



New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment (No 5) 2020

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 11 September 2020.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The objects of this Order are to make further provision in relation to—

- (a) the maximum number of persons at places of public worship and significant events, and
- (b) participation in, and the conduct of, auctions and open houses.

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1 Name of Order

This Order is the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) Amendment (No 5) 2020*.

2 Commencement

This Order commences at the beginning of 14 September 2020.

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

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

separate area, for a place of public worship, means a building—

- (a) that is separate from other buildings within the premises, and
- (b) has been designated as a separate building by the occupier of the premises, and
- (c) that is staffed by persons officiating or volunteers or other staff who provide services in that building only, and
- (d) that does not allow persons gathering in different buildings to mingle.

[2] Clause 7 Direction of Minister requiring COVID-19 Safety Plans

Insert “or place of public worship” after “hospitality venue” in clause 7(2).

[3] Clause 9

Omit the clause. Insert instead—

9 Directions of Minister about places of public worship

- (1) The Minister directs that the occupier of a place of public worship must ensure—
 - (a) for a place of public worship with 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) 100 persons, and
 - (b) for any other place of public worship, 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 on the premises, or
 - (ii) 100 persons.
- (2) The Minister directs that the occupier of a place of public worship comprised of more than one separate area must ensure that a religious service, activity or event conducted in one separate area does not commence or end at the same time as another religious service, activity or event in another separate area in the place.
- (3) Subclause (1) does not apply in relation to a wedding service or a gathering following a wedding service.

Note. Clause 14A(5) provides for the maximum number of persons for wedding services and gatherings following wedding services.

[4] Clause 11, heading

Omit “**Direction**”. Insert instead “**Directions**”.

[5] Clause 11(1A)

Insert after clause 11(1)—

- (1A) The Minister directs that a visitor to a place of residence must not participate in a gathering at the residence consisting of more than 20 visitors.

[6] Clause 14 Visitors

Insert after clause 14(b)(viii)—

- (ix) to view or inspect real property for sale or lease or participate in an auction of real property.

[7] Clause 14A Restrictions on certain activities

Omit clause 14A(6) and the note at the end of the clause. Insert instead—

- (6) This clause does not prevent a person from making or accepting a booking for a significant event exceeding the maximum amount of persons specified by this clause if the event complies with this clause as in force when the event is held.
- (7) Persons are to be excluded in calculating the maximum number of persons specified by this clause for a significant event if clause 4(1) excludes them in calculating the space available for each person on the premises.

[8] Clause 21A

Insert after clause 21—

21A Direction of Minister concerning auctions, open houses or other inspections or viewings

- (1) If a real estate agent is engaged to sell or lease real property, the Minister directs that the agent must ensure that an auction, open house or other inspection or viewing of the property is conducted in compliance with a relevant COVID-19 Safety Plan.
- (2) In this clause—
real estate agent has the same meaning as in the *Property and Stock Agents Act 2002*.
relevant COVID-19 Safety Plan means a COVID-19 Safety Plan that addresses the matters required by the approved COVID-19 safety checklist for auctions and open houses approved on 23 July 2020.