



New South Wales

# Public Health (COVID-19 Temporary Movement and Gathering Restrictions) 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 26 June 2021.

As amended on 28 June 2021 at 7:36pm, 7 July 2021, 8 July 2021, 9 July 2021 and 10 July 2021.

Minister for Health and Medical Research

## Explanatory note

The object of this Order is to respond to cases of community transmission of COVID-19 in Greater Sydney by placing certain temporary restrictions and other requirements on movement and gathering in the State, including the following—

- (a) restrictions on the number of visitors to residential premises, holiday homes and short-term rentals,
- (b) restrictions on the number of persons in certain non-residential premises,
- (c) requirements to wear fitted face coverings in indoor areas of non-residential premises and at COVID-safe outdoor gatherings or controlled outdoor public gatherings.
- (d) restrictions on singing and dancing in non-residential premises,
- (e) restrictions on consuming alcohol while standing in non-residential premises.

The Order also imposes additional restrictions on certain persons who have been in Greater Sydney, including requiring them not to leave their places of residence or temporary accommodation without a reasonable excuse. Examples of a reasonable excuse include leaving for reasons involving—

- (a) obtaining food or other goods and services in Greater Sydney, or
- (b) for the purposes of work or education if it is not possible to do it at home, or
- (c) exercising in Greater Sydney, or
- (d) medical or caring reasons, including obtaining a COVID-19 vaccination.

## Editorial note

This is the order as amended by the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment Order 2021*, *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 2) Order 2021*, the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 3) Order 2021*, *Public Health (COVID-19 Temporary Movement and*

*Gathering Restrictions) Amendment (No 4) Order 2021 and the Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 5) Order 2021.*

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## Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021

under the

Public Health Act 2010

### Part 1 Preliminary

#### Division 1 Introduction

##### 1 Name of Order

This Order is the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

##### 2 Commencement

This Order commences when the Minister signs this Order.

#### Division 2 Interpretation

##### 3 Definitions

(1) In this Order—

**affected person**, for Part 4—see clause 19.

**controlled outdoor public gathering** has the same meaning as in the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021*.

**COVID-19 safe outdoor public gathering** has the same meaning as in the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021*.

**exempted gathering** means a gathering referred to in Schedule 2.

**fitted face covering** means a mask or other covering that—

- (a) fits securely around the face, and
- (b) is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection.

**Greater Sydney** means—

- (a) the Greater Sydney Region within the meaning of the *Greater Sydney Commission Act 2015*, and
- (b) the local government areas of the Central Coast, the City of Shellharbour and the City of Wollongong.

**hospitality venue** means the following—

- (a) casinos,
- (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.

**household** means persons living together in the same place of residence.

**indoor area** includes an area in a building or other structure, whether or not temporary, which has a roof, ceiling or other top covering, but does not include an area with at least 2 sides open to the weather.

**natural swimming pool** means a swimming pool that only contains untreated water that is supplied directly to the pool from the ocean or other natural water source and that does not have a circulation system.

**nightclub** means premises that are the subject of an on-premises licence in force under the *Liquor Act 2007* that relates to a public entertainment venue, other than a cinema or theatre.

**non-residential premises** means premises other than a place of residence.

**occupier of premises** includes the operator of a vehicle or vessel.

**parent**, in relation to a child, includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child.

**party bus** means a vehicle being used on a commercial basis for the purposes of a party, whether or not the party takes place during transportation between locations.

**place of residence** includes the premises where a person lives and a garden, yard, passage, stairs, garage, outhouse or other area or thing attached to, or used in connection with, the premises.

**public gathering** means a meeting or assembly of persons for a common purpose, including an organised or planned event, in a public place, whether ticketed or not.

**public place** has the same meaning as in the *Summary Offences Act 1988*.

**short-term rental** means premises to which a short-term rental accommodation arrangement, as defined in the *Fair Trading Act 1987*, section 54A applies.

**significant event** means—

(a) a funeral or memorial service, or

(b) a wedding service, or

(c) a gathering following a funeral or memorial service or wedding service.

**temporary accommodation** includes hotel or motel accommodation or a short-term holiday rental.

**the Act** means the *Public Health Act 2010*.

**work** includes—

(a) work done as a volunteer or for a charitable organisation, and

(b) in addition for Part 4—attending university or other tertiary education.

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

(2) A reference to a type of premises in this Order has the same meaning as it has in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

(3) Notes included in this Order do not form part of this Order.

#### **4 Calculation of spaces available for persons**

(1) When calculating both the space available for each person on premises and the number of persons on the premises, the following persons are not to be included in the calculations—

(a) a person engaged in work on the premises for the occupier of the premises,

- (b) a person on the premises because of an emergency,
  - (c) if the premises are food and drink premises—a person ordering or collecting food or drink to consume off the premises.
- (2) When calculating the space available for each person on premises, only the areas that are open to the public are to be included in the calculations.

#### **5 Travelling by most direct practicable route**

If a provision of this Order provides for a person to travel to a place outside Greater Sydney by the most practicable direct route, the provision does not prevent the person—

- (a) obtaining fuel for a vehicle or other necessary supplies for a vehicle or a person in a vehicle, or
- (b) taking a rest stop, including a meal break, or
- (c) dealing with an emergency.

### **Division 3 Relationship with other Orders**

#### **6 Order prevails over certain other Orders**

If there is an inconsistency between this Order and any of the following Orders, this Order prevails to the extent of the inconsistency—

- (a) the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021*,
- (b) the *Public Health (COVID 19 Mandatory Face Coverings) Order (No 3) 2021*,
- (c) an order that remakes, replaces or consolidates, whether in whole or in part, an order referred to in paragraph (a) or (b).

### **Division 4 Grounds for Order**

#### **7 Grounds for concluding that there is a risk to public health**

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 and responding to outbreaks of COVID-19, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have recently been confirmed in New South Wales and other Australian jurisdictions, including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in New South Wales.

## **Part 2 Restrictions on work, gatherings and premises**

### **Division 1 Places of work**

#### **8 Direction of Minister about place of work**

The Minister directs that an employer must allow an employee to work at the employee's place of residence if it is reasonably practicable to do so.

### **Division 2 Residential premises**

#### **9 Directions of Minister about number of visitors to a place of residence**

- (1) The Minister directs that each adult member of a household must not allow more than 5 visitors to be at the place of residence of the household at any one time.
- (2) The Minister directs that a visitor to a place of residence must not participate in a gathering at the residence consisting of more than 5 visitors.
- (3) For the purposes of this clause, a person is not a visitor to a place of residence if—
  - (a) the person is a member of the household of the place of residence, or
  - (b) the person is at the place of residence for any of the following purposes—
    - (i) to engage in work,
    - (ii) for childcare,
    - (iii) to fulfil carers' responsibilities,
    - (iv) to provide care or assistance, including personal care, to a vulnerable person,
    - (v) to give effect to new or existing arrangements for spending time with, and providing contact between, parents and children under the age of 18 or between siblings,
    - (vi) to assist a person moving to or from the place of residence,
    - (vii) to avoid an injury or illness or to escape a risk of harm,
    - (viii) because of an emergency or for compassionate reasons,
    - (ix) to view or inspect real property for sale or lease or participate in an auction of real property, or
  - (c) the person is at the place of residence to attend a significant event.

#### **10 Directions of Minister about holiday homes and short-term rentals**

- (1) The Minister directs that the occupier of premises must not allow the premises to be used for the purpose of a holiday home or a short-term rental for more than 5 persons unless all of those persons are from the same household.
- (2) The Minister directs that a visitor to premises that are being used as a holiday home or short-term rental must not participate in a gathering at the premises consisting of more than 5 visitors.
- (3) Subclause (1) does not apply to a holiday home or short-term rental if—
  - (a) more than 5 persons were staying in the premises immediately before the commencement of this Order, and
  - (b) no additional person moves into the premises after the commencement of this Order.



### **Division 3 Non-residential premises**

#### **11 Direction of Minister about number of persons allowed on premises**

- (1) An occupier of premises is directed not to allow more persons on the premises than the greater of—
  - (a) the number of persons that is equivalent to 1 person per 4 square metres of space in the premises, or
  - (b) 25 persons.
- (2) This clause does not apply to the following—
  - (a) a place of residence,
  - (b) an entertainment facility,
  - (c) a recreation facility (major),
  - (d) a vessel used for commercial tours for scuba diving, snorkelling or whale, dolphin or marine animal watching, but only if there are 50 or fewer persons on the vessel,
  - (e) caravan parks and camping grounds,
  - (f) holiday homes and short-term rentals,
  - (g) an exempted gathering.

#### **12 Directions of Minister about entertainment facilities and recreation facilities (major)**

- (1) The occupier of an entertainment facility is directed to ensure the maximum number of persons on the premises does not exceed the greater of—
  - (a) the number of persons equal to 50% of the fixed seating capacity of the facility, or
  - (b) the number of persons equivalent to 1 person per 4 square metres of space in the facility.
- (2) The occupier of a recreation facility (major) is directed to ensure the maximum number of persons on the premises does not exceed the greater of—
  - (a) the total of—
    - (i) 50% of the fixed seating capacity of the facility, and
    - (ii) the number of persons equal to 1 person per 4 square metres of space of any unfixed seating areas of the facility,
  - (b) the number of persons equivalent to 1 person per 4 square metres of space in the facility.
- (3) If the occupier of an entertainment facility or recreation facility (major) calculates the maximum number of persons allowed to be on the premises based on the percentage of the fixed seating capacity of the facility, the occupier is directed to ensure—
  - (a) admission to the premises is by way of a ticket, and
  - (b) all persons, other than persons engaged in work, are assigned to specific seats.

#### **13 Directions of Minister about gymnasiums and recreation facilities (indoor)**

- (1) The Minister directs that an occupier of a gymnasium must ensure the maximum number of persons attending any group class carried out at the gymnasium does not exceed 20 persons.
- (2) The Minister directs that the occupier of a recreation facility (indoor) must ensure the maximum number of persons attending any group dance class carried out at the facility does not exceed 20 persons.

**14 Direction of Minister about singing on non-residential premises**

- (1) The Minister directs that the occupier of non-residential premises must ensure that persons in an indoor area of the premises do not sing.
- (2) Subclause (1) does not apply if—
  - (a) the persons singing are performers engaged in a performance or rehearsing for a performance, or
  - (b) the premises are an educational establishment, or
  - (c) the persons are singing for the purpose of instruction in singing.

**15 Direction of Minister about consuming alcohol on non-residential premises**

The Minister directs that the occupier of non-residential premises must ensure that persons in an indoor area of the premises do not consume alcohol unless seated.

**16 Direction of Minister about dancing in indoor hospitality venue or nightclub**

- (1) The Minister directs that the occupier of a indoor hospitality venue or a nightclub must ensure that persons on the premises do not dance.
- (2) Subclause (1) does not apply to dancing at a wedding by members of the wedding party if there are no more than 20 dancers at the one time.

## Part 3 Directions about face coverings

### 17 Direction to wear fitted face coverings

- (1) The Minister directs that a person must wear a fitted face covering over both the person's nose and mouth at all times while the person is—
  - (a) in any indoor area of non-residential premises, and
  - (a1) in an indoor area on common property for residential premises in Greater Sydney, and
  - (b) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, and
  - (c) in a recreation facility (major), and
  - (d) attending a COVID-19 safe outdoor gathering or a controlled outdoor public gathering, and
  - (e) working at a hospitality venue and dealing directly with members of the public.
- (2) Subclause (1) does not apply to the following persons—
  - (a) a person aged 12 years or under,
  - (b) a person with a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable including, for example, a skin condition, an intellectual disability, autism or trauma.
- (3) Despite subclause (1), a person may remove a fitted face covering the person is otherwise required to wear in the following circumstances—
  - (a) the person is eating or drinking,
  - (b) the person is engaging in strenuous physical exercise except in an indoor gym class or dance class,
  - (c) the person is communicating with another person who is deaf or hard of hearing,
  - (d) the person is at work and the nature of the person's work—
    - (i) makes the wearing of a fitted face covering a risk to the person's, or another person's health and safety, or
    - (ii) means clear enunciation or visibility of the person's mouth is essential,
  - (e) the person is asked to remove the fitted face covering to ascertain the person's identity,
  - (f) because of an emergency,
  - (g) the removal of the fitted face covering is necessary for the proper provision of the goods or service,
  - (h) the person is in a correctional centre or other place of custody,
  - (i) the person is a patient in a public hospital or private health facility,
  - (j) the person is a resident of a residential aged care facility,
  - (k) the person is in a school or an early education and care facility,
  - (l) the person is a guest in a hotel, motel or other accommodation facility and is in the person's own room,
  - (m) (Repealed)
  - (n) the person is in the process of getting married,
  - (o) the person is working alone in an indoor area like an office until another person enters the area,

- (p) the person is in a vehicle alone or with another person of the same household.
- (4) The Minister directs that a person who removes the person's fitted face covering under subclause (3) must resume wearing the fitted face covering as soon as practicable after the circumstance ends.
- (5) The Minister directs that the operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue comply with subclause (1)(e).
- (6) In this clause—

**common property** means the following—

- (a) common property within the meaning of the *Strata Schemes Development Act 2015*,
- (b) association property within the meaning of the *Community Land Development Act 1989*,
- (c) in relation to premises under company title, a part of the premises—
- (i) used as common property by the residents of the premises, or
  - (ii) that no person has an exclusive right to occupy.

**correctional centre** has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*, and includes a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

**private health facility** has the same meaning as in the *Private Health Facilities Act 2007*.

**public hospital** has the same meaning as in the *Health Services Act 1997*.

**public transport service** includes a taxi service, rideshare service, passenger service and community transport service

**public transport waiting area** means the following—

- (a) a station, including the platform, of a passenger railway or light rail,
- (b) a ferry wharf,
- (c) a bus stop or light rail stop, including any area where persons queue or gather when waiting at the stop,
- (d) a taxi rank, including any area where persons queue or gather when waiting at a taxi rank.

**residential aged care facility** means a facility at which the following services are provided to a person in relation to whom a residential care subsidy or flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth—

- (a) accommodation,
- (b) personal care or nursing care.

## Part 4 Special directions for Greater Sydney

### Division 1 Introduction

#### 18 Application

If there is an inconsistency between a provision of this Part and a provision of Part 2 or 3, the provision of this Part prevails to the extent of any inconsistency.

#### 19 Meaning of “affected person”

- (1) In this Part, *affected person* means—
  - (a) a person whose place of residence or usual place of work is in Greater Sydney, and
  - (b) a person who is staying in temporary accommodation in Greater Sydney.
- (2) However, *affected person* does not include a person who has not been in Greater Sydney during the previous 14 days.
- (3) Also, *affected person* includes any person who was in Greater Sydney at any time starting at the beginning of 21 June 2021.

### Division 2 Movement

#### 20 Direction of Minister concerning staying at home

- (1) The Minister directs that an affected person must not without reasonable excuse—
  - (a) be away from the person’s place of residence, wherever located, or
  - (b) if the person is staying in temporary accommodation, wherever located—be away from the temporary accommodation.
- (2) For the purposes of subclause (1), a reasonable excuse includes doing an activity specified by Schedule 1.
- (3) For the purposes of subclause (1)(b), it is a reasonable excuse to leave the temporary accommodation if—
  - (a) the period of the booking of the temporary accommodation expires, and
  - (b) the person goes directly to the person’s place of residence or other temporary accommodation, and
  - (c) the person continues to comply with this clause.
- (4) Subclause (2) does not permit a person to participate in a gathering in contravention of Part 2 or this Part, Division 3.
- (5) Taking a holiday is not a reasonable excuse.
- (6) This clause does not apply to a person who is homeless.

#### 21 Direction of Minister concerning entering Greater Sydney

- (1) The Minister directs that a person outside of Greater Sydney must not, without reasonable excuse, enter Greater Sydney.
- (2) For the purposes of subclause (1), a reasonable excuse includes—
  - (a) entering to go to the person’s place of residence in Greater Sydney, or
  - (b) doing an activity specified in Schedule 1, items 2–4, 6 or 8–16, or
  - (b1) obtaining food or other goods or services if—

- (i) the food, goods or services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
  - (ii) the food, goods or services, or equivalent food, goods or services, are not reasonably available outside Greater Sydney, or
- (c) attending a funeral or memorial service, or a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service.
- (3) Subclause (2) does not permit a person to participate in a gathering in contravention of Part 2 or this Part, Division 3.
- (4) Taking a holiday in Greater Sydney is not a reasonable excuse.
- (5) (Repealed)

## **22 Travelling through Greater Sydney**

Clauses 20 and 21 do not apply to a person merely because the person—

- (a) travels through Greater Sydney in a vehicle if the person does not leave the vehicle while in Greater Sydney, or
- (b) enters Greater Sydney by road and then travels through Greater Sydney by the most practicable direct route, or
- (c) enters Greater Sydney by air and does not leave the airport while in Greater Sydney, or
- (d) enters Greater Sydney, by vessel or aircraft, and then travels directly from the port or airport at which the person arrived to leave Greater Sydney by the most practicable direct route, or
- (e) enters Greater Sydney to travel to a port or airport to leave Greater Sydney and then travels to the port or airport by the most practicable direct route.

### **22AA Direction of Minister concerning person leaving Greater Sydney**

A person who is at least 18 years of age who is leaving Greater Sydney must—

- (a) carry evidence showing the address of the person's place of residence or temporary accommodation, and
- (b) produce the evidence for inspection if requested to do so by a police officer.

## **Division 2A Residential premises**

### **22A Directions of Minister about visitors to places of residence**

- (1) The Minister directs that each adult member of a household must not allow a visitor to be at the place of residence of the household in Greater Sydney unless the visitor is authorised by this clause.
- (2) The Minister directs that a person must not visit a place of residence in Greater Sydney unless the person is authorised by this clause.
- (3) For the purposes of this clause, a person is not visiting, or a visitor to, a place of residence if the person is a member of the household of the place of residence.
- (4) A person is authorised to visit a place of residence in Greater Sydney for any of the following purposes—
  - (a) to engage in work,
  - (b) for childcare,

- (c) to give effect to new or existing arrangements for spending time with, and providing contact between, parents and children under the age of 18 or between siblings,
  - (d) to assist a person moving to or from the place of residence,
  - (e) to avoid an injury or illness or to escape a risk of harm,
  - (f) because of an emergency,
  - (g) to view or inspect real property for sale or lease or participate in an auction of real property.
- (5) A person is authorised to visit a place of residence in Greater Sydney for the following purposes, but no more than 1 visitor may be at the place of residence for the purposes at any one time—
- (a) to fulfil carers' responsibilities,
  - (b) to provide care or assistance, including personal care, to a vulnerable person,
  - (c) for compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together.
- (6) A dependant of a person referred to in subclause (5) is authorised to accompany the person on the visit to the place of residence if—
- (a) the dependant is a child who needs to be supervised by an adult, and
  - (b) alternative childcare arrangements are not reasonably available.

### **Division 3 Outdoor public gatherings**

#### **23 Direction of Minister concerning outdoor public gatherings**

- (1) The Minister directs that a person must not participate in an outdoor public gathering in Greater Sydney of more than 2 persons.
- (2) This clause does not apply to a person who is—
  - (a) engaged in work, or
  - (b) providing care or assistance to vulnerable persons.
- (3) This clause does not apply to the following—
  - (a) an exempted gathering,
  - (b) a gathering of persons all of whom are members of the same household,
  - (c) (Repealed)
  - (d) (Repealed)
  - (e) a gathering to provide emergency assistance to a person or persons,
  - (f) a gathering necessary to allow a person to fulfil a legal obligation,
  - (g) a gathering to facilitate a move to a new place of residence, including a business moving to new premises.

### **Division 4 Closure of certain premises**

#### **24 Directions of Minister concerning closure of certain premises**

- (1) The Minister directs that the following must not be open to members of the public in Greater Sydney except as provided in this clause—
  - (a) pubs and registered clubs, except for the purposes of—
    - (i) selling food or beverages for persons to consume off the premises, or

- (ii) if the premises include hotel or motel accommodation—providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms, or
    - (iii) (Repealed)
    - (iv) a funeral or memorial service, or a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
  - (b) food and drink premises, other than cafeterias in workplaces or pubs, except for the purposes of—
    - (i) selling food or beverages for persons to consume off the premises, or
    - (ii) if the premises are part of hotel or motel accommodation—providing food or beverages to persons using that accommodation to consume in their rooms, or
    - (iii) if the premises are part of a shopping centre, selling food or beverages for persons to consume outside of the shopping centre, or
    - (iv) (Repealed)
    - (v) a funeral or memorial service, or a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
  - (c) entertainment facilities, except for—
    - (i) (Repealed)
    - (ii) a funeral or memorial service, or a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
- Note.** The streaming of a live performance would not be prohibited as the venue is not open to the public.
- (d) amusement centres,
  - (e) micro-breweries or small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* or cellar door premises, except for the purposes of selling food or beverages for persons to consume off the premises,
  - (f) recreation facilities (indoor), except for the purposes of—
    - (i) providing educational services or childcare, or
    - (ii) (Repealed)
    - (iii) a funeral or memorial service, or a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
  - (g) places of public worship, except for the purposes of—
    - (i) (Repealed)
    - (ii) a funeral or memorial service, or a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service,
    - (iii) providing educational services or childcare,
  - (h) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,



- (i) business premises that are auction houses or betting agencies,
  - (j) markets, but not markets that predominantly sell food,
  - (k) information and education facilities, except for the purposes of providing educational services or childcare,
  - (l) caravan parks and camping grounds, except for the purposes of—
    - (i) accommodating permanent residents of the caravan park or camping ground, overnight travellers, persons working in the local area or other persons who have no other place of permanent residence, and
    - (ii) allowing visitors to visit persons referred to in subparagraph (i),
  - (m) sex services premises,
  - (n) sex on premises venues,
  - (o) casinos, except for the purposes of—
    - (i) if the premises include hotel or motel accommodation—providing that accommodation including by providing food or beverages to persons using that accommodation to consume in their rooms, or
    - (ii) selling food or beverages for persons to consume off the premises,
  - (p) nightclubs.
- (2) The Minister directs that the following must be closed to members of the public in Greater Sydney—
- (a) a public swimming pool, but not a natural swimming pool,
  - (b) a property, other than a retail shop, operated by the National Trust or the Historic Houses Trust,
  - (c) a gaming lounge,
  - (d) a strip club.
- (3) The Minister directs that a person must not do the following in Greater Sydney—
- (a) conduct an open inspection of premises for the purposes of the sale or lease of the premises, but a person may show a single person the premises after the person has made an appointment for that purpose,
  - (b) conduct an auction at which persons attend in person.
- (4) Nothing in this clause prevents the use of premises—
- (a) to provide a service to assist vulnerable members of the public, for example a food bank or a service providing for the needs of homeless persons, or
  - (b) as an early education and care facility.
- (5) Subclause (1)(l) does not apply to a person who was staying at a caravan park or camping ground immediately before the commencement of this clause and who is continuing to stay at the caravan park or camping ground under a booking—
- (a) that was made before that date, and
  - (b) that has not been extended after that date.

## **Part 5 Miscellaneous**

### **25 Exemptions**

The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.

### **26 Repeal of Public Health (COVID-19 Greater Sydney) Order (No 2) 2021**

The *Public Health (COVID-19 Greater Sydney) Order (No 2) 2021* is repealed.

### **27 Repeal of Order**

This Order is repealed at the beginning of 17 July 2021.

## Schedule 1 Reasonable excuses

clauses 20(2) and 21(2)(c)

- 1 Obtaining food or other goods or services if—
  - (a) the food, goods or services are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
  - (b) unless it is not reasonably practicable, no member of the person's household, including the person, has already left the place of residence or temporary accommodation on that day to obtain food or other goods and services.

**Example.** A person would be permitted to be accompanied by a dependant if it were not reasonably practicable for the dependant to remain at home.

**Note.** Browsing in a shop is not authorised by this clause.
- 2 For the purposes of work if the person cannot work from the person's place of residence
- 3 For the purposes of attending childcare, including picking up or dropping another person at childcare
- 4 For the purposes of facilitating attendance at a school or other educational institution if the person attending the school or institution cannot learn from the person's place of residence
- 5 Undertaking exercise or outdoor recreation if—
  - (a) the exercise or recreation is undertaken at a place—
    - (i) within the local government area in which the person resides or the person's temporary accommodation is located, or
    - (ii) no further than 10 kilometres from the person's place of residence or temporary accommodation, if the place is within another local government area, and
  - (b) for a person travelling in a private vehicle to or from the place—no other person is in the vehicle, other than a member of the person's household, and
  - (c) for a person who is at least 18 years of age, the person—
    - (i) carries evidence showing the address of the person's place of residence or temporary accommodation, and
    - (ii) produces the evidence for inspection if requested to do so by a police officer.
- 6 Obtaining medical care or supplies or health supplies or fulfilling carer's responsibilities, including obtaining a COVID-19 vaccination
- 7 Attending a gathering for a funeral or memorial service, or a gathering following a funeral or memorial service, if—
  - (a) there are no more than 10 persons at the gathering, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service, and
  - (b) for a gathering outside Greater Sydney—the person is the spouse, de facto partner, parent, child or sibling of the deceased person.
- 8 Moving to a new place of residence including a business moving to new premises, or between different places of residence of the person, or inspecting a potential new place of residence

- 9** Providing care or assistance, including personal care, to a vulnerable person or providing emergency assistance
- 10** Donating blood
- 11** Undertaking any legal obligations
- 12** Accessing public services, whether provided by Government, a private provider or a non-Government organisation, including—
  - (a) social services, and
  - (b) employment services, and
  - (c) domestic violence services, and
  - (d) mental health services, and
  - (e) services provided to victims, including as victims of crime
- 13** For children who do not live in the same household as their parents or siblings or one of their parents or siblings—giving effect to new or existing arrangements for access to, and contact between, parents and children or siblings
- 14** For a person who is a priest, minister of religion or member of a religious order—going to the person’s place of worship or providing pastoral care to another person
- 15** Avoiding injury or illness or to escape a risk of harm
- 16** For emergencies or compassionate reasons, including where 2 persons are in a relationship but do not necessarily live together

## Schedule 2 Exempted gatherings

Clause 3(1), definition of “exempted gathering”

- 1 Gathering at an airport that is necessary for the normal operation of the airport
- 2 Gathering for the purposes of or related to transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities but not a gathering on a vehicle being used as a party bus
- 3 Gathering at a hospital or other medical or health service facility that is necessary for the normal operation of the facility
- 4 Gathering for the purposes of emergency services, including the provision of training by an emergency service
- 5 Gathering at a prison, correctional facility, youth justice centre or other place of custody
- 6 Gathering at a disability or aged care facility that is necessary for the normal operation of the facility
- 7 Gathering at a court or tribunal
- 8 Gathering at Parliament for the purpose of its normal operations
- 9 Gathering at a supermarket, market that predominately sells food, grocery store or shopping centre (but not a retail store in a shopping centre other than a supermarket, market that predominately sells food or grocery store) that is necessary for the normal operation of the supermarket, market, store or centre
- 10 Gathering at an office building, farm, factory, warehouse, commercial fishing operation or mining or construction site or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants within the building, farm, factory, warehouse, commercial fishing operation or site or of the commercial vessel
- 11 Gathering at a school, university or other educational institution or child care facility that is necessary for the normal operation 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 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 Gathering at an outdoor space for the purposes of transiting through the place  
**Example.** Pitt Street Mall
- 14 Gathering to provide a service to assist vulnerable members of the public, including, for example, a food bank or a service providing for the needs of homeless persons
- 15 Gathering at premises that is necessary to provide the services of an early education and care facility