



New South Wales

# Public Health (COVID-19 General) Amendment Order (No 2) 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 15 October 2021.

Time 6:22pm.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## **Explanatory note**

The object of this Order is to give effect to the roadmap for easing restrictions when 80% of the population of New South Wales who are over 16 years of age are fully vaccinated against COVID-19.

## **Public Health (COVID-19 General) Amendment Order (No 2) 2021**

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### **1 Name of Order**

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

### **2 Commencement**

This Order commences—

- (a) for Schedule 1 [11], [13] and [25]–[32]—when this Order is made, or
- (b) otherwise—at the beginning of 18 October 2021.

## **Schedule 1 Amendment of Public Health (COVID-19 General) Order 2021**

- [1] **Clause 2.2 Premises that must not be open**  
Omit clause 2.2(c), (d) and (f).
- [2] **Clause 2.3 Maximum number of persons—generally**  
Omit clause 2.3(2)(c).
- [3] **Clause 2.4 Maximum number of persons—place of residence**  
Omit “10 visitors” from clause 2.4(1)(b). Insert instead “20 visitors”.
- [4] **Clause 2.4(3)(d)**  
Omit “9 other visitors”. Insert instead “19 other visitors”.
- [5] **Clause 2.5 Maximum number of persons—holiday homes or short-term rentals**  
Omit “10 persons” from clause 2.5(b)(i). Insert instead “20 persons”.
- [6] **Clauses 2.8, 2.11 and 2.13**  
Omit the clauses.
- [7] **Clause 2.9**  
Omit the clause. Insert instead—
- 2.9 Maximum number of persons—group classes and activities at recreation facilities (indoor)**
- (1) The occupier of a gym in the general area must not allow more than 20 persons to attend a group class at the gym.
- (2) The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.
- [8] **Clause 2.12 Maximum number of persons—certain outdoor events**  
Omit “500 persons” from clause 2.12(1)(a). Insert instead “3,000 persons”.
- [9] **Clause 2.12(1)(b)**  
Omit “50 persons”. Insert instead “200 persons”.
- [10] **Clause 2.12(1)(c)**  
Omit “30 persons”. Insert instead “50 persons”.
- [11] **Clause 2.14 Maximum number of persons—Vehicles and vessels**  
Omit clause 2.14(2).
- [12] **Clause 2.17(1)(n)**  
Insert at the end of clause 2.17(1)(m)—
- , or
- (n) in an office building if the person is a fully vaccinated person, but not a part of the building that is—
- (i) a retail premises, or

- (ii) a hospitality venue, or
- (iii) a recreation facility (indoor).

**[13] Clause 2.18 Premises closed to unvaccinated adults**

Insert after clause 2.18(4)(d)—

- (e) to provide an emergency service,
- (f) because of—
  - (i) an auction for food supply, or
  - (ii) a livestock, fibre or crop auction.

**[14] Clause 2.18(5), definition of “higher risk premises”**

Omit paragraph (d). Insert instead—

- (d) nightclubs,
- (d1) sex services premises,
- (d2) strip clubs,

**[15] Part 2, Division 6, heading**

Omit the heading.

**[16] Clause 2.19 Must be seated when consuming alcohol**

Omit “a person” from clause 2.19(1). Insert instead “an unvaccinated adult”.

**[17] Clause 2.19(1)**

Omit “the person”. Insert instead “the unvaccinated adult”.

**[18] Clause 2.19(1A)**

Insert after clause 2.19(1)—

- (1A) The occupier of premises in the general area that are a nightclub or a strip club must not allow a person to consume alcohol in a part of the premises that is an indoor area unless the person is seated.

**[19] Clause 2.20 Must be seated when consuming food or drink at significant event**

Omit “a person”. Insert instead “an unvaccinated adult”.

**[20] Clause 2.20**

Omit “the person”. Insert instead “the unvaccinated adult”.

**[21] Clauses 2.20A and Division 6, heading**

Insert after clause 2.20—

**2.20A Dancing indoors**

- (1) The occupier of premises in the general area must not allow an unvaccinated adult to dance in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—
  - (a) a place of residence,
  - (b) an educational establishment,
  - (c) a performer who is performing or rehearsing,

- (d) a person who is instructing, or being instructed, in dancing,
- (e) a wedding service or a gathering after a wedding service,
- (f) a group class at a gym or a recreation facility (indoor).

## **Division 6 Miscellaneous**

### **[22] Clause 2.21 Singing or dancing indoors**

Omit “or dance” from clause 2.21(1).

### **[23] Clause 2.21(1A)**

Insert after clause 2.21(1)—

- (1A) The occupier of premises in the general area that are a nightclub or a strip club must not allow a person to dance in a part of the premises that is an indoor area.

### **[24] Clause 2.21(2)(f)**

Omit the paragraph.

### **[25] Clause 3.1**

Omit the clause. Insert instead—

#### **3.1 Introduction**

This Part sets out directions of the Minister that apply to an area identified as a stay at home area.

**Note—** An area becomes a stay at home area if the Chief Health Officer identifies the area as a stay at home area in a stay at home notice published on the website of NSW Health. See clause 1.8.

### **[26] Clause 3.5 Retail premises**

Omit “Schedule 4” from clause 3.5(1), note. Insert instead “Schedule 6”.

### **[27] Clauses 3.13(2)(c), 3.14(1)(a) and 3.15(2) and Schedule 2, clause 20(3) and 21(2)**

Omit “at least” wherever occurring. Insert instead “over”.

### **[28] Clause 6.5A Entering or leaving Greater Sydney**

Omit “, 20 and 21” from clause 6.5A(2)(b). Insert instead “and 20–23”.

### **[29] Clause 6.5A(2)(d)**

Insert after clause 6.5A(2)(c)—

- (d) attending a significant event held in accordance with this Order.

### **[30] Clause 6.5A(3)**

Insert after clause 6.5A(2)—

- (3) This clause is repealed at the beginning of 1 November 2021.

### **[31] Clause 6.6 Taking holidays or undertaking recreation**

Insert after clause 6.6(2)—

- (3) Subclauses (2) and (3) and this subclause are repealed at the beginning of 1 November 2021.

**[32] Schedule 6 Dictionary**

Omit “more than” from the definition of *unvaccinated adult*, paragraph (a).

Insert instead “over”.