



New South Wales

Public Health (COVID-19 Gatherings) 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 20 March 2020.

Minister for Health and Medical Research

Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences by giving a Ministerial direction that prohibits mass gatherings of 500 or more people in outdoor spaces and 100 people or more in indoor spaces, subject to certain exclusions. The Order also provides that for other gatherings (that is, gatherings of fewer than 500 people in outdoor spaces, or fewer than 100 people in indoor spaces) the premises must allow for at least 4 square metres of space for each person in attendance, other than in residential premises.

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.

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Public Health (COVID-19 Gatherings) Order 2020

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Part 1 Preliminary

1 Name of Order

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

2 Commencement

This Order commences on 21 March 2020.

Note. This order commences at the beginning of 21 March 2020. See section 24 of the *Interpretation Act 1987*.

3 Definitions

(1) In this Order—

indoor space means an area, room or other premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of the roof or walls are—

- (a) permanent or temporary, or
- (b) open or closed.

Note. The *Public Health Act 2010* defines premises to include any land, temporary structure, vehicle or vessel.

mass gathering—

- (a) means a gathering—
 - (i) of 500 or more persons in a single undivided outdoor space at the same time, or
 - (ii) of 100 or more persons in a single undivided indoor space at the same time, but
- (b) does not include—
 - (i) an essential gathering referred to in Schedule 1, or
 - (ii) a gathering exempted, in writing, by the Minister and subject to any conditions the Minister considers necessary.

outdoor space means a space that is not an indoor space.

relevant period means the period—

- (a) starting on 21 March 2020, and
- (b) ending at midnight on 18 June 2020.

the Act means the *Public Health Act 2010*.

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

(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

It is noted that 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 international 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.

5 Direction of the Minister

- (1) The Minister directs that a person must not, during the relevant period—
 - (a) if the person is the occupier or operator of premises in New South Wales—
 - (i) allow a mass gathering to occur on the premises, or
 - (ii) allow another gathering to occur on the premises unless the size of the premises is sufficient to ensure there is 4 square metres of space for each person on the premises, or
 - (b) organise a mass gathering on premises in New South Wales, or
 - (c) attend a mass gathering on premises in New South Wales.
- (2) Subclause(1)(a)(ii) does not apply to a gathering—
 - (a) referred to in Schedule 1, or
 - (b) at a person's place of residence.

Note. The *Public Health Act 2010* defines the occupier of premises or a part of premises to mean the owner of the premises or part of premises or if any other person is entitled to occupy the premises or part to the exclusion of the owner, that person.

6 Repeal of Order

The *Public Health (COVID-19 Mass Gatherings) Order 2020* is repealed.

Schedule 1 Essential gatherings

1. a gathering at an airport that is necessary for the normal business of the airport
2. a gathering for the purposes of or related to transportation, including in vehicles or at stations, platforms or stops or other public transportation facilities
3. a gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility
4. a gathering for the purposes of emergency services
5. a gathering at a disability or aged care facility that is necessary for the normal business of the facility
6. a gathering at a prison, correctional facility, youth justice centre or other place of custody
7. a gathering at a court or tribunal
8. a gathering at Parliament for the purpose of its normal operations
9. a gathering at a supermarket, food market, grocery or other retail store or shopping centre that is necessary for the normal business of the supermarket, market, store or centre
10. a gathering at an office building, factory or mining or construction site that is necessary for the normal operation of the building, factory or site
11. a gathering at a school, university or other educational institution or child care facility that is necessary for the normal business of the school, university, institution or facility but does not include a school event that involves members of the community in addition to staff and students
12. a gathering at a hotel, motel or other accommodation facility that is necessary for the normal operation of accommodation services at that hotel, motel or other facility
13. a gathering at an outdoor space where 500 or more persons may be present for the purposes of transiting through the place

Example. Pitt Street Mall