



# *Government Gazette*

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New South Wales

# Public Health (COVID-19 Gatherings) Order 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 20 March 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences by giving a Ministerial direction that prohibits mass gatherings of 500 or more people in outdoor spaces and 100 people or more in indoor spaces, subject to certain exclusions. The Order also provides that for other gatherings (that is, gatherings of fewer than 500 people in outdoor spaces, or fewer than 100 people in indoor spaces) the premises must allow for at least 4 square metres of space for each person in attendance, other than in residential premises.

Section 10 of the *Public Health Act 2010* creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

## Contents

|  | Page     |
|--|----------|
| <b>Part 1</b>  |          |
| <b>Preliminary</b>   |          |
| 1 Name of Order  | 3        |
| 2 Commencement   | 3        |
| 3 Definitions  | 3        |
| 4 Grounds for concluding that there is a risk to public health | 4        |
| 5 Direction of the Minister                                    | 4        |
| 6 Repeal of Order  | 4        |
| <b>Schedule 1</b>  |          |
| <b>Essential gatherings</b>                                    | <b>5</b> |

## Public Health (COVID-19 Gatherings) Order 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Gatherings) Order 2020*.

#### 2 Commencement

This Order commences on 21 March 2020.

**Note.** This order commences at the beginning of 21 March 2020. See section 24 of the *Interpretation Act 1987*.

#### 3 Definitions

(1) In this Order—

**indoor space** means an area, room or other premises that is or are substantially enclosed by a roof and walls, regardless of whether the roof or walls or any part of the roof or walls are—

- (a) permanent or temporary, or
- (b) open or closed.

**Note.** The *Public Health Act 2010* defines premises to include any land, temporary structure, vehicle or vessel.

**mass gathering**—

- (a) means a gathering—
  - (i) of 500 or more persons in a single undivided outdoor space at the same time, or
  - (ii) of 100 or more persons in a single undivided indoor space at the same time, but
- (b) does not include—
  - (i) an essential gathering referred to in Schedule 1, or
  - (ii) a gathering exempted, in writing, by the Minister and subject to any conditions the Minister considers necessary.

**outdoor space** means a space that is not an indoor space.

**relevant period** means the period—

- (a) starting on 21 March 2020, and
- (b) ending at midnight on 18 June 2020.

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

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

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

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

It is noted that 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 international outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions.

#### 5 Direction of the Minister

- (1) The Minister directs that a person must not, during the relevant period—
  - (a) if the person is the occupier or operator of premises in New South Wales—
    - (i) allow a mass gathering to occur on the premises, or
    - (ii) allow another gathering to occur on the premises unless the size of the premises is sufficient to ensure there is 4 square metres of space for each person on the premises, or

**Note.** The *Public Health Act 2010* defines the occupier of premises or a part of premises to mean the owner of the premises or part of premises or if any other person is entitled to occupy the premises or part to the exclusion of the owner, that person.

  - (b) organise a mass gathering on premises in New South Wales, or
  - (c) attend a mass gathering on premises in New South Wales.
- (2) Subclause(1)(a)(ii) does not apply to a gathering—
  - (a) referred to in Schedule 1, or
  - (b) at a person's place of residence.

#### 6 Repeal of Order

The *Public Health (COVID-19 Mass Gatherings) Order 2020* is repealed.

## Schedule 1 Essential gatherings

1. a gathering at an airport that is necessary for the normal business of the airport
2. a gathering for the purposes of or related to transportation, including in vehicles or at stations, platforms or stops or other public transportation facilities
3. a gathering at a hospital or other medical or health service facility that is necessary for the normal business of the facility
4. a gathering for the purposes of emergency services
5. a gathering at a disability or aged care facility that is necessary for the normal business of the facility
6. a gathering at a prison, correctional facility, youth justice centre or other place of custody
7. a gathering at a court or tribunal
8. a gathering at Parliament for the purpose of its normal operations
9. a gathering at a supermarket, food market, grocery or other retail store or shopping centre that is necessary for the normal business of the supermarket, market, store or centre
10. a gathering at an office building, factory or mining or construction site that is necessary for the normal operation of the building, factory or site
11. a gathering at a school, university or other educational institution or child care facility that is necessary for the normal business 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. a 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. a gathering at an outdoor space where 500 or more persons may be present for the purposes of transiting through the place

**Example.** Pitt Street Mall

Reference number:(n2020-801)



New South Wales

# Public Health (COVID-19 Lord Howe Island) Order 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, under section 7(3) of the *Public Health Act*, make the following Order.

Dated 20 March 2020.

BRAD HAZZARD, MP  
Minister for Health and Medical Research

## Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences on Lord Howe Island by giving a Ministerial direction that restricts access to and from the Island.

Section 10 of the *Public Health Act 2010* creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

## Contents

|  | Page |
|--|------|
| <b>Part 1</b>  |      |
| <b>Preliminary</b>   |      |
| 1 Name of Order  | 3    |
| 2 Commencement   | 3    |
| 3 Definitions  | 3    |
| 4 Declaration of Lord Howe Island as a public health risk area | 3    |
| 5 Direction of the Minister—access                             | 3    |
| 6 Direction of the Minister—quarantine                         | 4    |
| 7 Repeal of Order  | 5    |



## Public Health (COVID-19 Lord Howe Island) Order 2020

under the

Public Health Act 2010

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Lord Howe Island) Order 2020*.

#### 2 Commencement

This Order commences at 5am on 22 March 2020.

#### 3 Definitions

(1) In this Order—

**Coordinator-General** means the person who is the Coordinator-General Environment, Energy and Science within the Department of Planning, Industry and Environment.

**Lord Howe Island** means the Island within the meaning of the *Lord Howe Island Act 1953*.

**resident**, of Lord Howe Island, means a person who resides on the Island, within the meaning of the *Lord Howe Island Act 1953*.

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

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

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

#### 4 Declaration of Lord Howe Island as a public health risk area

(1) Lord Howe Island is declared to be a public health risk area.

(2) It is noted that the basis for concluding Lord Howe Island is a public health risk area is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring international outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions,
- (d) Lord Howe Island has limited capacity to provide critical medical care to patients with severe COVID-19 infections.

#### 5 Direction of the Minister—access

(1) The Minister directs that access to and from Lord Howe Island is restricted to the following persons—

- (a) residents of Lord Howe Island,
  - (b) non-residents of Lord Howe Island but only to leave the Island,
  - (c) persons required to provide, or support, health services and other essential services to persons on the Island,
  - (d) persons who are part of the crew of an airplane or ship referred to subclause (2),
  - (e) a person approved under subclause (3).
- (2) A person must not land an airplane on Lord Howe Island or dock a ship at Lord Howe Island other than.
- (a) for the purposes of providing supplies to persons on the Island, or
  - (b) for a purpose related to providing, or supporting, health services and other essential services to persons on the Island,
  - (c) for a reason approved under subclause (3).
- (3) The Coordinator-General may approve, in writing, the following subject to any conditions the Coordinator-General considers appropriate—
- (a) a person having access to or from Lord Howe Island,
  - (b) a person landing an aircraft on the Island or docking a ship at the Island.

#### **6 Direction of the Minister—quarantine**

- (1) The Minister directs that a person who arrives on Lord Howe Island must do the following—
- (a) travel from the point of arrival on the Island to premises suitable for the person to reside in during the quarantine period,
  - (b) except in exceptional circumstances, reside in the premises during the quarantine period,
  - (c) not leave the premises during the quarantine period except—
    - (i) for the purposes of obtaining medical care or medical supplies, or
    - (ii) because of an emergency, or
    - (iii) in circumstances where the person is able to avoid close contact with other persons,
  - (d) not permit any other person to enter the premises during the quarantine period unless the other person—
    - (i) usually resides at the premises, or
    - (ii) is also complying with this direction for the same quarantine period, or
    - (iii) enters the premises for medical purposes or because of an emergency,
  - (e) otherwise comply with the *NSW Health Self Isolation Guidelines* during the quarantine period.
- (2) The direction under subclause (1) does not apply to—
- (a) a person mentioned in clause 5(1)(c), or
  - (b) a person who arrives on Lord Howe Island in the person's capacity as a member of the crew of an aircraft or ship
- (3) In this clause—
- NSW Health Self Isolation Guidelines*** means the *NSW Health Self Isolation Guidelines*—
- (a) issued by the Chief Health Officer and approved by the Minister, and

(b) published on the website of NSW Health.

**Note.** [www.health.nsw.gov.au](http://www.health.nsw.gov.au)

***quarantine period*** means the period—

- (a) starting when the person arrives on Lord Howe Island, and
- (b) ending at midnight on the 14th day after that arrival.

## **7 Repeal of Order**

This Order is repealed at the beginning of 18 June 2020.

Reference number:(n2020-802)