



Government Gazette

of the State of

New South Wales

Number 360—Health and Education

Thursday, 29 July 2021

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New South Wales

Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 17) Order 2021

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, make the following Order under the *Public Health Act 2010*, section 7.

Dated 29 July 2021.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The objects of this Order are—

- (a) to permit construction sites to operate in Greater Sydney other than in certain higher risk local government areas, and
- (b) to permit certain work to be carried out in residential premises in Greater Sydney, other than premises in 1 of the higher risk areas, if the person carrying out the work is not in contact with residents when the work is being carried out, and
- (c) to require persons in the higher risk areas to wear a fitted face covering when outside, and
- (d) to require residents of the higher risk areas to stay within 5 kilometres of their homes—
 - (i) when undertaking exercise or outdoor recreation, and
 - (ii) as far as is practicable, when obtaining food or other goods or services, and
- (e) to require all residents of Greater Sydney to carry evidence of their place of residence if undertaking exercise or outdoor recreation away from their homes and to show that evidence to the police if requested to do so, and
- (f) to permit people who live alone to nominate a person as a social visitor who may visit the person in the person's home and accompany the person when undertaking exercise or outdoor recreation.

This Order also makes other minor amendments including renaming the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021*.

Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 17) Order 2021

under the

Public Health Act 2010

1 Name of Order

This Order is the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 17) Order 2021*.

2 Commencement

This Order commences—

- (a) for the following, at the beginning of 30 July 2021—
 - (i) Schedule 1[2]–[4], [13]–[18], [20]–[23] and [30],
 - (ii) Schedule 1[19], other than clause 24EC(1)(b)(ii),
 - (iii) Schedule 1[31], other than the definition of *nominated visitor*, and
- (b) otherwise—at the beginning of 31 July 2021.

Schedule 1 Amendment of Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021

[1] Clause 1 Name of Order

Omit “COVID-19 Temporary Movement and Gathering Restrictions”.

Insert instead “COVID-19 Additional Restrictions for Delta Outbreak”.

[2] Clause 17 Direction to wear fitted face covering

Omit “or the affected region” wherever occurring in clause 17(1)(a1), (f) and (g) and (5A).

[3] Clause 17(1)(i)

Omit “Sydney or the affected region” from clause 17(1)(h). Insert instead—

Sydney, and

- (i) in an outdoor area in a local government area to which Part 4A, Division 2 applies, unless the outdoor area forms part of residential premises.

[4] Clause 17(3)(k1)

Omit “or an affected region”.

[5] Clause 17(3)(p)

Omit the paragraph. Insert instead—

- (p) the person is in a vehicle alone or with another person who is—
 - (i) a member of the person’s household, or
 - (ii) the person’s nominated visitor.

[6] Clause 22A Directions of Minister about visitors to places of residence

Insert “or clause 22B” after “this clause” wherever occurring in clause 22A(1) and (2).

[7] Clause 22A(4)(a), (4A) and (4B).

Omit the provisions.

[8] Clause 22A(5)(d)

Insert after clause 22A(5)(c)—

- (d) if only 1 adult person resides in the place of residence—to be a social visitor who is an individual nominated by the person (the person’s *nominated visitor*).

[9] Clause 22A(7) and (8)

Insert after clause 22A(6)—

- (7) An individual is eligible to be a nominated visitor for a person if—
 - (a) no other individual has been a nominated visitor for the person, and
 - (b) the individual has not been a nominated visitor for another person, and
 - (c) if the person’s place of residence is in a local government area to which Part 4A, Division 2 applies—the individual resides within 5 kilometres of the place of residence, and
 - (d) if the person’s place of residence is in Greater Sydney other than a local government area to which Part 4A, Division 2 applies—the individual

resides in Greater Sydney, but not in a local government area to which Part 4A, Division 2 applies.

- (8) In this clause—
place of residence includes, for a person staying in temporary accommodation, the temporary accommodation.
reside includes stay in temporary accommodation.

[10] Clause 22B

Insert after clause 22A—

22B Workers in places of residence

- (1) For the purposes of clause 22A, a person (a *worker*) is authorised to visit a place of residence in Greater Sydney to carry out work.
- (2) The worker must not visit the place of residence to carry out prescribed work unless—
- (a) the prescribed work is necessary, or
 - (b) if the place of residence is in an area that is not a local government area to which Part 4A, Division 2 applies—
 - (i) no more than 2 workers are visiting the place of residence at any time to carry out work, whether or not prescribed work, and
 - (ii) no person, other than another worker, is in the same room as the worker when the worker is carrying out prescribed work.
- (3) Despite subclause (2)(b)(i), if all workers are carrying out work in an outdoor area of the place of residence, up to 5 workers, rather than 2 workers, may visit the place of residence at any time.
- (4) Prescribed work is *necessary* if—
- (a) the work is urgently required to be carried out—
 - (i) to ensure the health, safety or security of the place of residence or persons residing at the place of residence, or
 - (ii) because of an emergency, or
 - (b) the work is—
 - (i) for the installation, maintenance or repair of an essential utility, including a water, gas, electricity, internet, television or telecommunications service, or
 - (ii) for fire protection and safety, or
 - (c) for prescribed work that is cleaning or repairs and maintenance—the work is carried out—
 - (i) at a place or residence that is unoccupied when the work is being carried out, and
 - (ii) because it is necessary for the sale or lease of the place of residence.
- (5) In this clause—
prescribed work means the following—
- (a) cleaning,
 - (b) repairs and maintenance,
 - (c) alterations and additions to buildings,

- (d) work carried out as part of a trade, including electrical work or plumbing.

[11] Clause 24AA Directions of Minister about use of vehicles

Omit clause 24AA(1). Insert instead—

- (1) The Minister directs that a person must not travel in a vehicle in Greater Sydney with another person other than—
 - (a) a member of the person’s household, or
 - (b) the person’s nominated visitor.

[12] Clause 24AB Direction of Minister concerning closure of construction sites

Omit the clause.

[13] Clause 24AD

Renumber clause 24C as clause 24AD and insert after clause 24AC.

[14] Clause 24AD(4) and (5)

Insert after clause 24AD(3) as renumbered and relocated by this Schedule, item [13]—

- (4) The Minister directs that a person must, if requested to do so by a police officer, provide information, including proof of residence and evidence that the person has been tested for COVID-19, to allow a decision to be made about—
 - (a) whether the person is a Greater Sydney worker, and
 - (b) if so—whether the person has complied with this clause.
- (5) The Minister also directs that a person who provides information in response to a request under this clause must ensure the information is true and accurate.

[15] Part 4A, Division 1, heading

Insert before clause 24A—

Division 1 Testing of workers

[16] Clause 24A

Omit the clause. Insert instead—

24A Definitions

In this Division—

affected area means a local government area specified by the Chief Health Officer by notice published on the website of NSW Health for the purposes of—

- (a) this Division, or
- (b) clause 24A, before its substitution by the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 17) Order 2021*.

affected worker means a person—

- (a) whose place of residence is in an affected area, or
- (b) who is staying in temporary accommodation in an affected area.

[17] Clause 24B Directions—testing of workers from affected areas

Omit clause 24B(1).

[18] Clause 24D Directions about providing information

Omit “or a Greater Sydney worker” wherever occurring in clause 24D(1)(a) and (b).

[19] Part 4A, Division 2

Omit clause 24E. Insert instead—

Division 2 Additional restrictions for certain areas

24DA Application of Division

This Division applies to the following local government areas—

- (a) City of Blacktown,
- (b) City of Campbelltown,
- (c) Canterbury-Bankstown,
- (d) Cumberland,
- (e) City of Fairfield,
- (f) Georges River,
- (g) City of Liverpool,
- (h) City of Parramatta,
- (i) a local government area specified by the Chief Health Officer by notice published on the website of NSW Health for the purposes of this Division.

24E Direction of Minister about leaving local government area for work

- (1) A person must not, for the purposes of work, travel outside a local government area to which this Division applies if—
 - (a) the person’s place of residence is in the local government area, or
 - (b) the person is staying in temporary accommodation in the local government area.
- (2) This clause has effect despite clause 20.

Note— A list of workers (**authorised workers**) who are exempt from this clause is published on the NSW government website www.nsw.gov.au.

24EA Directions about closure of construction sites

- (1) Work must not be carried out on a construction site in a local government area to which this Division applies, unless the work is urgently required for the following purposes—
 - (a) to ensure the safety or security of the construction site,
 - (b) to deal with environmental risks,
 - (c) to maintain and ensure the integrity of critical plant, equipment or assets, including partially completed works, that would otherwise deteriorate,
 - (d) to receive deliveries of supplies that would otherwise deteriorate,
 - (e) to maintain public utilities,
 - (f) to ensure the safe operation of existing transport infrastructure,

- (g) by or on behalf of NSW Health in response to the COVID-19 pandemic,
 - (h) because of an emergency.
- (2) An employee or other person must not enter or remain on a construction site in a local government area to which this Division applies, other than to carry out work required under subclause (1).

24EB Direction about leaving home for goods or services

- (1) A person whose place of residence is in a local government area to which this Division applies may leave the place of residence to obtain goods or services if—
- (a) the 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) the goods or services are obtained—
 - (i) from within 5 kilometres of the place of residence, or
 - (ii) if they are not reasonably available in the 5 kilometre radius— from another place in the local government area, or
 - (iii) if they are not reasonably available in the local government area—from the closest place in Greater Sydney to the place of residence that they are available, and
 - (c) unless it is not reasonably practicable, no member of the person's household, including the person, has already left the place of residence on that day to obtain goods or services, and

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.

- (d) 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, and
 - (ii) produces the evidence for inspection if requested to do so by a police officer.
- (2) Goods or services are available if the goods or services or equivalent goods or services are available.
- (3) Schedule 1, item 1 does not apply to a person whose place of residence is in a local government area to which this Division applies.
- (4) In this clause—

goods includes food.

place of residence includes, for a person staying in temporary accommodation, the temporary accommodation.

reside includes stay in temporary accommodation.

24EC Direction about leaving home for exercise or outdoor recreation

- (1) A person whose place of residence is in a local government area to which this Division applies may leave the place of residence to undertake exercise or outdoor recreation if—
- (a) it is undertaken at a place within 5 kilometres of the place of residence, and
 - (b) for a person travelling in a private vehicle to or from the place—no other person is in the vehicle, other than—

- (i) a member of the person's household, or
- (ii) the person's nominated visitor, 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, and
 - (ii) produces the evidence for inspection if requested to do so by a police officer.
- (2) Schedule 1, item 5 does not apply to a person whose place of residence is in a local government area to which this Division applies.
- (3) In this clause—
 - place of residence* includes, for a person staying in temporary accommodation, the temporary accommodation.
 - reside* includes stay in temporary accommodation.

[20] Clause 25 Exemptions

Insert at the end of the clause—

- (2) An exemption granted to clause 24E does not cease to apply to that clause because the clause was substituted by the *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Amendment (No 17) Order 2021*.

[21] Clause 27 Repeal of Order

Omit "31 July 2021". Insert instead "28 August 2021".

[22] Schedule 1 Reasonable excuses—Greater Sydney

Omit "services." from item 1(1)(c). Insert instead "services, and".

[23] Schedule 1, 1(1)(d)

Insert after item 1(1)(c) after the note to that paragraph—

- (d) 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.

[24] Schedule 1, 5(b)

Omit the paragraph. Insert instead—

- (b) for a person travelling in a private vehicle to or from the place—no other person is in the vehicle, other than—
 - (i) a member of the person's household, or
 - (ii) the person's nominated visitor, and

[25] Schedule 1, item 17

Insert after item 16—

- 17** For an individual who is a person's nominated visitor—
 - (a) to visit the person in accordance with clause 22A(5)(d), or

- (b) to accompany the person when the person, in accordance with item 5, is undertaking exercise or outdoor recreation

[26] Schedule 2 Exempted gatherings

Omit “an office building, farm, factory, warehouse” from item 10. Insert instead “a farm”.

[27] Schedule 2, item 10

Omit “mining or construction site”. Insert instead “mine”.

[28] Schedule 2, item 10

Omit “building, farm, factory, warehouse”. Insert instead “farm”.

[29] Schedule 2, item 10

Omit “or site”. Insert instead “or mine”.

[30] Schedule 3 Reasonable excuses—affected region

Omit the Schedule.

[31] Schedule 4 Dictionary

Omit the definitions of *affected area*, *affected person*, *affected region* and *affected worker*.

Insert in alphabetical order—

affected area—for Part 4A, Division 1—see clause 24A.

affected person—for Part 4—see clause 19.

affected worker—for Part 4A, Division 1—see clause 24A.

nominated visitor for a person—see clause 22A(5)(d).