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New South Wales

Public Health (COVID-19 Mandatory Face Coverings) 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 require persons in Greater Sydney to wear fitted face coverings in particular circumstances.

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Public Health (COVID-19 Mandatory Face Coverings) Order 2021

under the

Public Health Act 2010

Part 1 Preliminary

1 Name of Order

This Order is the *Public Health (COVID-19 Mandatory Face Coverings) Order 2021*.

2 Commencement

This Order commences at the beginning of 3 January 2021.

3 Definitions

(1) In this Order—

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 and Wollongong.

Note. This comprises the following local government areas—Bayside, Blacktown, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Georges River, Hawkesbury, Hornsby, Hunter's Hill, Inner West, Ku-ring-gai, Lane Cove, Liverpool, Mosman, North Sydney, Northern Beaches, Parramatta, Penrith, Randwick, Ryde, Strathfield, Sutherland Shire, Sydney, The Hills Shire, Waverley, Willoughby, Wollondilly, Wollongong and Woollahra.

hospitality venue means the following—

- (a) a casino,
- (b) a food and drink premises,
- (c) a micro-brewery, small distillery holding a drink on-premises authorisation under the *Liquor Act 2007* or cellar door premises,
- (d) a pub,
- (e) a registered club,
- (f) a small bar.

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

public transport waiting area means the following—

- (a) the platform of a passenger railway or light rail station,
- (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 has the same meaning as in the *Public Health (COVID-19 Aged Care Facilities) Order (No 4) 2020*.

the Act means the *Public Health Act 2010*.

work includes work done as a volunteer or for a charitable organisation.

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*.

4 Grounds for concluding 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 who have contracted COVID-19, including by community transmission, have now been confirmed in Greater Sydney and there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

Part 2 Wearing fitted face coverings in Greater Sydney

5 Direction of Minister to wear fitted face coverings

- (1) The Minister directs that a person must wear a fitted face covering at all times when the person is in an indoor area in any of the following premises, or parts of premises, in Greater Sydney—
 - (a) retail premises, or business premises, that provide goods or services to members of the public who attend the premises, including the following—
 - (i) supermarkets,
 - (ii) shopping centres, but not a recreation facility (indoor) in a shopping centre,
 - (iii) bank branches,
 - (iv) post offices,
 - (v) hairdressing salons,
 - (vi) nail salons,
 - (vii) beauty salons,
 - (viii) tanning salons,
 - (ix) waxing salons,
 - (x) spas,
 - (xi) tattoo parlours,
 - (xii) massage parlours,
 - (xiii) betting agencies.

Note. Premises that are used for the purpose of providing health services are not retail premises or business premises.
 - (b) any part of premises licensed under the *Liquor Act 2007* that is used primarily for the purposes of gaming, including a gaming lounge,
Note. Licensed premises include pubs, registered clubs and casinos.
 - (c) entertainment facilities,
 - (d) premises, including places of public worship, being used for public worship or religious services,
 - (e) residential aged care facilities.
- (2) The Minister directs that a person in Greater Sydney must wear a fitted face covering at all times when the person is at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, including a taxi service or a rideshare service.
- (3) The Minister directs that a person working at a hospitality venue in Greater Sydney whose functions require the person to deal directly with members of the public must wear a fitted face covering at all times while carrying out the functions.
- (4) The Minister directs that the operator of a hospitality venue in Greater Sydney must ensure all persons working at the venue comply with subclause (3).
- (5) Subclauses (1)–(4) do 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.
- (6) Subclause (1)(e) does not apply to a person at a residential aged care facility who is a resident of the facility.

- (7) Despite subclauses (1)–(4), 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 communicating with another person who is deaf or hard of hearing,
 - (c) 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,
 - (d) the person is asked to remove the fitted face covering to ascertain the person’s identity,
 - (e) because of an emergency,
 - (f) the removal of the fitted face covering is necessary for the proper provision of the goods or service.
- Example.** A person having a facial or a beard trim.
- (8) The Minister directs that a person who removes the person’s fitted face covering under subclause (7) must resume wearing the fitted face covering as soon as practicable after the circumstance ends.

Part 3 Miscellaneous

6 Relationship of Order with other orders

A person subject to a direction under this Order must continue to comply with any directions applicable to the person under—

- (a) the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020*, or
- (b) the *Public Health (COVID-19 Northern Beaches) Order 2020*, or
- (c) an order that remakes, replaces or consolidates, whether in whole or in part, an order referred to in paragraph (a) or (b).

7 Exemptions

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

8 Repeal of Order

This Order is repealed at the beginning of 2 April 2021.



New South Wales

Public Health (COVID-19 Northern Beaches) 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 Northern Beaches) Order 2020* to limit the application of that Order to the Northern area of the Northern Beaches local government area.

Public Health (COVID-19 Northern Beaches) Amendment Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Northern Beaches) Amendment Order 2021*.

2 Commencement

This Order commences at the beginning of 3 January 2021.

Schedule 1 Amendment of Public Health (COVID-19 Northern Beaches) Order 2020

- [1] **Clause 3 Definitions**
Omit paragraph (b) from the definition of *area of residence* in clause 3(1).
- [2] **Clauses 3(1), definition of “area of residence”, paragraph (c), 6(a) and 7(1)**
Omit “former Northern Beaches resident” wherever occurring.
Insert instead “former Northern area resident”.
- [3] **Clause 3(1)**
Omit the definitions of *current Northern Beaches resident*, *former Northern Beaches resident*, *Southern area* and *Southern area resident*.
Insert in alphabetical order—
former Northern area resident means a person who is not a Northern area resident, but who was a Northern area resident within the previous 14 days.
- [4] **Clause 3(1), definition of “indoor space”**
Omit “*space*”. Insert instead “*area*”.
- [5] **Clause 3(1), definition of “Northern area resident”**
Omit “current”.
- [6] **Clauses 4(c), 5(1) and (2), 6 and 8(1), (2)(a) and (b), (4) and (4A)**
Omit “Northern Beaches local government area” wherever occurring.
Insert instead “Northern area”.
- [7] **Clauses 6(a) and 7(1) and (5A)**
Omit “current Northern Beaches resident” wherever occurring.
Insert instead “Northern area resident”.
- [8] **Clause 7(5A)**
Omit “former Northern beaches resident”. Insert instead “former Northern area resident”.
- [9] **Clause 8, heading**
Omit “**Beaches local government**”.
- [10] **Clause 9 Direction of Minister concerning gatherings of more than 2 persons**
Omit clause 9(3)(i).
- [11] **Part 4A Special provisions for New Year period**
Omit the Part.
- [12] **Schedule 2 Essential gatherings**
Omit the example to item 12. Insert instead—
Example. A public street.



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.



New South Wales

Public Health (COVID-19 Self-Isolation) Order (No 5) 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 require a close contact of a person diagnosed with COVID-19 to self-isolate for a longer period as directed by an authorised medical practitioner if the close contact does not comply with a request to be tested for COVID-19.

Public Health (COVID-19 Self-Isolation) Order (No 5) Amendment Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Self-Isolation) Order (No 5) Amendment Order 2021*.

2 Commencement

This Order commences at the beginning of 3 January 2020.

Schedule 1 Amendment of Public Health (COVID-19 Self-Isolation) Order (No 5) Order 2020

[1] Clause 2 Definitions

Insert in alphabetical order in clause 2(1)—

authorised medical practitioner has the same meaning as in Part 4, Division 4 of the Act.

[2] Clause 4 Direction—persons diagnosed with COVID-19 must self-isolate

Omit the definition of *authorised medical practitioner* from clause 4(6).

[3] Clause 5 Direction—close contacts of persons diagnosed with COVID-19 must self-isolate

Omit “, while residing at the residence or place under a direction under subclause (1)(a), the close contact” from clause 5(4).

Insert instead “a close contact referred to in subclause (1)(a), while residing at the residence or place,”.

[4] Clause 5(5)

Insert after clause 5(4)—

- (5) The Minister directs that a close contact referred to in subclause (1)(a), while residing at the residence or place, must, if directed in writing to do so by an authorised medical practitioner—
- (a) be tested for COVID-19 and provide information about the date, time and location of the test, or
 - (b) continue to comply with this clause for a further period, not exceeding 10 days, specified by the authorised medical practitioner.

[5] Clause 7, heading

Omit “and savings”. Insert instead “, savings and transitional provisions”.

[6] Clause 7(4)

Insert after clause 7(3)—

- (4) Clause 5(5), as inserted by the *Public Health (COVID-19 Self-Isolation) Order (No 5) Amendment Order 2021*, applies to a close contact who was, immediately before the commencement of that Order, subject to a direction under clause 5.