



New South Wales

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 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 2 January 2021.

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 7) 2020*—

- (a) to close nightclubs in Greater Sydney, and
- (b) to remove an exemption that permitted a minimum number of persons in premises in Greater Sydney regardless of the size of the premises,
- (c) to restrict the number of persons at any of the following in Greater Sydney—
 - (i) a class or activity at a gym,
 - (ii) a significant event,
 - (iii) an outdoor rehearsal or performance,
 - (iv) a protest,
 - (v) a controlled outdoor gathering,
 - (vi) a place of public worship or a religious service,
- (d) to exempt significant events occurring outside Greater Sydney from the limitations on the number of visitors permitted at residential premises,
- (e) to make minor consequential amendments.

Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) Amendment Order 2021

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 7) Amendment Order 2021*.

2 Commencement

This Order commences at the beginning of 3 January 2021.

Schedule 1 Amendment of Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

responsible person, for Part 2, Division 3—see clause 15A.

[2] Clause 8 Direction of Minister requiring COVID-19 Safe business registration

Omit the notes to clause 8(d) and (f).

[3] Clause 9 Direction of Minister about number of persons allowed on premises

Insert before section 9(1)—

- (1A) The Minister directs that an occupier of premises in Greater Sydney must not allow more persons on the premises than—
- (a) for the parts of the premises that are indoor areas—the number of persons that is equivalent to 1 person per 4 square metres of space in the parts, or
 - (b) for the parts of the premises that are not indoor areas—the number of persons that is equivalent to 1 person per 2 square metres of space in the parts.

[4] Clause 9(1)

Insert “outside Greater Sydney” after “occupier of premises”.

[5] Clause 10 Directions of Minister about gymnasiums

Omit clause 10(3). Insert instead—

- (3) The Minister directs that an occupier of a gymnasium must ensure the maximum number of persons attending any individual class or activity carried out at the gymnasium does not exceed—
- (a) for a gymnasium in Greater Sydney—30 persons, or
 - (b) for a gymnasium outside Greater Sydney—50 persons.

[6] Clause 11, heading

Insert “outside Greater Sydney” after “venues”.

[7] Clause 11, note

Omit the note.

[8] Clause 12 Directions of Minister about nightclubs

Insert “outside Greater Sydney” after “nightclub” wherever occurring.

[9] Clause 12(3)

Insert after clause 12(2)—

- (3) The Minister directs that premises in Greater Sydney must not be used as a nightclub.

[10] Clause 15 Directions of Minister about number of persons allowed on residential premises

Insert after clause 15(4)—

- (5) This clause does not apply to a significant event at a place of residence outside Greater Sydney.

[11] Clause 15A

Insert before clause 16—

15A Definition

In this Division—

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.

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

Omit clause 16(2).

[13] Clause 16A

Insert after clause 16—

16A Direction of the Minister about maximum number of persons at significant event in Greater Sydney

The Minister directs that the responsible person for a significant event held in Greater Sydney must ensure the maximum number of persons attending the event is no more than 100 persons.

Note. Fewer than 100 persons may be permitted if the significant event is held on premises to which clause 9 or 15 applies.

[14] Clause 23

Omit the clause. Insert instead—

23 Direction of Minister about maximum number of participants

The Minister directs that the organiser of an outdoor rehearsal or performance must ensure the maximum number of participants in the outdoor rehearsal or performance is—

- (a) for an outdoor rehearsal or performance in Greater Sydney—the lesser of—
(i) the number of participants equivalent to 1 person per 2 square metres of space of the premises in which the activity is conducted, or
(ii) 500 participants, or
(b) for an outdoor rehearsal or performance outside Greater Sydney—the lesser of—
(i) the number of participants equivalent to 1 person per 2 square metres of space of the premises in which the activity is conducted, or
(ii) 3,000 participants.

[15] Clause 29 Direction of Minister about outdoor public gatherings

Omit clause 29(1). Insert instead—

- (1) The Minister directs that a person must not participate in an outdoor public gathering of more than—
 - (a) for a gathering in Greater Sydney—30 persons, or
 - (b) for a gathering outside Greater Sydney 100 persons.

[16] Clause 29(4)(b)

Omit the paragraph. Insert instead—

- (b) the gathering consists of no more than—
 - (i) for a gathering in Greater Sydney—500 persons, or
 - (ii) for a gathering outside Greater Sydney 3,000 persons, and

[17] Clause 29(5)

Omit the subclause.

[18] Clause 30 Directions of Minister about controlled outdoor public gatherings

Insert after clause 30(3)—

- (3A) The Minister directs that the organiser of a controlled outdoor public gathering in Greater Sydney must ensure the maximum number of persons participating in the gathering is the lesser of the following number of persons—
 - (a) for a gathering at which persons participating in the gathering are assigned specific seats—
 - (i) the number of persons equivalent to 1 person per 2 square metres of space of the premises in which the activity is conducted, or
 - (ii) 2,000 persons,
 - (b) for a gathering at which persons participating in the gathering are assigned to a seating area, but not to specific seats—
 - (i) the number of persons equivalent to 1 person per 2 square metres of space of the premises in which the activity is conducted, or
 - (ii) 500 persons.

[19] Clause 30(4)

Insert “outside Greater Sydney” after “controlled outdoor public gathering”.

[20] Clause 34 Direction of Minister about religious services held on premises other than place of public worship

Omit “clause 35B” from the note. Insert instead “clause 14A”.

[21] Clause 35A Directions of Minister about hospitality venues in Greater Sydney

Re-number as clause 11A and relocate after clause 11.

[22] Clause 35B Directions of Minister about places of public worship and religious services in Greater Sydney

Omit “300 persons” wherever occurring in clause 35B(1)(a)(ii) and (b)(ii) and (3)(b).
Insert instead “100 persons”.

[23] Clause 35B

Renumber as clause 14A and relocate after clause 14.

[24] Part 2, Division 10

Omit the Division.