



New South Wales

Public Health (COVID-19 Gathering Restrictions) Order (No 2) Amendment Order 2021

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 7 July 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to expand to additional classes of premises the requirement that a person entering the premises must electronically register the person's contact details with Service NSW.

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under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) Amendment Order 2021*.

2 Commencement

This Order commences at the beginning of 12 July 2021.

Schedule 1 Amendment of Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021

[1] Clause 3 Definitions and notes

Insert “except to the extent that the contrary intention appears” after “this Order” in clause 3(2).

[2] Clause 25

Omit clause 25. Insert instead—

25 Directions about persons providing contact details

- (1) This clause applies to a person who enters premises specified in Schedule 3, subject to the exceptions in the Schedule.
 - (2) The person must ensure the person’s contact details are registered electronically with Service NSW when the person enters the premises—
 - (a) by using the person’s phone to register the details, or
 - (b) by having another person use a phone to register the details on the person’s behalf if the person is not able to use the person’s phone to register the details, or
 - (c) by providing the details to the occupier of the premises if—
 - (i) it is not possible to register the person’s details under paragraph (a) or (b), or
 - (ii) it would be unsafe to use a phone on the premises because of the nature of the premises.

Example. If using a phone would be inconsistent with the work health and safety requirements at the premises.
- Note.** The occupier of premises may refuse entry to a person who fails to comply with this direction.
- (3) The occupier of the premises must—
 - (a) take reasonable steps to ensure a person complies with this clause when entering the premises, and
 - (b) within 12 hours after contact details are provided to the occupier under this clause, electronically register the details with Service NSW.
 - (4) If the premises are a vehicle, the registered operator of the vehicle must ensure that the vehicle is not used as a taxi or hire car unless—
 - (a) the vehicle is registered with Service NSW, and
 - (b) provision is made to enable passengers, when entering the vehicle, to register contact details using a phone in accordance with this clause.
 - (5) A person is not required to register the person’s contact details when entering premises contained within and only accessible through other premises (the **main premises**) unless—
 - (a) the premises being entered are—
 - (i) a gym, or
 - (ii) an entertainment facility, or
 - (iii) a hospitality venue, or
 - (iv) a nightclub, or
 - (v) retail premises, or

(b) the person was not required to register the person's contact details in accordance with this clause when entering the main premises.

- (6) In this clause—
phone includes a device.
registered operator has the same meaning as in the *Road Transport Act 2013*.

[3] Clause 26 Direction about record keeping by occupiers concerning contact details

Omit clause 26(1). Insert instead—

- (1) This clause applies to the occupier of premises if a person's contact details were provided to the occupier rather than Service NSW under clause 25(3) before that subclause was substituted by the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) Amendment Order 2021*.

[4] Clause 27, heading

Insert “and disclosure” after “use”.

[5] Clause 27

Insert “or disclosed” after “used”.

[6] Schedule 3

Omit the Schedule. Insert instead—

Schedule 3 Premises requiring electronic entry records

Part 1 Premises

- 1 Amusement centres
- 2 Aquariums
- 3 Business premises, being premises at which—
 - (a) an occupation, profession or trade is carried on for the provision of services directly to members of the public on a regular basis, or
 - (b) a service is provided directly to members of the public on a regular basis
- 4 Construction sites
- 5 Crematoria
- 6 Drive-in cinemas
- 7 Entertainment facilities
- 8 Function centres
- 9 Hospitality venues
- 10 Hospitals, but not a hospital that has an electronic entry recording system that records sufficient information about persons entering the hospital to enable contact tracing to occur
- 11 Hotels or motels or other accommodation facilities, but not for a person who—
 - (a) has checked in and is staying overnight, or

- (b) is a resident
- 12** Industrial premises, being premises used for the—
 - (a) 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, and includes any storage or transportation associated with the activity, or
 - (b) handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes
- 13** Information and education facilities
- 14** Nightclubs
- 15** Office premises, being 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
- 16** Parliament House
- 17** Party buses
- 18** Places of public worship
- 19** Properties operated by the National Trust or the Historic Houses Trust
- 20** Public swimming pools, other than a natural swimming pool
- 21** Recreation facilities (indoor)
- 22** Recreation facilities (major)
- 23** Residential care facilities or hostels, but not residents
- 24** Retail premises, being premises used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials or whether also sold by wholesale
- 25** School, university or other educational institution, but not a student of a school entering the school
- 26** Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
- 27** Sex services premises
- 28** Shopping centres
- 29** Storage premises
- 30** Strip clubs
- 31** Vehicles being used as taxis or hire vehicles
- 32** Vessels used for hosting functions or for commercial tours

33 Warehouse or distribution centres

34 Zoological parks and reptile parks

Part 2 Premises at which the following events are being held

35 COVID-19 safe outdoor public gatherings

36 Controlled outdoor public gatherings

37 Agricultural shows or agricultural field days

38 Funerals and memorial services and gatherings after funerals and memorial services

39 Religious services and gatherings after religious services

40 Wedding services and gatherings after wedding services

Part 3 General exceptions

41 The following persons are not required to provide contact details when entering premises specified in this Schedule—

- (a) a person entering the premises in response to an emergency
- (b) a person entering premises in a vehicle if the person does not exit the vehicle while on the premises
- (c) a person entering the premises who is under the age of 18 years if it is not possible to register the person's details under clause 25(2)(a) or (b) of this Order
- (d) a person exercising law enforcement, intelligence or national security functions on behalf of a government agency of New South Wales or the Commonwealth
- (e) a person entering any health or medical facility, other than a pharmacy, as a patient

42 Despite the other provisions of this Schedule, the following premises are not premises specified in this Schedule—

- (a) mines
- (b) premises used by a government agency of New South Wales or the Commonwealth having law enforcement, intelligence or national security functions

[7] Schedule 4 Dictionary

Omit the definition of *occupier of premises*.

Insert in alphabetical order—

construction site means a place at which work, including related excavation, is being carried out to erect, demolish, extend or alter a building or structure but not work carried out in relation to a dwelling in which a person is residing.

hire vehicle has the same meaning as in the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

occupier of premises has the meaning given by the Act and includes—

- (a) for a vehicle or vessel—the operator of the vehicle or vessel, or
- (b) for a construction site—the person who has the management or control of the site.

taxi has the same meaning as in the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

[8] Schedule 4, note

Insert in alphabetical order—

hostel means premises that are generally staffed by social workers or support providers and at which—

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

residential care facility means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

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.