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New South Wales

Public Health (COVID-19 Border Control) Amendment Order (No 4) 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 2nd September 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 Border Control) Order 2020* in relation to the control of the New South Wales border.

Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020*.

2 Commencement

This Order commences at the beginning of 4 September 2020.

Schedule 1 Amendment of Public Health (COVID-19 Border Control) Order 2020

[1] Clause 3 Definitions

Omit the definitions of *border region*, *border zone*, *border zone resident*, *essential care service*, *NSW resident* and *permitted purpose* from clause 3(1).

Insert in alphabetical order—

border region means the area shown as the border region on the Public Health (COVID-19 Border Control) Map (No 2) approved by the Minister on the making of the *Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020*.

Note. A copy of the Public Health (COVID-19 Border Control) Map (No 2) is available on www.nsw.gov.au.

border region resident means a person who usually resides in the border region.

NSW resident means a person—

- (a) whose usual place of residence is New South Wales, or
- (b) who intends to reside permanently in New South Wales and has leased or purchased a residential property in New South Wales, or otherwise entered into an arrangement, for that purpose.

permitted purpose means—

- (a) to obtain necessary goods or services, or
- (b) for care or compassionate reasons, or
- (c) to attend work or obtain educational services (where it is not reasonably practicable for the person to work or obtain educational services from their place of residence), or
- (d) to move to a new place of residence.

[2] Clause 3(1), definition of “relevant COVID-19 Safety Plan”

Insert “on 2 September 2020” after “approved by the Chief Health Officer” wherever occurring.

[3] Part 4, Division 3

Insert after Division 2—

Division 3 Provisions consequent on Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020

17 Definitions

In this Division—

amending Order means the *Public Health (COVID-19 Border Control) Amendment Order (No 4) 2020*.

commencement means the commencement of the amending Order.

18 Existing critical service entry permits and border zone resident entry permits

- (1) This clause applies if, immediately before the commencement, a person held an entry permit mentioned in item 2B or 7 of Schedule 1 as in force immediately before the commencement.
- (2) From the commencement, the entry permit—

- (a) is taken to be an entry permit mentioned in item 7 of Schedule 1 as substituted by the amending Order, and
- (b) is subject to the relevant conditions specified in relation to an entry permit mentioned in item 7 of Schedule 1 as substituted by the amending Order, and
- (c) continues in force for the balance of the period (if any) for which it was issued, unless sooner revoked.

[4] Schedule 1 Authority to enter New South Wales

Omit item 2B.

[5] Schedule 1, item 7

Omit the item. Insert instead—

- 7 Border region resident Required A border region resident who is a Victorian resident—
- (a) is authorised to enter and remain in New South Wales only for a permitted purpose, and
 - (b) must not travel to a part of New South Wales that is outside the border region, and
 - (c) must not enter New South Wales if the resident has, within the previous 14 days—
 - (i) been in a restricted area within the meaning of an Area Direction made under the *Public Health and Wellbeing Act 2008* of Victoria, or
 - (ii) been in an area that is a COVID-19 area of concern, and
 - (d) must, while in New South Wales, comply with the *Stay at Home Directions (Non-Melbourne) (No 4)* made under the *Public Health and Wellbeing Act 2008* of Victoria, or any directions that remake, replace or consolidate (whether in whole or in part) those directions.

A border region resident who is a NSW resident—

- (a) must not enter New South Wales if the resident has, within the previous 14 days—
 - (i) been in a part of Victoria that is outside the border region, or
 - (ii) been in an area that is a COVID-19 area of concern, and
- (b) must not enter New South Wales if the resident entered Victoria other than for a permitted purpose.

Note. A border region resident who must not enter New South Wales using a border region resident permit may be eligible to enter New South Wales using another entry permit and, if the border region resident does so, will be subject to the relevant conditions specified in relation to the other entry permit.

[6] Schedule 1, item 13

Insert “, or in other exceptional circumstances” after “memorial service”.

Reference number:(n2020-3891)