entry permit	Relevant conditions	
5	Consular official	Required	The consular official must self-isolate except when undertaking official duties or leaving New South Wales by the most practicable direct route
6	Person entering to avoid injury, harm or immediate emergency situation	Not required	Nil
7	Border region resident	Required	<p>A border region resident who is a Victorian resident—</p> <p>(a) (Repealed)</p> <p>(b) must not travel to a part of New South Wales that is outside the border region, and</p> <p>(c) must not enter New South Wales if the resident has, within the previous 14 days—</p> <p>(i) 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</p> <p>(ii) been in an area that is a COVID-19 area of concern.</p> <p>(d) (Repealed)</p> <p>A border region resident who is a NSW resident—</p> <p>(a) must not enter New South Wales if the resident has, within the previous 14 days—</p> <p>(i) been in a part of Victoria that is outside the border region, or</p> <p>(ii) been in an area that is a COVID-19 area of concern.</p> <p>(b) (Repealed)</p> <p><b>Note.</b> A border region resident who must not enter New South Wales using a border region resident permit may be eligible to enter New South Wales using another entry permit and, if the border region resident does so, will be subject to the relevant conditions specified in relation to the other entry permit.</p>
8	Victorian education visitor	Required	<p>The Victorian education visitor must travel to New South Wales by aircraft landing at Sydney Airport.</p> <p><b>Note.</b> The Victorian education visitor will be required to comply with the <i>Public Health (COVID-19 Air Transportation Quarantine) Order (No 3) 2020</i>.</p>

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
	<b>Relevant class</b>	<b>Entry permit</b>	<b>Relevant conditions</b>
8A	Specialist school visitor	Required	<p>The specialist school visitor must travel by the most practicable direct route between their place of residence and the school</p> <p>The specialist school visitor must comply with any directions about attendance at school issued by the Secretary of the NSW Department of Education and Training</p> <p>If the specialist school visitor is ordinarily resident in Victoria, the visitor must not enter New South Wales if the visitor has, within the previous 14 days, been in an area that is a restricted area in accordance with an Area Direction made under the <i>Public Health and Wellbeing Act 2008</i> of Victoria</p> <p>If the specialist school visitor is ordinarily resident in New South Wales, the visitor must self-isolate if the visitor returns to New South Wales and has, within the previous 14 days, been in an area that is a restricted area in accordance with an Area Direction made under the <i>Public Health and Wellbeing Act 2008</i> of Victoria</p>
8B	NSW resident who is a student at a boarding school outside New South Wales	Required	<p>The NSW resident must—</p> <p>(a) travel to New South Wales by aircraft landing at Sydney Airport, and</p> <p>(b) self-isolate</p>
9	Person entering for child access or care arrangements	Required	<p>The person must comply with the relevant COVID-19 Safety Plan at all times or self-isolate</p>
10	Person who is a Victorian resident entering for medical or hospital services except in emergency situation	Required	<p>The person must travel by the most practicable direct route to the place where the service is provided</p> <p>The person must not enter New South Wales if the person has, within the previous 14 days, been an area that is a restricted area in accordance with an Area Direction made under the <i>Public Health and Wellbeing Act 2008</i> of Victoria</p> <p>The person is authorised to enter New South Wales only if the service is not available in Victoria or cannot be accessed remotely</p>

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Relevant class</b>	<b>Entry permit</b>	<b>Relevant conditions</b>
10AA Person who is a New South Wales resident returning after entering Victoria for medical or hospital services except in emergency situation	Required	<p>A medical practitioner has certified that the medical or hospital services are necessary to treat or maintain the person's health</p> <p>The service is not available locally and cannot be accessed remotely</p> <p>The person must travel by the most practicable direct route—</p> <p>(a) to the place where the medical or hospital services are provided, and</p> <p>(b) from the place where the medical or hospital services are provided to the person's place of residence.</p> <p>The person must self-isolate if the person has, within the previous 14 days, been in an area that is a restricted area in accordance with an Area Direction made under the <i>Public Health and Wellbeing Act 2008</i> of Victoria</p>
10A Person requiring medical, hospital, dental or veterinary care in an emergency situation	Not required	<p>The person must travel by the most practicable direct route—</p> <p>(a) to the place where the service is provided, and</p> <p>(b) from the place where the service is provided to the person's place of residence.</p>
13 Person entering for compassionate grounds, being the provision of end of life support or to attend a funeral or memorial service, or in other exceptional circumstances	Required	
14 Person entering to attend court or meet other legal obligations imposed by a court or an Act (such as bail or parole obligations)	Required	The person must self-isolate except to attend court or meet other legal obligations imposed by a court or an Act (such as bail or parole obligations)
15 Person who is transiting through New South Wales by air for the purposes of travelling by air to a place outside New South Wales	Required	<p>The person must—</p> <p>(a) travel to New South Wales by aircraft landing at Sydney Airport, and</p> <p>(b) not leave Sydney Airport unless authorised under clause 8A</p>