



New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 2) 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 23 July 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 Restrictions on Gathering and Movement) Order (No 4) 2020* to provide for gatherings in relation to certain premises and certain activities, including at hospitality venues and places of public worship and in relation to significant events such as corporate events, weddings, funerals and memorial services.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 2) 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment Order (No 2) 2020*.

2 Commencement

- (1) Subject to subclause (2), this Order commences at the beginning of 24 July 2020.
- (2) The following provisions commence at the beginning of 25 July 2020—
 - (a) Schedule 1[3] to the extent it inserts clause 7(3),
 - (b) Schedule 1[8] to the extent it inserts clause 14B(2).

Schedule 1 Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020

[1] Clause 3 Definitions

Insert the following definitions in alphabetical order in clause 3(1)—

approved COVID-19 safety checklist means a COVID-19 safety checklist, approved by the Chief Health Officer and published on the New South Wales Government website.

COVID-19 Safety Hygiene Marshal, for a hospitality venue, means a person who—

- (a) is responsible for ensuring the COVID-19 Safety Plan for the venue is being adhered to, and
- (b) is dressed in distinctive clothing.

corporate event means an event, hospitality or social activity—

- (a) organised, held or funded by a business or other organisation for staff, clients or stakeholders, and
- (b) held on premises that are a function centre.

hospitality venue means the following—

- (a) a casino,
- (b) food and drink premises,
- (c) micro-breweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises,
- (d) pubs,
- (e) registered clubs,
- (f) small bars.

separate area, for a hospitality venue, means an area within the venue—

- (a) that is separate from other areas on the premises, and
- (b) has been designated as a separate area by the occupier of the premises, and
- (c) if food and drink service are being provided in the area—that has staff that are providing food and drink service only in that area, and
- (d) that does not allow persons gathering in different areas to mingle.

significant event means—

- (a) a corporate event, or
- (b) a funeral or memorial service, or
- (c) a wedding service, or
- (d) a gathering following a funeral or memorial service or wedding service.

[2] Clause 4 Interpretation generally

Insert “for the occupier of the premises” after “premises” in clause 4(1)(a).

[3] Clause 7

Omit the clause. Insert instead—

7 Direction of Minister requiring COVID-19 Safety Plans

- (1) The Minister directs that occupiers of premises listed in column 1 of Schedule 1 must—
 - (a) develop and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the premises in column 2 of Schedule 1 approved on the date specified in column 3 of Schedule 1, and
 - (b) keep a copy of the COVID-19 Safety Plan on the premises and make it available for inspection by an authorised officer or police officer as requested.
- (2) The Minister directs that for premises that are a hospitality venue that has more than one separate area, the occupier of the premises must develop, comply with and keep a COVID-19 Safety Plan as required by subclause (1) for each of the separate areas on the premises.
- (3) The Minister directs that for any of the following premises, the occupier of the premises must register with the NSW Government as a COVID-19 Safe business—
 - (a) crematoria,
 - (b) hospitality venues,
 - (c) funeral homes,
 - (d) places of public worship.

Note. For how to register as a COVID-19 Safe business, see the NSW Government website at www.nsw.gov.au

[4] Clause 8 Direction of Minister about the number of persons allowed on premises

Omit clause 8(2)(ab). Insert instead—

- (ab) hospitality venues, or

[5] Clause 8(2)(g)

Omit the paragraph. Insert instead—

- (g) a gathering at a place of public worship.

[6] Clauses 8A and 9

Omit the clauses. Insert instead—

8A Direction of Minister about hospitality venues

- (1) The Minister directs that the occupier of a hospitality venue must ensure that—
 - (a) for a hospitality venue that consists of more than one separate area, the maximum number of persons in each of the areas is the lesser of—
 - (i) the number of persons that is equivalent to one person per 4 square metres of space in the area, or
 - (ii) 300 persons, and
 - (b) for any other hospitality venue, the maximum number of persons on the premises is the lesser of—
 - (i) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (ii) 300 persons.

- (2) The Minister directs that the occupier of a hospitality venue must ensure that—
- (a) for a significant event on the premises—a booking for the event does not consist of more persons than the maximum number permitted under clause 14A to attend the event, and
 - (b) otherwise—
 - (i) an individual booking or reservation for a group entering or on the premises does not consist of more than 10 persons, and
 - (ii) no individual group entering or on the premises consists of more than 10 persons, and
 - (c) as far as practicable, persons on the premises remain seated, and
 - (d) there is a COVID-19 Safety Hygiene Marshal—
 - (i) for premises that do not have separate areas—on the premises if there are more than 250 persons on the premises, or
 - (ii) for premises that have separate areas—in a separate area on the premises if there are more than 250 persons in the area.

9 Direction of Minister about places of public worship

The Minister directs that the occupier of a place of public worship must ensure that the maximum number of persons on the premises is the lesser of—

- (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
- (b) 100 persons.

9A Direction of Minister about premises on which significant event held

The Minister directs that the occupier of premises on which a significant event is held must ensure that the number of persons on the premises for that event is not more than the number of persons that, under clause 14A, are permitted to participate in a significant event of that type.

[7] Clauses 12 and 13

Omit the clauses.

[8] Division 2A

Insert after clause 14—

Division 2A Corporate events, funerals, memorial and religious services and weddings

14A Restrictions on certain activities

- (1) The Minister directs that a person must not organise, conduct or participate in a significant event mentioned in subclause (2)—(5) if the number of persons to attend or attending the service or event exceeds the maximum set out in the relevant subclause.
- (2) For a corporate event, the maximum number of people is the lesser of—
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 150 persons.

- (3) For a funeral or memorial service, or a gathering following a funeral or memorial service, the maximum number of people is the lesser of—
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 100 persons.
- (4) For a religious service, the maximum number of persons is the lesser of—
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 100 persons.
- (5) For a wedding service, or a gathering following a wedding service, the maximum number of persons is the lesser of—
 - (a) the number of persons that is equivalent to one person per 4 square metres of space in the premises, or
 - (b) 150 persons.
- (6) This clause does not apply to organising, conducting or participating in a significant event on premises that are a place of public worship.
Note. For the maximum number of persons who may be present for a significant event at premises that are a place of public worship, see clause 9.

14B Direction of Minister requiring COVID-19 Safety Plans

- (1) The Minister directs that the responsible person for a significant event must—
 - (a) have and comply with a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist set out opposite the type of event in column 2 of Schedule 1 approved on the date specified in column 3 of Schedule 1, and
Note. If a person is a responsible person for more than one significant event the person may not need to develop a specific COVID-19 Safety Plan for each event. For example, if wedding services are regularly held in an indoor space on premises, the occupier of the premises may have one COVID-19 Safety Plan that applies to all wedding services held on the premises.
 - (b) keep a copy of the COVID-19 Safety Plan on the premises while the significant event is being held and make it available for inspection by an authorised officer or a police officer as requested.
- (2) The Minister directs that for a significant event, other than an event held in a public park, a reserve or a public garden, the responsible person for the event must register with the NSW Government as a COVID-19 Safe business before the event is held.
Note. For how to register as a COVID-19 Safe business, see the NSW Government website at www.nsw.gov.au
- (3) In this clause—
responsible person means—
 - (a) for a significant event held in a public park, a reserve or a public garden—the person organising the event or conducting the service, and
 - (b) for another significant event—the occupier of the premises.

[9] Clause 16 Direction of Minister requiring COVID-19 Safety Plans

Omit from “COVID-19 safety checklist” to “, and” from clause 16(a).

Insert instead “approved COVID-19 safety checklist, and”.

[10] Clause 16(b)

Insert “or a police officer” after “authorised officer”.

[11] Clause 22 Directions of Minister concerning persons providing contact details

Omit “service” in clause 22(1)(a). Insert instead “significant event or religious service”.

[12] Clause 22(2)(a)

Omit “pub”. Insert instead “hospitality venue”.

[13] Clause 22(2)(c)

Insert “as soon as practicable, but no later than 12 hours, after the request is made” after “Chief Health Officer”.

[14] Clause 22(3)

Insert “, as soon as practicable, but not later than 12 hours, after the request is made” after “group”.

[15] Clause 22(5)

Omit the subclause. Insert instead—

(5) In this clause—

contact details, of a person who entered premises mentioned in subclause (1), means—

- (a) the person’s name, and
- (b) the person’s telephone number or email address, and
- (c) the time at which the person entered the premises.

[16] Schedule 1

Omit the Schedule. Insert instead—

Schedule 1 Premises requiring COVID-19 Safety Plan

Column 1	Column 2	Column 3
Premises or event	Checklist	Approval date
Amusement centres	Theme parks and amusement centres	23 July 2020
Aquariums	Zoos, reptile parks and aquariums	23 July 2020
Business premises that are used for auction houses, other than clearing houses	Auction and open houses	23 July 2020
Business premises that are used for betting agencies	Betting agencies	23 July 2020

Column 1	Column 2	Column 3
Premises or event	Checklist	Approval date
Business premises that are used for nail salons, beauty salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours	Beauty and other services	23 July 2020
Caravan parks and camping grounds	Caravan parks and camping grounds	23 July 2020
Casinos	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Community centres	Community centres and halls	23 July 2020
Community sporting activities	Community sporting competitions and full training activities	23 July 2020
Corporate events	Conferences, functions and corporate events	23 July 2020
Crematoria	General	23 July 2020
Drive-in cinemas	Cinemas, theatres, concert halls, drive-in cinemas	23 July 2020
Entertainment facilities	Cinemas, theatres, concert halls, drive-in cinemas	23 July 2020
Food and drink premises	Restaurants, cafes, food courts	23 July 2020
Food courts	Restaurants, cafes, food courts	23 July 2020
Function centres	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Funeral homes	General	23 July 2020
Funerals and memorial services and gathering after funerals and memorial services	Funerals, memorial services and wakes	23 July 2020
Information and education facilities	Libraries Museums and galleries	23 July 2020
Markets	Non-food markets	23 July 2020
Micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> or cellar door premises	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Places of public worship	Places of worship	23 July 2020

Column 1	Column 2	Column 3
Premises or event	Checklist	Approval date
Properties operated by the National Trust or the Historic Houses Trust	Museums and galleries	23 July 2020
Public indoor swimming pools	Swimming pools	23 July 2020
Public outdoor swimming pools	Swimming pools	23 July 2020
Pubs, small bars and registered clubs	Pubs, clubs, small bars, breweries, casinos	23 July 2020
Recreation facilities (indoor)	Indoor recreation facilities	23 July 2020
Recreation facilities (major)	Major recreation facilities, stadiums, showgrounds, racecourses Theme parks and amusement centres	23 July 2020
Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises	Sex on premises	23 July 2020
Sex services premises	Sex services	23 July 2020
Strip clubs	Pubs and clubs (including small bars, cellar doors, breweries, casinos, karaoke bars, function centres, and strip clubs)	23 July 2020
Vessels used for commercial scuba diving and snorkelling tours or for commercial whale, dolphin or marine animal watching tours	Commercial vessels	23 July 2020
Vessels used for hosting functions or for commercial tours (other than tours specified in item 27)	Commercial vessels	23 July 2020
Wedding services and gatherings after wedding services	Wedding ceremonies and receptions	23 July 2020
Zoological parks and reptile parks	Zoos, reptile parks and aquariums	23 July 2020
